

COLLEGE OF LAW
SCHOOL OF LAW: DEPARTMENT OF
JURISPRUDENCE
SKILLS COURSE FOR LAW STUDENTS (SCL1014)
TUTORIAL LETTER 104/2009
(Second semester)

FEEDBACK : ASSIGNMENTS 01 and 02 (SECOND SEMESTER):

This tutorial letter is intended to give you feedback relating to both Assignments 01 and 02 of the second semester. It is also the last tutorial letter for SCL1014 this semester.

Dear Student

This is your last tutorial letter for this course (SCL1014) this semester (semester 02). It contains feedback or comments on both Assignments 01 and 02.

1 EXERCISES IN THE WORKBOOK

In Tutorial Letter 101/2009 it is indicated that the answers to the activities given in your Workbook will be sent to you in the form of a tutorial letter. We would like to inform you that **we will not send** you the said answers as indicated. The reason for this decision is that many students received their study material later than we expected, and therefore they would not derive much value from the Workbook if they were to do the exercises with the answers already at their disposal. In any case, the purpose of the Workbook is to offer you an opportunity to assess yourself as you proceed with your tutorial material.

We hope that these questions would have been dealt with during our discussion classes.

2 FEEDBACK ON ASSIGNMENT 01 (UNIQUE NUMBER: 218228)

Question 1. The correct statement is **option 4**. See page 16 of your study guide. In taking notes you should save time. You thus have to write as quickly as possible. Shorthand is one way of ensuring that you save time.

Question 2. The correct statement is **option 3**. See page 21 of your guide. It is important to note that similarities and differences are considered in this respect.

Question 3. The correct statement is **option 3**. See pages 31 and 35 of your guide. The long title captures the purpose of the Act. That is, what the Act provides for.

Question 4. The correct statement will be **option 2**. See page 44 of your Study Guide.

Question 5. The correct statement is **option 4**. See page 43 of your Study Guide. The case was heard in the SCA (which is an appeal court). Thus Molefe is an appellant.

Question 6. The correct statement is **option 2**. See page 39 of your Study Guide. The phrase means “the court wishes to consider its verdict”

Question 7. The correct statement is **option 3**. See page 51 of your Study Guide. The reason for the court decision is contained in the majority judgment. Precedent is created by the *ratio decidendi* of the majority judgment.

Question 8. The correct statement is **option 4**. See page 51 of your Study Guide in this respect. The difference between minority and majority judgments lies in both their judgment and the reasons.

Question 9. The correct answer is **option 2**. See page 76 of your Study Guide. Custom, common law, court decisions and statutes are primary sources of law.

Question 10. The correct statement is **option 4**. See pages 82-83 of your Study Guide. You should, by now, know that the South African common law has been influenced by the Roman-Dutch law. Our common law may therefore be said to be found in the writings of that time.

3 FEEDBACK ON ASSIGNMENT 02 (UNIQUE NUMBER 218329)

Question 1. The correct statement is **option 1** (in the tutorial letter 101 it is erroneously written as option 5). The question requires of one to budget the exam time wisely. You would thus not concern yourself with the marks per the given time. You therefore need to divide whatever you are faced with into the allocated time, and not the other way round.

The number of hours allocated becomes your dividend and the marks are your divisor. The expected answer should thus deal with time, and not marks.

Question 2. The correct answer is **option 2**. This calls for a simple addition where you are expected to add the partners' assets to arrive at the value of the partnership assets.

Question 3 . The correct answer is **option 4**. This is another instance of simple addition and subtraction. Simply add all the amounts for the overtime according to the number of hours put in. That is, $1055 + R1055 + R1055 = 3165$ and subtract 45% of this amount ($= 1740.75$), and then add the total amount to his existing monthly salary. Thus $R1740.75 + R8500 = \mathbf{R10\ 240.75}$. Alternatively you may do some multiplication thus: $R1055 \times 3 \text{ hours} = R3165$. Subtract 45% from $R3165$ ($= R1740.75$). Add $R8500$ to $R1740.75 = \mathbf{R10\ 240.75}$.

Question 4. The correct answer is **option 3**. To work a percentage you will need to take Seboye's 45% and multiply it by the profit of the partnership, and then divide the answer by 100%. Do the same for each partner.

Question 5. The correct answer is **option 3**. For you to work out a ratio you need to be familiar with fractions. Add the ratio numbers up. For example: $3+1=4$. The given ratio numbers will then become your numerator and **4** in this case will be your denominator. Multiply the profit by the numerator and divide the answer by the denominator

Question 6. See tutorial letter 102/2009 wherein we indicated that this question would be "ignored" owing to the printing error. However, the correct answer is $72\ 000 \times 14,25/100 = \mathbf{R10260}$

Question 7. The correct answer is **option 2**. In general VAT in South Africa is calculated at 14%. See point 5.10 on page 131 of your Study Guide. When you have to add VAT you simply add 14% to the amount. Thus $R13.85 + 14\% = R15.79$

Question 8. The correct answer is **option 3**. To calculate average, you will add up all the supplied numbers and divide the sum by the number of the participants. $990 + 234 + 39 = 1263/3 = 421$.

Question 9. The correct answer is **option 2.**

Mercedes value (R95 000), salvage value of the wreck (R4500) degree of negligence (10%).

Toyota truck value (R120 000), degree of negligence (60%)

Criss-cross Mercedes R95 000 – R4500 (amount paid directly to owner) = R90 500.

$R90\,500 \times 60\%/100 = R12\,000$

Criss-cross Toyota truck R120 000 x 10%/100 = R54 300

R54 300 – R12 000 = **R42 300 (paid to Mercedes owner driver)**

Question 10. Attorney's Account/calculations. See Tutorial Letter 102/2009 for further guidance in this regard. (Note: there is no correct option in the ones given in the assignment (i.e. tutorial letter 101/2009) owing to a typing error.

Item/service	Fees	Costs
Letters received (2x R5)	R10.00	
Letters written (R10 x15)	R150.00	
Postage stamps x15		R 15.00
Summons	R300.00	
Affidavit x 9 pages	R 90.00	
Advocate's (counsel's) fees		R976.80
Consultation x 65 min	R750,00	
Telephone consultation	R150.00	
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Total	R1450.00	R991.80
Plus 10% VAT	<u>R 145.00</u>	
	R1595.00	
Plus expenses	<u>R991.80</u>	
	R2586.80	
Total due to Client	R2586.80	

4 CANCELLATION OF SATELLITE BROADCAST

The satellite broadcast which was scheduled for 22 October 2009 has been cancelled. According to the Directorate ICT (Digital Learner Support) all the satellite broadcasts booked for the period 22-28 October have to be cancelled following a technical problem with the Stellenbosch satellite dish. We are, nevertheless, confident that the discussion classes will benefit you a lot.

5 FORMAT OF YOUR EXAMINATION PAPER

As indicated in paragraph 7.2 of Tutorial Letter 101/2009, the total marks for the SCL1014 examination will be 100, which mark will be adapted to 90. The paper comprises five sections, to cover all the study units in this module. There are no so-called “multiple choice” questions. However, the paper takes a fill-in format, in which sense you are expected to write your answers on the spaces provided in the examination book. Thus, the examination book comprises the question paper and the answer sheet. The mark allocation for the various sections is as follows:

- Section 1 (Study Skills): 30 marks
- Section 2 (Research Skills): 10 marks
- Section 3 (Communication Skills): 15 marks
- Section 4 (Reading Skills): 25 marks
- Section 5 (Numeric Skills): 20 marks

We trust that you shall have benefited from the tutorial material and the discussion classes by the time you write your examinations.

Finally, we wish you the best in the coming exams!

Kind regards

DAVID LETSOALO
ADV P MOLUSI