

UNIVERSITY EXAMINATIONS

UNIVERSITEITSEKSAMENS

UNISA 
University
of south africa

ILW1036

(481167)

October/November: 2010
Oktober/November 2010

**INTRODUCTION TO LAW
INLEIDING TOT DIE REG**

Duration 2 Hours
Tydsduur 2 Uur

100 Marks
100 Punte

EXAMINERS / EKSAMINATORE

FIRST / EERSTE

MRS/MEV A JACOBS

SECOND / TWEEDE

MR/MNR MN NJOTINI

This paper consists of 26 pages plus instructions for completion of a mark-reading sheet
Hierdie vraestel bestaan uit 26 bladsye plus instruksies vir die voltooiing van 'n
merkleesblad.

This examination paper remains the property of the University of South Africa and
may not be removed from the examination room

Hierdie vraestel bly die eiendom van die Universiteit van Suid-Afrika en mag
nie uit die eksamenlokaal verwyder word nie.

[TURN OVER]
[BLAAI OM]

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

SECTION A COMPULSORY 50 MARKS

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

AFDELING A: VERPLIGTEND 50 PUNTE

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

SECTION B COMPULSORY 50 MARKS

This section consists of 25 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 **481167**

AFDELING B: VERPLIGTEND 50 PUNTE

Hierdie afdeling bestaan uit 25 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: 481167

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

(a) Name three differences between the law and community mores
Noem drie verskille tussen die reg en gemeenskapsedes.

Moral mores (3)
(3)

1

1. Although community mores are Group within that
involves community is involved

2

2. Prosecution and Disapproved by community
penalties members

3

3. Enforced by state enforced by community

(b) Formal law has to comply with three basic requirements in order to achieve formal justice Name these three basic requirements (3)
Die formele reg moet aan drie basiese vereistes voldoen ten einde formele geregtigheid te bereik. Noem hierdie drie basiese vereistes. (3)

1

1. Must be explicit with dem...
how should be...

2

2. Must be...

3

3. Must...

page 18

- (c) "The right that someone has over a creation of his or her human mind, for example a work of art, concerns a dual relationship" Explain what this dual relationship involves (2)

"Die reg wat iemand ten opsigte van 'n skepping van sy of haar menslike intellek het, soos 'n reg op 'n kunswerk, het te make met 'n tweeledige verhouding." Verduidelik wat hierdie tweeledige verhouding behels. (2)

1. An invention (creative ability)

2. Trade Marks (drawings or designs)

- (d) Distinguish between the most important characteristic of the civil-law legal family and the most important characteristic of the common-law legal family (2)

Onderskei tussen die heel belangrikste kenmerk van die *civil law*-regsfamilie en die heel belangrikste kenmerk van die *common law*-regsfamilie. (2)

Civil Law Family: Roman Law (written)
Common Law Family: Case Law (previous cases)

[10]

QUESTION 2 / VRAAG 2

- (a) Read the following facts and answer the questions that follow
Lees die volgende feite en beantwoord die vrae wat daarop volg:

The Krugers moved into the neighbourhood where the Mothibes and the Van der Merwes live. Both families welcomed the Krugers and invited them for a braai. Daan Kruger is a panel-beater and his wife Sarah is a teacher. Little did the Mothibes and the Van der Merwes know that Daan planned to run his panel-beating business from home in future. And then the noise started! Daan did not listen to the complaints of the neighbours and worked from early in the morning until late at night. The neighbours decided to approach Jane Mothibe for legal advice. She then asked you, her article clerk, to find the answers to the questions that follow.

[TURN OVER]
[BLAAJ OM]

Die Krugers het in die buurt ingetrek waar die Mothibes en die Van der Merwes woon. Beide gesinne het die Krugers welkom geheet en hulle vir 'n braai oorgenooi. Daan Kruger is 'n paneelklopper en sy vrou Sarah is 'n onderwyseres. Min het die Mothibes en die Van der Merwes gewaet dat Daan planne het om voortaan sy paneelklopbesigheid van hulle huis af te bedryf. En toe begin die geraas! Daan het nie na die klagtes van die bure geluister nie en van vroeg in die oggend tot laat in die aand gewerk. Die bure het besluit om Jane Mothibe te nader vir regsadvies. Sy het jou, haar prokureursklerk, toe gevra om die antwoorde op die volgende vrae te vind.

- (i) Which main division of South African law will be applicable to this problem? Give a reason for your answer (2)
 Watter hoofafdeling van die Suid-Afrikaanse reg sal van toepassing wees op hierdie probleem? Gee 'n rede vir jou antwoord. (2)

Private Law: individual on the same label. (Mothibe)

- (ii) Which division of your answer in (i) will be applicable? Give a reason for your answer. (2)
 Watter afdeling van jou antwoord in (i) sal van toepassing wees? Gee 'n rede vir jou antwoord. (2)

Law of patrimony, relationship in which Law occur with what we call personality right

- (iii) Which subdivision of your answer in (ii) will be applicable? Give a reason for your answer (2)
 Watter onderafdeling van jou antwoord in (ii) sal van toepassing wees? Gee 'n rede vir jou antwoord. (2)

Law of things (Law of property) you may not exercise your right in such a way that it infringes upon the rights of other legal subject.

[TURN OVER]
 [BLAAI OM]

- (iv) Which right that belongs to the subdivision in (iii) has been infringed? Give a reason for your answer (2)

Op watter reg wat tot die onderafdeling in (iii) behoort, is daar inbreuk gemaak? Gee 'n rede vir jou antwoord' (2)

Environmental right (everyone has got right environment that is not harmful)

- (b) Read the following facts and answer the question that follows

Lees die volgende felte en beantwoord die vraag wat daarop volg:

You are a senior partner at a law firm. Patricia Molusi is your article clerk. You ask Patricia to find a court decision on the interpretation of the Tobacco Products Control Act 83 of 1993. Patricia tells you that she has found three criminal cases on this subject. The first case was decided by the High Court in Durban in 2000. The second case was decided by the Supreme Court of Appeal in 2002. The third case was an unreported case by a regional court in Durban which was decided in 2004.

Which case will be authoritative and will therefore have to be followed? Give a reason for your answer (2)

Supreme Court of Appeal because lower courts must follow it

Jy is 'n senior vennoot by 'n prokureursfirma. Patricia Molusi is jou prokureursklerk. Jy vra Patricia om 'n hofbeslissing oor die interpretasie van die Wet op die Beheer van Tabakprodukte 83 van 1993 te vind. Patricia deel jou mee dat sy drie strafsake oor hierdie onderwerp gevind het. Die eerste saak is in 2000 deur die Hoë Hof in Durban beslis. Die tweede saak is in 2002 deur die Hoogste Hof van Appèl beslis. Die derde saak is 'n ongerapporteerde beslissing van 'n streekhof in Durban wat in 2004 beslis is.

Watter saak sal gesaghebbend wees en sal dus gevolg moet word? Gee 'n rede vir jou antwoord. (2)

Supreme Court of Appeal because is the highest court on them all and its decision is binding on the lower courts

[10]

[TURN OVER]
[BLAAI OM]

QUESTION 3 / VRAAG 3

(a) Name the special features which have been built into our Constitution to ensure that our democracy succeeds. (5)

Noem die spesiale eienskappe wat in ons Grondwet ingebou is ten einde die sukses van ons demokrasie te verseker. (5)

1 Public Protector p9137

2 Human Rights Commission

3 Gender Equality Commission

4 Water Commission (Chap 21)

5 Electoral Commission

(b) Complete the following diagram to illustrate the three categories of fundamental rights protected by our Constitution, as well as one example of a fundamental right with each category. (3)

Category	One Example
1 First Generation right	right to life
2 Second Generation right	right education; freedom of speech
3 Third Generation right	right to clean air

[TURN OVER]
 [BLAAI OM]

Een aand nadat Anna se kêrel, Peter, 'n paar biere gedrink het, slaan hy haar met 'n leë bierbottel oor die kop. Aanvanklik moes Anna R10 000 vir mediese onkoste opdok. 'n Paar dae na die aanval het dokters egter besef dat Anna ook ernstige oogbeserings opgedoen het en dat sy 'n oogoperasie moet ondergaan wat haar R300 000 sal kos.

- (i) Name the two different legal disputes that might arise from these facts. Also explain the purpose of each of the disputes that you name. (4)
Noem die twee verskillende regsdispute wat uit hierdie feite mag voortspruit. Verduidelik ook die doel van elkeen van die dispute wat jy noem. (4)

~~Civil Case - Claiming for compensation of medical expenses~~
 Criminal Case - Assault as a result of a bottle being thrown at her head

- (ii) In which court will Anna claim the R300 000 for the eye operation? Give a reason for your answer. (2)
In watter hof sal Anna die R300 000 vir haar oogoperasie eis? Gee 'n rede vir jou antwoord. (2)

Civil Court. For a delict because it is a private matter which follows law of delict.

Voltooi die volgende diagram om die drie kategorieë fundamentele regte wat deur ons Grondwet beskerm word, asook een voorbeeld van 'n fundamentele reg by elke kategorie, uit te beeld (3)

Kategorie	Een Voorbeeld
1	
2	
3	

- (c) "Section 36 of the Constitution determines that the fundamental rights which are protected in the Bill of Rights may not be limited "

Is this statement correct or incorrect? Give a reason for your answer (2)

It can be limited in terms of section 36 of the constitution
 "Artikel 36 van die Grondwet bepaal dat die fundamentele regte wat in die Handves van Regte beskerm word nie beperk mag word nie."

Is hierdie stelling korrek of verkeerd? Gee 'n rede vir jou antwoord. (2)

[10]

QUESTION 4 / VRAAG 4

- (a) Read the following facts and answer the questions that follow
 Lees die volgende feite en beantwoord die vrae wat daarop volg:

One evening after drinking a few beers, Anna's boyfriend, Peter, hit her with an empty beer bottle over the head. Initially Anna had to pay R10 000 for medical expenses. However, a few days after the attack, doctors realised that Anna had also sustained serious eye injuries and that she had to undergo an eye operation which will cost her R300 000.

[TURN OVER]
 [BLAAI OM]

- (iii) What role will Anna and Peter respectively play in the case where Anna claims the R300 000? (2)
 Watter rol sal Anna en Peter onderskeidelik speel in die saak waarin Anna die R300 000 eis? (2)

Anna is die eiser en Peter is die verdediger

- (b) "If an accused is unhappy with the court's decision, such a person can request a review by a higher court "

Is this statement correct or incorrect? Give a reason for your answer (2)

"Indien 'n beskuldigde ontevrede is met die hof se uitspraak, kan sodanige persoon vir 'n hersiening na 'n hoër hof vra."

Is hierdie stelling korrek of verkeerd? Gee 'n rede vir jou antwoord. (2)

[10]

QUESTION 5 / VRAAG 5

With each of the following statements there are two options between brackets Encircle the correct option.

By elkeen van die volgende stellings is daar twee opsies tussen hakies. Omkring die korrekte opsie.

- (a) (Formal law / Substantive law) is that part of the law which determines the content and meaning of different legal rules (1)

Die (formele reg / substantiewe reg) is daardie deel van die reg wat die inhoud en betekenis van verskillende regsreëls bepaal. (1)

- (b) A (legal subject / legal object) is subject to the norms of the law and may have rights and duties (1)

[TURN OVER]
 [BLAAI OM]

'n (Regsobjek / Regsobjek) is onderworpe aan die regsnorme en kan die draer van regte en verpligtinge wees. (1)

- (c) A father who abuses his daughter infringes upon her (personal right / personality right). (1)

'n Vader wat sy dogter mishandel skend haar (persoonlike reg / persoonlikheidsreg). (1)

- (d) The *Corpus Iuris Civilis* is a codification of the (Roman law / Roman-Dutch law). (1)

Die *Corpus Iuris Civilis* is 'n kodifikasie van die (Romeinse reg / Romeins-Hollandse reg). (1)

- (e) (Public law / ~~Private law~~) regulates relationships that are concerned with the interests of the community. (1)

Die (publiekreg / privaatreg) reël verhoudings wat met die belange van die gemeenskap verband hou. (1)

- (f) Statutory law is passed by (parliament / courts). (1)

Statutêre reg word deur die (parlement / howe) uitgevaardig. (1)

- (g) The part of a court's decision which creates a precedent and binds other courts dealing with the same kind of disputes is called the (*obiter dictum* / ratio decidendi). (1)

Die deel van 'n hof se beslissing wat 'n presedent skep en ander howe wat oor dieselfde soort geskille moet beslis bind, word die (*obiter dictum* / *ratio decidendi*) genoem. (1)

- (h) The branch of the state that makes laws is known as the (judicial / legislative) authority of the state. (1)

Die vertakking van die staat wat verantwoordelik is vir die maak van wette staan bekend as die (regsprekende / wetgewende) gesag van die staat. (1)

- (i) The application of the Bill of Rights between the state and the individual is known as the (horisontal / vertical) application of the Bill of Rights. (1)

Die toepassing van die Handves van Regte tussen die staat en die individu staan bekend as die (horisontale / vertikale) toepassing van die Handves van Regte. (1)

[TURN OVER]
[BLAAI OM]

(j) A (magistrate / court orderly) is responsible for keeping order in a magistrate's court (1)

'n (Landdros / Hofordonnans) is verantwoordelik om orde te handhaaf in 'n landdroshof. (1)

[10]

TOTAL SECTION A [50]
TOTAAL: AFDELING A: [50]



[TURN OVER]
[BLAAI OM]

SECTION 3
AFDELING E

This section consists of 25 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 481167.

Hierdie afdeling bestaan uit 25 meervoudigekeuse-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: 481167.

QUESTION 1 / VRAAG 1

The different normative systems correspond in the sense that

- (1) all these systems govern human behaviour
- (2) all these systems bind all communities
- (3) the sanction for all these systems is the same
- (4) the sanction for all these systems is enforced by the same agent

Die verskillende normatiewe stelsels stem ooreen in dié opsig dat ...

- (1) al hierdie stelsels menslike gedrag reël.
- (2) al hierdie stelsels alle gemeenskappe bind.
- (3) die sanksie vir al hierdie stelsels dieselfde is.
- (4) die sanksie vir al hierdie stelsels deur dieselfde agent afgedwing word.

QUESTION 2 / VRAAG 2

Which one of the following is not an example of a "legal norm"?

- (1) prohibition of theft
- (2) prohibition of rape
- (3) prohibition of adultery
- (4) prohibition of murder

[TURN OVER]
[BLAAI OM]

Watter een van die volgende is nie 'n voorbeeld van 'n "regsnorm" nie?

- (1) verbod op diefstal
- (2) verbod op verkragting
- (3) verbod op owerspel
- (4) verbod op moord

QUESTION 3 / VRAAG 3

In modern law a legal object

- (1) can be anyone who is the bearer of rights and duties
- (2) can be any person who is under the control of the law
- (3) can be anything that is of economic value to people
- (4) can only be a physical and movable thing

In die moderne reg kan 'n regsobjek ...

- (1) enigeen wees wat die draer van regte en verpligtinge is.
- (2) enige persoon wees wat onderworpe is aan die reg.
- (3) enigiets wees wat vir mense ekonomiese waarde het.
- (4) slegs 'n fisiese en roerende saak wees.

QUESTION 4 / VRAAG 4

Jane Mothibe agreed with Technicolour Painters that they would paint the Mothibe's house. In terms of the agreement Technicolour Painters undertook to finish the job within three weeks. However, after three weeks Technicolour Painters had only managed to paint half the house. Jane was furious. Which one of Jane's rights was infringed?

- (1) a real right
- (2) a personal right
- (3) a personality right
- (4) a fundamental right

Jane Mothibe het met Technicolour Painters ooreengekom om die Mothibe se huis te verf. Ingevolge die ooreenkoms het Technicolour Painters onderneem om die werk binne drie weke te voltooi. Nadat drie weke verloop het, het Technicolour Painters egter net die helfte van die huis klaar gevef. Jane was woedend. Watter een van Jane se regte is aangetas?

- (1) 'n saaklike reg
- (2) 'n persoonlike reg
- (3) 'n persoonlikheidsreg
- (4) 'n fundamentele reg

[TURN OVER]
[BLAAI OM]

QUESTION 5 / VRAAG 5

Sibaniso Burgher is arrested for assaulting his wife, Catherine, and their two children. Sibaniso denies this accusation. He appears in court to plead. What is Sibaniso's right to appear in court called?

- (1) a capacity
- (2) a real right
- (3) a personal right
- (4) a personality right

Sibaniso Burgher word gearresteer vir die aanranding van sy vrou, Catherine, en hulle twee kinders. Sibaniso ontken hierdie beskuldiging. Hy verskyn in die hof om te pleit. Wat word Sibaniso se reg om in die hof te verskyn, genoem?

- (1) 'n bevoegdheid
- (2) 'n saaklike reg
- (3) 'n persoonlike reg
- (4) 'n persoonlikheidsreg

QUESTION 6 / VRAAG 6

After the split of the Roman Empire several factors contributed to the survival of Roman law. Which of the following did not form part of these factors?

- (1) the use of classical Roman law in the ancient world
- (2) the codification of Roman law by Justinian
- (3) the use of Roman law by Germanic rulers to govern Romans
- (4) the Roman law as foundation of canon law

Na die verdeling van die Romeinse Ryk het verskeie faktore bygedra tot die behoud van die Romeinse reg. Watter een van die volgende het nie deel gevorm van hierdie faktore nie?

- (1) die gebruik van klassieke Romeinse reg in die antieke wêreld
- (2) die kodifikasie van die Romeinse reg deur Justinianus
- (3) die gebruik van die Romeinse reg deur Germaanse heersers om Romeine te regeer
- (4) die Romeinse reg as grondslag van die kanonieke reg

[TURN OVER]
[BLAAI OM]

QUESTION 7 / VRAAG 7

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

Verskele 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 8 / VRAAG 8

Which of the following gives an example of a country or countries where the common-law legal family applies?

- (1) South Africa
- (2) Communist China
- (3) France and Germany
- (4) America and England

Watter een van die volgende gee 'n voorbeeld van 'n land of lande waar die *common law*-regsfamilie van toepassing is?

- (1) Suid-Afrika
- (2) Kommunistiese China
- (3) Frankryk en Duitsland
- (4) Amerika en Engeland

QUESTION 9 / VRAAG 9

Which of the following is not a component of the hybrid legal family found in South Africa?

- (1) Roman law
- (2) Roman-Dutch law
- (3) English law
- (4) Indigenous law

[TURN OVER]
[BLAAI OM]

Watter een van die volgende is nie 'n komponent van die hibriede regs familie wat in Suid-Afrika gevind word nie?

- (1) Romeinse reg
- (2) Romeins-Hollandse reg
- (3) Engelse reg
- (4) inheemse reg

QUESTION 10 / VRAAG 10

The following legal disciplines fall within public law

- (1) constitutional law, administrative law, criminal law
- (2) mercantile law, international law, law of obligations
- (3) law of patrimony, enrichment, law of civil procedure
- (4) law of criminal procedure, law of evidence, law of succession

Die volgende regsdissiplines val binne die publiekreg:

- (1) staatsreg, administratiefreg, strafreg
- (2) handelsreg, volkereg, verbintenisreg
- (3) vermoënsreg, verryking, siviele prosesreg
- (4) strafprosesreg, bewysreg, erfreg

QUESTION 11 / VRAAG 11

Temba and Thandi argue while they are waiting for a taxi at a taxi rank. Temba shouts at Thandi "Thandi, you are a prostitute!" Thandi is very upset about the incident because some of her co-workers also heard what Temba shouted. She approaches you for legal advice. Which branch of private law will you use to solve her problem?

- (1) criminal law
- (2) law of persons
- (3) law of procedure
- (4) law of personality

Temba en Thandi argumenteer terwyl hulle wag vir 'n taxi by 'n staanplek vir taxi's. Temba skreeu vir Thandi: "Thandi, jy is 'n prostituut!" Thandi is baie ontsteld oor die voorval omdat van haar medewerkers ook gehoor het wat Temba geskreeu het. Sy nader jou vir regsadvies. Watter vertakking van die privaatreë sal jy gebruik om haar probleem op te los?

- (1) strafreg
- (2) personereg
- (3) prosesreg
- (4) persoonlikheidsreg

QUESTION 12 / VRAAG 12

Some of the areas of law fall within both public law and private law? Which area is the odd one out?

- (1) labour law
- (2) mercantile law
- (3) law of obligations
- (4) conflict of laws

Sommige gebiede van die reg val binne beide die publiekreg en die privaatreë. Watter gebied pas nie?

- (1) arbeidsreg
- (2) handelsreg
- (3) verbintenisreg
- (4) konfliktereg

QUESTION 13 / VRAAG 13

Themba Nowa is Karel's legal advisor in a labour dispute. Which authoritative source of South African law should he consult first?

- (1) legislation
- (2) common law
- (3) court decisions
- (4) legal textbooks

[TURN OVER]
[BLAAI OM]

Themba Nowa is Karel se regsadviseur in 'n arbeidsdispuut. Watter gesaghebbende bron van die Suid-Afrikaanse reg behoort hy eerste te raadpleeg?

- (1) wetgewing
- (2) gemenereg
- (3) hofbeslissings
- (4) regshandboeke

QUESTION 14 / VRAAG 14

The "common law" of South Africa usually refers to

- (1) unwritten law which develops from customs within a community
- (2) Dutch law (*placaeten*) which was used during the 17th century in the Cape
- (3) writings on law by 17th and 18th century Roman-Dutch jurists as interpreted by our courts
- (4) the law of our country which is contained in legislation

Die "gemenereg" van Suid-Afrika verwys gewoonlik na .

- (1) die ongeskrewe reg wat uit gewoonte binne 'n gemeenskap ontwikkel.
- (2) Hollandse reg (*placaeten*) wat in die 17de eeu aan die Kaap gebruik is.
- (3) regsgeskrifte van die 17de- en 18de eeuse Romeins-Hollandse juriste soos vertolk deur ons houe.
- (4) die reg van ons land wat in wetgewing vervat word.

QUESTION 15 / VRAAG 15

In a court decision the *ratio decidendi* is found where

- (a) the judge quotes a similar case
- (b) the judge makes an incidental remark
- (c) the judge sets out the legal rules relating to the dispute
- (d) the judge gives the reason or reasons for the decision

Choose your answer from one of the following options:

- (1) (a) and (b) are correct
- (2) (c) and (d) are correct
- (3) (a), (b) and (d) are correct
- (4) (a), (c) and (d) are correct