



**ILW1501**

( 475125)

May/June 2017  
Mei/June 2017**INTRODUCTION TO LAW  
INLEIDING TOT DIE REG**Duration 2 Hours  
Tydsduur 2 Uur100 Marks  
100 Punte**EXAMINERS / EKSAMINATORE**FIRST / EERSTE PROF MP SNYMAN  
SECOND / TWEEDE MRS/MEV A JACOBS**Closed book examination  
Toeboekeksamen**

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This paper consists of 25 pages plus instructions for completion of a mark-reading sheet  
Hierdie vraestel bestaan uit 25 bladsye plus instruksies vir die voltooiing van 'n merkleesblad.

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[BLAAI OM]

THIS PAPER CONSISTS OF **TWO SECTIONS**  
**HIERDIE VRAESTEL BESTAAN UIT TWEE AFDELINGS:**

**SECTION A COMPULSORY 70 MARKS**

Your answers to the questions in this section must be written directly on the examination paper

**AFDELING A: VERPLIGTEND 70 PUNTE**

Jou antwoorde op die vrae in hierdie afdeling moet direk op die eksamenvraestel geskryf word.

**SECTION B COMPULSORY 30 MARKS**

This section consists of 15 multiple-choice questions which must be answered on the mark-reading sheet provided. Each question counts **TWO** marks. The unique number to be filled in on the mark-reading sheet is **475125**

**AFDELING B: VERPLIGTEND 30 PUNTE**

Hierdie afdeling bestaan uit 15 meervoudigekeuse-vrae wat op die merkleesblad wat voorsien word, beantwoord moet word. Elke vraag tel TWEE punte. Die unieke nommer wat op die merkleesblad ingevul moet word, is: 475125.

**INSTRUCTIONS**

- 1 Answer ALL the questions
- 2 Read the questions VERY CAREFULLY before answering them
- 3 Use a BLUE or a BLACK PEN when you answer the questions of SECTION A on the EXAMINATION PAPER PLEASE DO NOT USE A PENCIL WHEN ANSWERING THIS SECTION
- 4 Use an HB PENCIL when you answer the questions of SECTION B on the MARK-READING SHEET PLEASE DO NOT USE A PEN WHEN COMPLETING THE MARK-READING SHEET

**INSTRUKSIES**

- 1 Beantwoord AL die vrae.
- 2 Lees die vrae BAIE AANDAGTIG voordat jy dit beantwoord.
- 3 Gebruik 'n BLOU of 'n SWART PEN wanneer jy die vrae van AFDELING A op die EKSAMENVRAESTEL beantwoord. MOET ASSEBLIEF NIE 'N POTLOOD GEBRUIK WANNEER JY HIERDIE AFDELING BEANTWOORD NIE
- 4 Gebruik 'n HB-POTLOOD wanneer jy die vrae van AFDELING B op die MERKLEESBLAD beantwoord MOET ASSEBLIEF NIE 'N PEN GEBRUIK WANNEER JY DIE MERKLEESBLAD VOLTOOI NIE.

[TURN OVER]  
[BLAAI OM]

SECTION A  
AFDELING A

Answer ALL the questions Your answers to the questions in this section must be written DIRECTLY on the examination paper in the space provided

**Beantwoord AL die vrae. Skryf jou antwoorde op die vrae in hierdie afdeling DIREK op die eksamenvraestel in die ruimte toegelaat.**

## QUESTION 1 / VRAAG 1

- 1 1 The different normative systems differ with regard to three aspects in particular  
Name these three aspects (3)  
**Die verskillende normatiewe stelsels verskil ten opsigte van veral drie aspekte.  
Noem hierdie drie aspekte (3)**

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

- 1 2 Distinguish between the concepts "substantive law" and "formal law" (2)  
**Onderskei tussen die begrippe "substantiewe reg" en "formele reg" (2)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 1 3 How is substantive justice achieved? (2)  
**Hoe word substantiewe geregtigheid bereik? (2)**

\_\_\_\_\_

\_\_\_\_\_

[TURN OVER]  
[BLAAI OM]

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1 4 Read the following scenario and answer the questions that follow  
**Lees die volgende scenario en beantwoord die vrae wat daarop volg:**

Conrad and George are in grade 11 in St James College and play rugby for the first team. During a match Conrad starts punching George. By doing this, Conrad infringes on George's personality right granted to him in terms of the private law.  
**Conrad en George is in graad 11 in St James College en speel vir die eerste span rugby. Tydens 'n wedstryd begin Conrad vir George te slaan. Deur dit te doen, maak Conrad inbreuk op George se persoonlikheidsreg wat deur die privaatreë aan hom toegeken word.**

Explain what the relation is between the law (in this case the private law) and George's personality right (3)  
**Verduidelik wat die verband is tussen die reg (in hierdie geval die privaatreë) en George se persoonlikheidsreg. (3)**

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1 5 **Name** two factors which contributed to the survival of Roman law after the split of the Roman Empire (2)  
**Noem** twee faktore wat bygedra het tot die behoud van die Romeinse reg na die verdeling van die Romeinse Ryk. (2)

1 \_\_\_\_\_  
\_\_\_\_\_

2 \_\_\_\_\_  
\_\_\_\_\_

[TURN OVER]  
[BLAAI OM]

1 6 By using certain criteria we can identify the different legal families. Name three of these criteria (3)

Deur gebruik te maak van sekere kriteria kan ons die verskillende regs families identifiseer. Noem drie van hierdie kriteria. (3)

1 \_\_\_\_\_

2 \_\_\_\_\_

4 \_\_\_\_\_

[15]

## QUESTION 2 / VRAAG 2

Read the following scenario and answer the questions that follow

**Lees die volgende scenario en beantwoord die vrae wat daarop volg.**

Ken Klapman, the neighbour of Silas Ngobeni, is having a loud party late one Monday night. When Siphon asks Ken to turn down the music, Ken becomes angry and hits Silas with a bottle. Silas suffers a deep cut to his head. Silas reports the incident at the police station. Ken is later prosecuted in terms of a statute that prohibits the crime of assault and has to appear in court for his trial.

**Ken Klapman, die buurman van Silas Ngobeni, hou laat een Maandagaand 'n lawaaierige partytjie. Toe Silas vir Ken vra om die musiek sagter te sit, word Ken kwaad en slaan Siphon met 'n bottel. Siphon doen 'n diep sny aan sy kop op Silas rapporteer die voorval by die polsiestatie. Ken word later vervolgt ingevolge 'n statuut wat die misdaad aanranding verbied en moet in die hof verskyn vir sy verhoor.**

2 1 Which main division of South African law will be applicable to this scenario? Give a reason for your answer (2)

**Watter hoofafdeling van die Suid-Afrikaanse reg sal op hierdie scenario van toepassing wees? Gee 'n rede vir jou antwoord. (2)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[TURN OVER]  
[BLAAI OM]



2.4 If the state decided to call a witness during Ken's trial, which **further subdivision of the law of procedure** will be applicable? Give a reason for your answer (2)  
**Indien die staat besluit om 'n getuie tydens Ken se verhoor te roep, watter verdere onderafdeling van die prosesreg sal van toepassing wees? Gee 'n rede vir jou antwoord. (2)**

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2.5 Will the court apply the law of civil procedure in this case? Give a reason for your answer (2)  
**Sal die hof die siviele prosesreg in hierdie saak toepas? Gee 'n rede vir jou antwoord. (2)**

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2.6 Suppose the Supreme Court of Appeal has just before Ken and Silas's incident occurred, set a precedent in a case similar to the one in our scenario above. Which court/courts will have to follow this precedent? Give a reason for your answer (2)  
**Veronderstel die Hoogste Hof van Appèl het net voordat Ken en Silas se insident plaasgevind het, 'n presedent geskep in 'n saak soortgelyk aan die een in ons scenario hierbo. Watter hof/howe sal die presedent moet volg? Gee 'n rede vir jou antwoord. (2)**

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- 2 7 Name the two requirements for the operation of the precedent system (2)  
**Noem die twee vereistes vir die werking van die presedentestelsel. (2)**

1 \_\_\_\_\_

2 \_\_\_\_\_

[15]

### QUESTION 3 / VRAAG 3

- 3 1 Briefly discuss the possible consequences of constitutionalism on legislation (3)  
**Bespreek kortliks die moontlike gevolge van konstitusionalisme op wetgewing. (3)**

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- 3 2 Read the following scenario and answer the questions that follow  
**Lees die volgende scenario en beantwoord die vrae wat daarop volg:**

The government has given permission for the testing of nuclear weapons in a remote area of the country. The government feels that it is safe because there is no-one living anywhere near this area. The Green Party does not agree and decides to start a protest action. The Van der Merwes and Mothibes are environmental activists and they decide to join in the protest. Jane is a member of the Green Party's legal team. The legal team is seeking a court order to prevent the nuclear testing from going ahead.

**Die regering het toestemming verleen vir die toetsing van kernwapens in 'n afgeleë gebied van die land. Die regering is van mening dat dit heeltemal veilig is omdat daar niemand naby daardie gebied woon nie. Die Groen Party stem nie hiermee saam nie en besluit om 'n protesaksie aan die gang te sit. Die Van der Merwes en Mothibes is omgewingsaktiviste en hulle besluit om ook aan die protes deel te neem. Jane is 'n lid van die Groen Party se regs-span, wat probeer om 'n hofbevel te verkry om te keer dat die kerntoets plaasvind.**

[TURN OVER]  
[BLAAI OM]

3 2 1 Which **specific fundamental right** has been infringed in this scenario? (1)  
**Watter spesifieke fundamentele reg is in hierdie scenario geskend?** (1)

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3 2 2 **Identify and discuss the CATEGORY** of the fundamental right which has been infringed in this scenario (2)  
**Identifiseer en bespreek die KATEGORIE van die fundamentele reg waarop daar in hierdie scenario inbreuk gemaak is** (2)

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3 3 **Name five factors** that the court will consider when determining whether the limitation of a fundamental right is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom (5)  
**Noem vyf faktore wat die hof in ag sal neem om te bepaal of die beperking van 'n fundamentele reg redelik en regverdigbaar is in 'n oop en demokratiese samelewing gebaseer op menswaardigheid, gelykheid en vryheid.** (5)

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

- 3 4 Read the following scenario and answer the questions that follow  
**Lees die volgende scenario en beantwoord die vrae wat daarop volg**

John Brown and Peter Smith have been in a permanent same-sex relationship for many years. They have always dreamt of getting married one day, but unfortunately for them the definition of marriage in South African law did not include permanent same-sex relationships. They were delighted when the Constitutional Court decided in 2005 that these relationships must also be included in the definition of marriage. The court decided that the definition of marriage, in terms of the common law and the Marriage Act 25 of 1961, is unconstitutional. John and Peter were even more delighted when the Civil Union Act 17 of 2006 came into operation at the end of 2006.

**John Brown en Peter Smith het vir baie jare saam in 'n enkel-geslag verhouding gewoon. Hulle het altyd daarvan gedroom om eendag te trou, maar ongelukkig vir hulle het die definisie van 'n huwelik in die Suid-Afrikaanse reg nie permanente enkel-geslag verhoudings ingesluit nie. Hulle was verheug toe die Konstitusionele Hof in 2005 beslis het dat hierdie verhoudings ook by die definisie van 'n huwelik ingesluit moet word. Die hof het beslis dat die definisie van 'n huwelik ingevolge die gemenerereg en die Huwelikswet 25 van 1961 ongrondwetlik is. John en Peter was selfs meer verheug toe die Civil Union Act 17 van 2006 in werking getree het aan die einde van 2006.**

- 3 4 1 Why did the Constitutional Court decide that the definition of marriage, in terms of the common law and Marriage Act of 1961, is unconstitutional? (1)  
**Waarom het die Konstitusionele Hof besluit dat die definisie van 'n huwelik, ingevolge die gemenerereg en Huwelikswet van 1961, ongrondwetlik is? (1)**

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- 3 4 2 How did the Civil Union Act of 2006 change the legal position with regard to same-sex relationships in South Africa? (3)  
**Hoe het die Civil Union Act van 2006 die regsposisie met betrekking tot enkel-geslag verhoudings in Suid-Afrika verander? (3)**

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[TURN OVER]  
[BLAAI OM]

[15]

**QUESTION 4 / VRAAG 4**

Read the following scenario and answer the questions that follow

**Lees die volgende scenario en beantwoord die vrae wat daarop volg:**

Mr Siphos Sibisi concluded a contract of sale with Mrs Zodwa Pheswa. In terms of this contract Siphos undertook to sell his motor car, a red Mazda 3, to Zodwa for R180 000. They agreed that Zodwa will pay the purchase price when Siphos delivers the car to her. When Siphos wanted to deliver the car, Zodwa refused to pay the purchase price. She told Siphos that she no longer liked the Mazda 3 and was making arrangements to buy another motor car, a blue Toyota Corolla.

**Mnr Siphos Sibisi het 'n koopkontrak gesluit met mev Zodwa Pheswa. Ingevolge hierdie kontrak het Siphos onderneem om sy motor, 'n rooi Mazda 3, aan Zodwa te verkoop vir R180 000. Hulle het ooreengekom dat Zodwa die koopprys sal betaal wanneer Siphos die motor aan haar lewer. Toe Siphos die motor aan haar wou lewer, het Zodwa geweier om die koopprys te betaal. Sy het Siphos meegedeel dat sy nie meer van die Mazda 3 gehou het nie en dat sy besig was met reëlings om 'n ander motor, 'n blou Toyota Corolla, te koop.**

4.1 Identify the legal dispute that can arise from this scenario. Give a reason for your answer. (2)

**Identifiseer die regsdispuut wat uit hierdie scenario kan voortspruit. Gee 'n rede vir jou antwoord. (2)**

[TURN OVER]  
[BLAAI OM]

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- 4 2 With reference to your answer in 4 1, what is the **purpose** of this specific legal dispute? (1)  
**Met verwysing na jou antwoord in 4.1, wat is die doel van hierdie spesifieke regsdispuut?** (1)
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- 4 3 What **role** will Siphon and Zodwa respectively play in this legal dispute? Give reasons for your answer (4)  
**Watter rol sal Siphon en Zodwa onderskeidelik in hierdie regsdispuut speel? Gee redes vir jou antwoord.** (4)
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- 4 4 What will the **onus of proof** be in this legal dispute *and on whom* will it rest? (2)  
**Wat sal die bewyslas in hierdie regsdispuut wees *en op wie* sal dit rus?** (2)
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- 4 5 Which **court** will have **jurisdiction** to hear the legal dispute? Give a reason for your answer (2)  
**Watter hof sal oor jurisdiksie beskik om die regsdispuut aan te hoor? Gee 'n rede vir jou antwoord.** (2)
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4 6 Should the process of appeal or review be used in the following situations? Give reasons for your answers

**Moet die proses van appèl of hersiening in die volgende situasies gebruik word? Gee redes vir jou antwoorde.**

4 6 1 Siphso sues Zodwa for breach of contract He loses the case Later it transpires that Zodwa's uncle has been the presiding officer of the court proceedings (2)

**Siphso dagvaar Zodwa vir kontrakbreuk. Hy verloor die saak. Later blyk dit dat Zodwa se oom die voorsittende beampste in die hofverrigtinge was. (2)**

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4 6 2 Siphso sues Zodwa for breach of contract He wins the case with costs Zodwa claims that the court has come to an incorrect decision (2)

**Siphso dagvaar Zodwa vir kontrakbreuk. Hy wen die saak met koste. Zodwa beweer dat die hof tot 'n verkeerde beslissing gekom het. (2)**

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[15]

[TURN OVER]  
[BLAAI OM]

**QUESTION 5 / VRAAG 5**

Complete the following sentences by writing the correct word/words in the space provided (After the spaces we indicate in brackets the number of words which you have to insert)

**Voltooi die volgende sinne deur die korrekte woord/woorde in te skryf in die spasie wat verskaf word. (Na die spasie dui ons in hakies die aantal woorde aan wat jy moet invul.)**

- 5 1 The law consists of norms which the \_\_\_\_\_ (two words) regards as binding and that must be obeyed (1)  
Die reg bestaan uit norme wat deur die \_\_\_\_\_ (twee woorde) as bindend beskou word en nagekom word. (1)
- 5 2 In private law the four classes of rights are grouped according to the \_\_\_\_\_ (one word) of each of the four classes of rights (1)  
In die privaatreë word die vier soorte regte volgens die \_\_\_\_\_ (een woord) van elkeen van die vier soorte regte groepeer. (1)
- 5 3 In the Netherlands it was the reception of Roman law that caused the creation of what was called the \_\_\_\_\_ law (one word) (1)  
In Nederland het die resepsie van die Romeinse reg die skepping van die \_\_\_\_\_ (een woord) reg tot gevolg gehad. (1)
- 5 4 The South African legal system is classified under the \_\_\_\_\_ (one word) legal family (1)  
Die Suid-Afrikaanse regstelsel word onder die \_\_\_\_\_ (een woord) regsfamilie geklassifiseer. (1)

[TURN OVER]  
[BLAAI OM]

- 5 5 A/An \_\_\_\_\_ (one word) is a legal relationship in terms of which one party has a right to performance and the other party a corresponding duty to performance (1)  
 'n \_\_\_\_\_ (een woord) is 'n regsverhouding ingevolge waarvan een party 'n reg op prestasie het en die ander party 'n ooreenstemmende verpligting het om te presteer. (1)
- 5 6 The \_\_\_\_\_ (three words) is essential in a democratic country to prevent abuse of power by one of the divisions of government (1)  
 Die \_\_\_\_\_ (drie woorde) is noodsaaklik in 'n demokratiese land om magsmisbruik deur een van die afdelings van die regering te voorkom. (1)
- 5 7 All persons are born with \_\_\_\_\_ (two words) which gives them a claim to fundamental rights (1)  
 Alle persone word met \_\_\_\_\_ (een woord) gebore wat hulle 'n aanspraak op fundamentele regte gee. (1)
- 5 8 The application of the Bill of Rights between the state and a private institution is known as the \_\_\_\_\_ (one word) application of the Bill of Rights (1)  
 Die toepassing van die Handves van Regte tussen die staat en 'n privaatinstelling staan bekend as die \_\_\_\_\_ (een woord) toepassing van die Handves van Regte. (1)
- 5 9 In a criminal case a court's \_\_\_\_\_ (one word) is determined by the type of offence committed by the accused (1)  
 In 'n strafsak word die \_\_\_\_\_ (een woord) van 'n hof bepaal deur die soort misdaad wat deur die beskuldigde gepleeg is. (1)

[TURN OVER]  
[BLAAI OM]

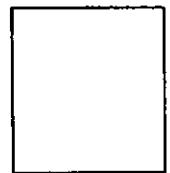


5 10 The Supreme Court of Appeal is the highest court with regard to \_\_\_\_\_ (one word) and \_\_\_\_\_ (one word) cases (1)

Die Hoogste Hof van Appèl is die hoogste hof met betrekking tot \_\_\_\_\_ (een woord) en \_\_\_\_\_ (een woord) sake. (1)

[10]

TOTAL SECTION A [70]  
TOTAAL: AFDELING A: [70]



[TURN OVER]  
[BLAAI OM]

**SECTION B**  
**AFDELING B**

This section consists of 15 multiple-choice questions. You must choose ONE statement as your answer for each question and then mark it on the mark-reading sheet. Each question counts **TWO** marks. In this section you must mark your answers with an HB PENCIL on the MARK-READING SHEET provided. PLEASE READ THE INSTRUCTIONS on the mark-reading sheet carefully before you fill in your answers. The following unique number must be filled in on the mark-reading sheet **475125**.

Hierdie afdeling bestaan uit 15 meervoudige keuse-vrae. Jy moet EEN stelling as jou antwoord vir elke vraag kies en dan jou antwoord op die merkleesblad merk. Elke vraag tel TWEE punte. In hierdie afdeling moet jy jou antwoorde met 'n HB-POTLOOD op die MERKLEESBLAD wat voorsien word, merk. LEES ASSEBLIEF DIE INSTRUKSIES op die merkleesblad noukeurig voordat jy jou antwoorde invul. Die volgende unieke nommer moet op die merkleesblad ingevul word: 475125.

**QUESTION 1 / VRAAG 1**

Indicate the correct statement.

- (1) Jurists all agree that the concept "law" is easy to define.
- (2) The law does not have to change and adapt as society changes.
- (3) The law has to balance different interests of different individuals.
- (4) Moral and religious norms never overlap with legal norms.

Dui die korrekte stelling aan:

- (1) Juriste stem almal ooreen dat die begrip "reg" maklik is om te definieer.
- (2) Die reg hoef nie te verander en aan te pas soos wat die samelewing verander nie.
- (3) Die reg moet die verskillende belange van verskillende individue balanseer.
- (4) Morele en godsdienstige norme stem nooit met regsname ooreen nie.

[TURN OVER]  
[BLAAI OM]

**QUESTION 2 / VRAAG 2**

Mr Nkomo and Mr Masina farm in the area of the N3 highway to Estcourt. Mr Nkomo is the owner of the farm Madikwe which is adjacent to the N3 highway. Mr Masina, owner of the farm Java, has a right of way over the farm of Mr Nkomo to get to the N3 highway to Estcourt.

Indicate the correct statement

- (1) Mr Nkomo has a limited real right over his farm
- (2) Mr Masina has a limited real right over his farm
- (3) Mr Nkomo has a limited real right over the farm of Mr Masina
- (4) Mr Masina has a limited real right over the farm of Mr Nkomo

**Mnr Nkomo en Mnr Masina boer in die gebied van die N3 snelweg na Estcourt. Mnr Nkomo is die eienaar van die plaas Madikwe wat langs die snelweg geleë is. Mnr Masina, eienaar van die plaas Java, het 'n reg van weg oor die plaas van mnr Nkomo om by die N3 snelweg uit te kom na Estcourt toe.**

Dui die korrekte stelling aan:

- (1) Mnr Nkomo het 'n beperkte saaklike reg oor sy plaas.
- (2) Mnr Masina het 'n beperkte saaklike reg oor sy plaas.
- (3) Mnr Nkomo het 'n beperkte saaklike reg oor die plaas van mnr Masina.
- (4) Mnr Masina het 'n beperkte saaklike reg oor die plaas van mnr Nkomo.

**QUESTION 3 / VRAAG 3**

Consider the following two statements

- (a) A personality right is a right to physical integrity which other persons must respect
- (b) A personal right is a right to performance against another person or persons

Which option is correct?

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) (a) is correct, (b) is incorrect
- (4) (a) is incorrect, (b) is correct

[TURN OVER]  
[BLAAI OM]

**Oorweeg die volgende twee stellings:**

- (a) 'n Persoonlikheidsreg is 'n reg op fisiese integriteit wat ander persone moet respekteer.
- (b) 'n Persoonlike reg is 'n reg op prestasie teen 'n ander persoon of persone.

**Watter opsie is korrek?**

- (1) (a) en (b) is korrek.
- (2) (a) en (b) is verkeerd.
- (3) (a) is korrek; (b) is verkeerd.
- (4) (a) is verkeerd; (b) is korrek.

**QUESTION 4 / VRAAG 4**

Several factors contributed to the reception of English law at the time of the British occupation of the Cape during 1806-1910. Which of the following did **not** form part of these factors?

- (1) Judges and advocates received their legal training in England
- (2) The English jury system was received at the Cape
- (3) The English law was formally received through legislation
- (4) The writings of Johannes Voet were used in legal practice

**Verskeie faktore het bygedra tot die resepsie van die Engelse reg tydens die Britse okkupasie van die Kaap gedurende 1806-1910. Watter een van die volgende het nie deel gevorm van hierdie faktore nie?**

- (1) Regters en advokate het hul regsopleiding in Engeland ontvang.
- (2) Die Engelse juriestelsel is aan die Kaap geresipieer.
- (3) Die Engelse reg is formeel by wyse van wetgewing ingevoer.
- (4) Die geskrifte van Johannes Voet is in die regspraktyk gebruik.

**QUESTION 5 / VRAAG 5**

Which of the following legal systems **cannot** be grouped within the civil-law legal family?

- (1) Dutch legal system
- (2) English legal system
- (3) French legal system
- (4) German legal system

Watter van die volgende regstelsels vorm nie deel van die *civil law* regsfamilie nie?

- (1) Nederlandse regstelsel
- (2) Engelse regstelsel
- (3) Franse regstelsel
- (4) Duitse regstelsel

#### QUESTION 6 / VRAAG 6

Legal philosophy (jurisprudence) is the field of law which looks at law from a philosophical perspective. Therefore different perspectives have emerged. Which one of the following is not a perspective of legal philosophy?

- (1) Conflict of laws
- (2) Feminism
- (3) Natural-law approach
- (4) Critical Legal Studies

Regsfilosofie (jurisprudensie) is die gebied van die reg wat die reg vanuit 'n filosofiese perspektief beskou. Daarom het verskillende perspektiewe ontstaan. Watter een van die volgende is nie 'n perspektief van regsfilosofie nie?

- (1) Konfliktereg
- (2) Feminisme
- (3) Natuurregbenadering
- (4) *Critical Legal Studies*

#### QUESTION 7 / VRAAG 7

Themba is fined for driving 60 km/h in a 40km/h zone. What type of law has he transgressed?

- (1) Common law
- (2) Private law
- (3) Statutory law
- (4) Constitutional law

Themba word beboet omdat hy 60 km/h in 'n 40 km/h sone gery het. Watter soort reg het hy oortree?

- (1) Gemeenereg
- (2) Privaatreg
- (3) Statutêre reg
- (4) Staatsreg

[TURN OVER]  
[BLAAI OM]

**QUESTION 8 / VRAAG 8**

Consider the following case reference and complete the sentence by choosing the correct option:

In the case of *Naude and Another v Fraser* 1998 (4) SA 539 (SCA), Fraser refers to the

- (1) plaintiff
- (2) defendant
- (3) appellant
- (4) respondent

**Oorweeg die volgende saakverwysing en voltooi die sin deur die korrekte opsie te kies:**

In die saak van *Naude and Another v Fraser* 1998 (4) SA 539 (SCA) verwys Fraser na die

- (1) eiser.
- (2) verweerder.
- (3) appellant.
- (4) respondent.

**QUESTION 9 / VRAAG 9**

Which one of the following indicates the purpose of an act?

- (1) short title
- (2) long title
- (3) section 1
- (4) preamble

Watter een van die volgende dui die doel van 'n wet aan?

- (1) kort titel
- (2) lang titel
- (3) artikel 1
- (4) aanhef

**QUESTION 10 / VRAAG 10**

Consider the following:

"Supremacy of the Constitution" means

- (a) Parliament can declare any law that is inconsistent with the Constitution to be unconstitutional
- (b) The Constitution prescribes standards which must be followed in order to make all law consistent with the Constitution

Which option is correct?

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) (a) is correct, (b) is incorrect
- (4) (a) is incorrect, (b) is correct

Oorweeg die volgende:

"Oppergesag van die Grondwet" beteken:

- (a) Die parlement kan enige reg wat nie in ooreenstemming met die Grondwet is nie ongrondwetlik verklaar.
- (b) Die Grondwet skryf standarde voor wat gevolg moet word om alle reg in ooreenstemming met die Grondwet te bring.

Watter opsie is korrek?

- (1) (a) en (b) is korrek.
- (2) (a) en (b) is verkeerd.
- (3) (a) is korrek; (b) is verkeerd.
- (4) (a) is verkeerd; (b) is korrek.

**QUESTION 11 / VRAAG 11**

In what chapter of the Constitution will you find the Bill of Rights?

- (1) Chapter 1
- (2) Chapter 2
- (3) Chapter 3
- (4) None of the above

[TURN OVER]  
[BLAAI OM]

In watter hoofstuk van die Grondwet sal jy die Handves van Regte vind?

- (1) Hoofstuk 1
- (2) Hoofstuk 2
- (3) Hoofstuk 3
- (4) Geeneen van bogenoemde nie

**QUESTION 12 / VRAAG 12**

Indicate the **incorrect** statement

In the Bill of Rights non-derogable rights include those rights which

- (1) are entirely protected by the Constitution
- (2) are to a certain extent protected by the Constitution
- (3) are never protected by the Constitution
- (4) may never be infringed or suspended by the state

Dui die verkeerde stelling aan:

In die Handves van Regte sluit nie-aantasbare regte daardie regte in wat

- (1) geheel en al deur die Grondwet beskerm word.
- (2) tot 'n sekere mate deur die Grondwet beskerm word
- (3) nooit deur die Grondwet beskerm word nie.
- (4) nooit deur die staat opgehef of geskend kan word nie

**QUESTION 13 / VRAAG 13**

Who of the following is **not** a possible role player during a criminal case in a magistrates' court?

- (1) attorney
- (2) interpreter
- (3) state advocate
- (4) witness

Wie van die volgende is nie 'n moontlike rolspeler tydens 'n strafszaak in 'n landdroshof nie?

- (1) prokureur
- (2) tolk
- (3) staatsadvokaat
- (4) getuie

[TURN OVER]  
[BLAAI OM]



**QUESTION 14 / VRAAG 14**

**Complete the following sentence by choosing the correct option:**

The decision of the High Court in *Senekal v Roodt* 1983 (2) SA 602 (T) is binding on

- (1) the Supreme Court of Appeal
- (2) certain magistrates' courts
- (3) the Constitutional Court
- (4) more than one of the above-mentioned courts

**Voltooi die volgende sin deur die korrekte opsie te kies:**

**Die beslissing van die Hoë Hof (nou weer Hooggeregshof) in *Senekal v Roodt* 1983 (2) SA 602 (T) is bindend vir**

- (1) die Hoogste Hof van Appèl.
- (2) sekere landdroshowe.
- (3) die Konstitusionele Hof.
- (4) meer as een van die bogenoemde howe.

**QUESTION 15 / VRAAG 15**

**Consider the following:**

Advocates are admitted to the profession by the High Court provided they comply with certain statutory requirements

- (a) An LLB degree from any university in South Africa is a statutory requirement for admission to the profession
- (b) Prior admission as an attorney with the Law Society is a statutory requirement for admission to the profession

**Which option is correct?**

- (1) (a) and (b) are correct
- (2) (a) and (b) are incorrect
- (3) (a) is correct, (b) is incorrect
- (4) (a) is incorrect, (b) is correct

[TURN OVER]  
[BLAAI OM]

**Oorweeg die volgende:**

Advokate word tot die professie toegelaat deur die Hoë Hof (nou weer Hooggeregshof) mits hulle aan sekere statutêre vereistes voldoen.

- (a) 'n LLB-graad van enige universiteit in Suid-Afrika is 'n statutêre vereiste vir toelating tot die professie.
- (b) Die vooraftoelating as 'n prokureur by die Prokureursorde is 'n statutêre vereiste vir toelating tot die professie.

**Watter opsie is korrek?**

- (1) (a) en (b) is korrek.
- (2) (a) en (b) is verkeerd.
- (3) (a) is korrek; (b) is verkeerd
- (4) (a) is verkeerd; (b) is korrek.

TOTAL SECTION B 15 x 2 = [30]  
TOTAAL. AFDELING B: 15 x 2 = [30]

TOTAL 100  
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**PART 1 (GENERAL/ALGEMEEN) DEEL 1**

STUDY UNIT e.g. PSY100-X  
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VOORLETTERS EN VAN

DATE OF EXAMINATION  
DATUM VAN EKSAMEN

EXAMINATION CENTRE (E.G. PRETORIA)  
EKSAMENSENTRUM (BY PRETORIA)

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For use by examination invigilator  
Vir gebruik deur eksamenopsiener

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- 4 ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
- 5 CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
- 6 CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
- 7 CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
- 8 DO NOT FOLD

**BELANGRIK**

- 1 GEBUIK SLEGS 'N HB POTLOOD OM HI-NDIE BLAD TE VOLTOOI
- 2 MERK AS VOLG
- 3 KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS
- 4 VUL U STUDENTENOMMER VAN LINKS NA REGS IN
- 5 KONTROLEER DAT U DIF KORREKTE STUDENTENOMMER VERSTRFK HFT
- 6 KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS
- 7 MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
- 8 MOENIE VOU NIE

**PART 2 (ANSWERS/ANTWOORDE) DEEL 2**

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Your mark reading sheet is marked by computer and should therefore be filled in thoroughly and correctly

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Instruction numbers ① to ⑩ refer to spaces on your mark reading sheet which you should fill in as follows

- ① Write your paper code in these eight squares, for instance

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- ② The paper number pertains only to first-level courses consisting of two papers

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- ③ Fill in your initials and surname
- ④ Fill in the date of the examination
- ⑤ Fill in the name of the examination centre
- ⑥ WRITE the digits of your student number HORIZONTALLY (from left to right). Begin by filling in the first digit of your student number in the first square on the left, then fill in the other digits, each one in a separate square
- ⑦ In each vertical column mark the digit that corresponds to the digit in your student number as follows [-]
- ⑧ WRITE your unique paper number HORIZONTALLY  
NB Your unique paper number appears at the top of your examination paper and consists only of digits (e.g. 403326)
- ⑨ In each vertical column mark the digit that corresponds to the digit number in your unique paper number as follows [-]
- ⑩ Question numbers 1 to 140 indicate corresponding question numbers in your examination paper. The five spaces with digits 1 to 5 next to each question number indicate an alternative answer to each question. The spaces of which the number correspond to the answer you have chosen for each question and should be marked as follows [-]
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Examination period

Student number

Surname

First Names

Subject

Code of paper

Number of paper

Centre

Date

This is to certify that I have read the rules governing the examinations as set out on the inside cover of this examination answer book and in the examination instructions

That the information supplied by me in this answer book is correct and valid

I undertake to adhere to the procedures, rules and regulations of the University of South Africa as published in the official brochures

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ID Number

Batch No

28092015MCQ

Signature of invigilator

UNISA invigilator's personnel number

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Examination period

Student number

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First Names

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Signature of candidate

ID Number

Batch No

28092015MCQ

Signature of invigilator

UNISA invigilator's personnel number

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