



**RIARA LAW SCHOOL
UNIVERSITY OF EXAMINATION FOR BACHELOR OF LAWS (LLB) DEGREE
AND
PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLIANCE PROGRAM
APRIL 2023**

**RLB 208: EVIDENCE LAW II
INSTRUCTOR: MR. WASHINGTON OMBIS**

INSTRUCTIONS

1. This is the final examination in Evidence Law II. You will earn 70% of your final grade from this final examination and 30% from Continuous Assessment Assignments.
2. This examination has **FIVE** questions. **QUESTIONS: ONE, TWO AND THREE ARE COMPULSORY. ANSWER TOTAL OF FOUR QUESTIONS.**
3. The examination has 3 pages, including this one.
4. Time allocated for this examination is **TWO HRS** (2) hours. You must stop writing when time is called.
5. Please sign the roll sheet when you turn in you answer sheet. If you fail to sign the roll sheet, we shall have no way of establishing that you sat for this examination and your marks will not be reported.
6. This is a **CLOSED BOOK** examination. This means you are not permitted to bring ANY hard or soft materials to the examination room. You re also not allowed to access materials stored in computers, electronic gadgets or the internet. You should not bring to the examination room any of the following: cell phones, tablets, computers, statutes, notes, outlines, or books. Neither should you bring to the examination room books or materials unrelated to this course. If you need to have medicine or food items with you, please let the invigilator know before the examination begins.
7. This examination is governed by **Riara University Academic Honesty Regulations**. Students who violate those regulations will be penalized. Students have an obligation to report to the invigilator any incidences of academic dishonesty compromising the integrity of this examination.

Questions

Question One

(30 Marks)

On the 1st day of January 2023, an accident occurred along Mbagathi Road between owner of Motor Vehicle KCW 001 one Victor Mbithi and owner of motor vehicle KCX 001 one Patrick. Upon the accident occurring, one Victor alleged that it was as a result of Patrick over speeding and at the same time overlapping which lead to the accident, on board together with him was one Maryanne who took screenshot photos of the accident using her mobile phone model I phone 14.

Victor subsequently filed a recovery claim in the Chief Magistrates court after instituting a criminal traffic case at the Kibera Law Courts.

Victor appointed the firm of

Assuming you are the advocate on record for Victor

a) Draft the certificate of producing electronic evidence of the screenshots taken by Maryanne. (15 Marks)

b) Discuss five challenges encountered whilst producing electronic evidence . (15 Marks)

Question Two

The Evidence Act of Kenya is one of the oldest Acts of Parliament which is still actively used in Kenya today, both in the civil and criminal courts.

Discuss 5 amendments which can be made to the Evidence Act to align it with international best practices. (15 Marks)

Question Three

With aid of statute and relevant authorities, write brief explanatory notes on:

a) Irrebuttable presumptions of law. (5 Marks)

b) Rebuttable presumptions of law. (5 Marks)

c) Judicial notice and estoppel in evidence law. (5 Marks)

Question Four

(10 Marks)

With the aid of relevant authorities and statute, distinguish between public policy and privilege in evidence law.

Question Five

(10 Marks)

- a) What is a public document in evidence law? **(3 Marks)**
- b) Discuss the circumstances under which secondary evidence is admissible in evidence law under the evidence act of Kenya. **(7 Marks)**