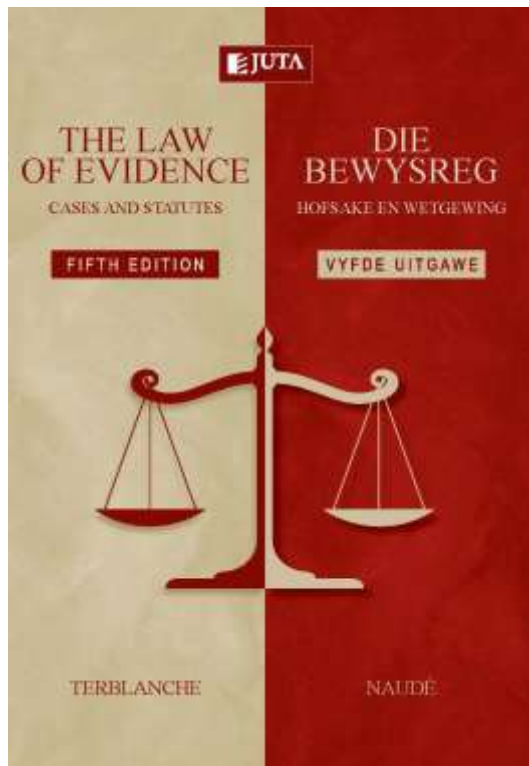


Book Review



THE LAW OF EVIDENCE

Cases and Statutes

DIE BEWYSREG

Hofsake en Wetgewing

(Fifth Edition)

(434 pages)

By SS Terblanche with BC Naudé

Juta & Co (Pty) Ltd

www.jutalaw.co.za

"Matters of fact are very stubborn things."

– Matthew Tindal (1657-1733).

An understanding of the principles of the law of evidence and how they are interpreted and applied in practice is essential to the proper functioning of our courts. Twenty years after this compilation of cases and statutes was first published in 1997, this new fifth edition marshalls a carefully-chosen selection of 37 of the most significant cases that illustrate the relevant legal principles.

Notes (in shaded boxes), in both English and Afrikaans, intersperse the judgments at appropriate places to explain aspects arising in the case, what the legal issue are and how the court approached these questions. This commentary threads through each chapter as the topics covered move from

the relevance of evidence, hearsay, admissions and confessions, to the stages in the trial procedure and the presentation of oral evidence. Subjects covered include the onus of proof, corroboration and the assessment of evidence.

Extracts from the most important statutes dealing with evidence and referred to in the cases are provided, including the *Civil Proceedings Evidence Act* of 1965, the *Criminal Procedure Act* of 1977, the *Law of Evidence Amendment Act* of 1988, the *Promotion of Access to Information Act* of 2000, and the *Electronic Communications and Transactions Act* of 2002, as well as the High Court Rules on disclosure, inspection and production of documents, and expert testimony.

The author S S Terblance BLB LLB, and the editor B C Naudé LLB LLM LLB, both Professors in the Department of Criminal and Procedural Law of the University of South Africa, have expertly combined their academic and practical experience to produce a valuable resource that addresses the core of this vital aspect of the criminal justice system.

Reading these measured judgments and the reasoned, rational and logical manner in which the judges apply the principles of evidence to the facts, one cannot but reflect with gratitude on the erudition and intellectual rigour they bring to the task, particularly in a world of falsehoods, fake news, fabrications, alternative facts and virtual reality.

This book presents itself as a useful and practical companion to another of Juta's recent publications *Principles of Evidence* (4th edition) by P.J. Schwikkard & S.E. Van der Merwe, also available in Afrikaans as *Beginnels van Bewysreg*.

Review by Louis Rood BA LLB (UCT), Consultant at Fairbridges Wertheim Becker Attorneys.