



**HERBERT CHITEPO LAW SCHOOL  
BACHELOR OF LAWS DEGREE  
EXAMINATION QUESTION PAPER**

<b>MODULE CODE</b>	<b>LLB 221</b>
<b>MODULE NARRATION</b>	<b>LAW OF EVIDENCE</b>
<b>DURATION</b>	<b>3 HOURS</b>
<b>TOTAL MARKS</b>	<b>70</b>
<b>YEAR</b>	<b>NOVEMBER 2024</b>

**INSTRUCTIONS TO CANDIDATES:**

- 1. You are advised to read all questions carefully before attempting to answer any.**
- 2. Section A is COMPULSORY.**
- 3. Answer any TWO Questions from Section B.**
- 4. Students are allowed to bring into the examination room, the Constitution of Zimbabwe Amendment (No. 20) Act 2013, the Criminal Procedure and Evidence Act [Chapter 9:07] and the Civil Evidence Act [Chapter 8:01].**
- 5. This examination is 4 pages.**

## SECTION A

Answer **all** questions in this section.

### QUESTION 1

1.1 Distinguish the following terms:

- a) Admissibility and weight of evidence [2 marks]
- b) Cross-examination and re-examination [6 marks]
- c) Confessions and admissions [2 marks]
- d) Burden of proof and evidentiary burden [2 marks]
- e) Admissibility and relevance [3 marks]

[Sub-total 15 marks]

1.2 With reference to case law and statutory provisions, discuss the admissibility of character evidence in Zimbabwean courts. [15 marks]

[Sub-total 30 marks]

## SECTION B

Answer any 2 questions from this section.

### QUESTION 2

2.1 Naughty is a tout at Mbizo Bus Terminus. He performs reckless stunts as the bus is in motion as a way to attract passengers to his bus. Cain the bus driver always warns Naughty against performing the dangerous stunts. The warnings are largely unheeded. One day while Naughty was performing one of his stunts, he fell off the bus and was seriously injured, he fell unconscious and subsequently died. A police officer who rushed to the scene heard Naughty saying; "I should have listened to Cain's warnings. This is entirely my fault."

Naughty's wife is claiming compensation from the Bus company. The company disputes liability and seeks to call the evidence of the police officer who attended the scene of the accident.

Comment on the admissibility of the police officer's evidence **[15 marks]**

2.2 Explain the notion of judicial notice in Zimbabwe **[5 marks]**

**[Sub-total 20 marks]**

### QUESTION 3

Explain the approach of Zimbabwean courts to the following;

- |                            |                  |
|----------------------------|------------------|
| a) Evidence of children    | <b>[3 marks]</b> |
| b) Circumstantial evidence | <b>[6 marks]</b> |
| c) Refreshment of memory   | <b>[5 marks]</b> |
| d) Opinion evidence        | <b>[6 marks]</b> |

**[Sub-total 20 marks]**

**QUESTION 4**

Privilege is a concept which denies certain evidence from being admitted in a court of law.

Outline and discuss the (4) classes of privilege where evidence notwithstanding its relevance will not be admissible in a court of law. In your answer, highlight the limitations of admissibility of each identified privileged evidence. **[20 marks]**

**TOTAL MARKS: 70**

**END OF QUESTION PAPER.**