QUESTION 1

Question 1

(a) Briefly explain the following constitutional concepts:

(i) Constitutionalism (5)
(ii) Rule of Law (5)
(iii) Separation of Powers according to Carpenter (5)

(b) Briefly discuss whether SA follows a presidential or parliamentary system of government. Make sure that you identify the essential characteristics of each kind of system (25)
QUESTION 2

(a) The President is called to give evidence in a civil trial. Critically discuss whether this is conducive to accountable government. Refer to relevant case law in your answer. (15)

(b) Cooperation between the three spheres of government is indispensable to enhance their capacity and improve their relations with each other. Identify the sections in the Constitution that constitutionally enshrines this principle and discuss them fully. (10)

[25]

QUESTION 3

Question 3

Local government brings decision-making to grassroot-level. Bearing this in mind, discuss Robertson v City Council of Cape Town. Mention the extent to which it contributes to the above-mentioned object. (25)

QUESTION 4

(a) List the parliamentary control mechanism that act as a check on executive conduct. (8)

(b) Briefly discuss what will happen in the event of conflict between national and provincial legislature when dealing with a schedule 4 matter. Mention which law takes precedence and under what circumstances. (17)

[25]

[100 MARKS]

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