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*Scottish Law of  
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(Scotland) Act 1988

c.32. Law Reform

(MP) (Scotland) Act

1990 c.40. The law of

evidence will

generally reach into

most areas of law

provided they involve

courts. There are

different rules for

children than for

adults, different rules

for criminal courts

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than for civil courts  
and the type of law  
which is involved may  
also vary the rules  
which apply.

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The standard of proof  
in civil cases in

Scotland is on the  
balance of

probabilities with the  
burden of proof being  
upon the party who

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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

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part of their case may well lose on that issue.

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The importance of

corroboration is

unique to Scots

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criminal law. An archaic feature of Scots law, the requirement for corroborating evidence means at least two 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



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example, that an admission of guilt by the accused is insufficient evidence to convict in Scotland, because that evidence needs to be corroborated by another source. However, testimony f

*Corroboration in  
Scots law - Wikipedia*  
In any court case, the

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

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evidence produced is  
in fact admissible.

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Edinburgh, examining  
the handling of  
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allegations against  
former first minister  
Alex Salmond.

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and civil servant ...*

Changes to  
legislation: There are  
currently no known  
outstanding effects for  
the Civil Evidence  
(Scotland) Act 1988.

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*Civil Evidence  
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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 in other countries. The

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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.

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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

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on the Scottish  
government to  
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:  
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*hospital ...*

2 Consultative

Memorandum No 46,

Law of Evidence. 3

(1983) Scot Law Com

No 78, implemented

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Act 1985. 4 (1986)

Scot Law Com No

100, implemented

with modifications by

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the Civil Evidence  
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*Hearsay Evidence in  
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It was noted that this  
was an opportune  
time for an inquiry into

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

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*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. Vulnerable witness applications  
The provisions in ss 271 to 271M of the 1995 Act have been

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regularly invoked in the Scottish criminal courts since first introduced in 2005.

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