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changed, and again that there is a clear expression of the law on this matter in chapter 6 and those who have strong views on this and the other subjects such as trespass and that the right to roam, would benefit considerably from the exposition by Gordon and Wortley.

It is an author's continuing problem to identify when to stop writing and that for a number of reasons. He or she can continue to refine what is said, or add to it (the misguided aim for completion and perfection), can wait for further expected legislative changes, (which may not come, or be in a different form from what was expected) or perhaps the outcome of a seemingly important case which may not get beyond first instance. Eventually, a decision has to be made, and is sometimes not easy, because further changes are inevitable. But here we have in front of us the timely production of a book well worthy of the Scottish Law Institute's "badge" in its much-awaited new edition.

The late Professor Bennett Miller as a book reviewer for another journal would sometimes use phrases, such as, "a monumental work of scholarship", and "no practitioner's shelves should be without this volume". Bennett Miller did not use these terms lightly and when I use them to describe this volume of *Scottish Land Law*, I am confident that academics and practitioners alike will agree. We look forward to the complementary part.

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Margaret L Ross and James P Chalmers, WALKER AND WALKER: THE LAW OF EVIDENCE IN SCOTLAND

Haywards Heath: Tottel Publishing (www.tottelpublishing.com), 3rd edn, 2009. ci + 616 pp. ISBN 9781845921651. £120.

Walker and Walker's *The Law of Evidence in Scotland* was first published in 1964, at a time when the discipline was crying out for a text covering the civil and criminal law of evidence, given that the most recent work of any substance (the third edition of Dickson's *A Treatise on the Law of Evidence in Scotland*) was published in 1887. A much needed second edition of Walker and Walker followed in 2000, written by Margaret Ross with the assistance of James Chalmers. This third edition, published in 2009, sees James Chalmers elevated to the status of co-author alongside Margaret Ross.

The structure of the third edition remains identical to that of the second and the only alteration in terms of coverage is that some material that is no longer relevant, such as proof by restricted mode, has been dropped. Retaining the familiar layout—the chapter headings remain the same—is almost certainly a positive point. Practitioners will be familiar with these and there is no sense in interfering with what has always been a well-structured work.

The changes made in the third edition are thus in the nature of general updating to reflect developments in the law that have taken place between the publication of the second edition and September 2008, the cut off date for legal developments. There have been only two major statutory developments in this period: the Sexual Offences (Procedure and Evidence) (Scotland) Act 2002 and the Vulnerable Witnesses (Scotland) Act 2004, both of which amend the Criminal Procedure (Scotland) Act 1995. The former amended the law in relation to sexual history evidence. The latter made substantial changes to the definition of a vulnerable witness and the various protections available to such persons when giving evidence and thus this chapter is the only chapter which has changed substantially in content between the second and third editions. There have also been several important decisions in case law, such as *Cinci v*

HM Advocate 2004 JC 103 on the corroboration of sexual offences and *res gestae*; *McCutcheon v HM Advocate* 2002 SLT 27 on mixed statements; and *HM Advocate v Higgins* 2006 SLT 946 on the admissibility of confessions obtained through deception, all of which are dealt with in the text. For the most part, though, wholesale changes to the law have been few and far between in the eight years since the second edition, but this is not to underestimate the amount of updating that has taken place: the third edition references over 300 new cases, most of which concern minor but nonetheless important issues of interpretation.

The aim of Walker and Walker has always been simply to state the law or, where the law is unclear, to offer, as the authors of the third edition put it, “a view on interpretation, aided by themes that emerge from this wide ranging text and the legacy of its original authors” (vii). In this, the authors succeed admirably. The text is clearly well respected within the legal profession and the third edition has already been used as an authority in court on a number of occasions (see e.g. *Beggs v HM Advocate* [2010] HCJAC 27 at paras 50, 51 and 56 and *HM Advocate v M* 2010 SLT 5 at paras 6-8 in the criminal context, and *McGraddie v McGraddie* [2009] CSOH 142 at paras 28 and 32 and *Scottish Ministers v Stirton* 2009 SCLR 541 at para 21 in the civil context). What the text does not do, and nor does it aim to, is to engage with wider theoretical debates. For this, readers are better directed to the SULI book, F Davidson, *Evidence* (2007), or, for a more comprehensive discussion, P Roberts and A Zuckerman, *Criminal Evidence* (2004).

In short, the third edition of Walker and Walker is a valuable text which has developed sufficiently beyond the second edition in terms of updating to make it worth purchasing. Its main appeal is likely to be to practitioners, as its price almost certainly places it beyond the reach of most students or academic researchers, although it will provide an important library resource for the latter. It may not be too long, however, before a fourth edition becomes necessary. The Criminal Justice and Licensing (Scotland) Bill proposes some major changes to the law of criminal evidence in areas including the compellability of spouses and civil partners, witnesses anonymity orders, prosecution disclosure and double jeopardy (see the Bill as introduced and subsequent amendments). In addition, work is in progress at the Scottish Law Commission on similar fact evidence and the *Moorov* doctrine (see *Eighth Programme of Law Reform* (Scot Law Com No 220, 2010) 27). Legislative intervention has been rare in evidence law to date, the result of which has sometimes been a complex and contradictory set of cases, leaving the law in a less than satisfactory state (similar fact evidence and the *Moorov* doctrine being a good example of this). If these areas of the law are eventually placed on a statutory footing, this should make the job of the authors in preparing a fourth edition a little easier.

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RIGHTS OF PERSONALITY IN SCOTS LAW: A COMPARATIVE PERSPECTIVE.

Ed by Niall R Whitty and Reinhard Zimmermann

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For those who attended the Rights of Personality conference at the University of Strathclyde in May 2006, this edited collection of the conference papers has been eagerly awaited. *Rights of Personality in Scots Law: A Comparative Perspective* contains a valuable collection of essays, many of which have been significantly expanded upon since their original presentation.