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the practical problem of
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Civil Evidence

(Scotland) Act 1988

c.32. Law Reform (MP)

(Scotland) Act 1990

c.40. The law of

evidence will generally

reach into most areas of

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law provided they involve courts. There are different rules for children than for adults, different rules for criminal courts than for civil courts and the type of law which is involved may also vary the rules which apply.

*Law of Evidence in
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The standard of proof in civil cases in Scotland is on the balance of probabilities with the

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burden of proof being upon the party who seeks to have a particular issue decided in their favour. In order to do so, that party has to adduce sufficient evidence to support their argument. If evidence is led on a specific issue which leaves the matter in question finely balanced then the party relying on it as part of

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their case may well lose
on that issue.

*Taking of evidence -
Scotland - Europa*

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comprehensive and
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the law of evidence in
the broadest of civil and
criminal contexts. The
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criminal justice areas.
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law and evidence
research area teach a
number of courses
across all levels of the
undergraduate and
postgraduate curricula,
including: Criminal Law
(Ordinary); Evidence
Law (Ordinary);
Criminal Law A: Harm,
Offence and

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Scotland
(Honours);
Green's Concise

*Criminal Law and
Evidence | Edinburgh
Law School*

The importance of
corroboration is unique
to Scots criminal law.
An archaic feature of
Scots law, the
requirement for
corroborating evidence
means at least two

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different and independent sources of evidence are required in support of each crucial fact before an accused can be convicted of a crime. This means, for example, that an admission of guilt by the accused is insufficient evidence to convict in Scotland, because that evidence needs to be corroborated

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by another source.

However, testimony f

*Corroboration in Scots
law - Wikipedia*

In any court case, the parties must produce evidence in support of their case – whether that is the claimant/prosecution or the defence. Without supporting evidence, the claim/prosecution or

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defence is highly likely to fail. Whilst witness evidence is critical in court proceedings, not all evidence produced is in fact admissible.

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in Edinburgh,
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Changes to legislation:
There are currently no
known outstanding
effects for the Civil

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Evidence (Scotland) Act
1988.

Civil Evidence

(Scotland) Act 1988

9. CORROBORATION.

9.1 The requirement for corroboration of evidence in criminal cases is an ancient and highly distinctive feature of Scots criminal law. Generally speaking, it is not used

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in other countries. The Carloway Report provides a description of the rule: "there must first be at least one source of evidence (i.e. the testimony of one witness) that points to the guilt of the accused as the perpetrator of the crime.

*Reforming Scots
Criminal Law and
Page 27/36*

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Practice: The Carloway Report

Evidence is urgently required to show whether all hospital patients discharged to care homes during the height of the coronavirus pandemic were moved lawfully, the Law Society of Scotland has said. The society has called on the Scottish government to

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provide data on the legal basis of the transfers, due to the lack of information in the recent Public Health Scotland report on more than 4,800 ...

Law Society: Evidence required to show lockdown hospital ...

2 Consultative Memorandum No 46,
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(1983) Scot Law Com
No 78, implemented by
s 36 of the Law Reform
(Miscellaneous
Provisions) (Scotland)
Act 1985. 4 (1986) Scot
Law Com No 100,
implemented with
modifications by the
Civil Evidence
(Scotland) Act 1988.

*Hearsay Evidence in
Criminal Proceedings*
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Report 149

Evidence is urgently required to show whether all hospital patients discharged to care homes during the height of the coronavirus pandemic were moved lawfully. The Law Society of Scotland has called on the Scottish Government to provide data on the legal basis of

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Greens Concise
*Evidence required to
show lockdown hospital
discharges ...*

It was noted that this was an opportune time for an inquiry into the law of evidence, and in particular, of expert scientific evidence, in Scotland, as there is to be amalgamation of all eight forces into onean,

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and reinstatement of
forensic science
provision under the
umbrella of the Scottish
Police Force.

*Scots Law of Evidence -
ewds.strath.ac.uk*

Section 262(4) was
designed to preserve the
common law in relation
to hearsay evidence of a
kind not falling within
ss 259 to 261A.

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Vulnerable witness applications The provisions in ss 271 to 271M of the 1995 Act have been regularly invoked in the Scottish criminal courts since first introduced in 2005.

Making sense of hearsay rules | Law Society of Scotland

A comprehensive and detailed examination of

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the law of evidence in the broadest of civil and criminal contexts. The emphasis is upon rigorous examination of the issues affecting all who work with the law of evidence whether in court, chamber practice or legal education.

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