

Tutorial Letter 102/1/2018

INTRODUCTION TO LAW ILW1501

Semester 1

Department of Jurisprudence

IMPORTANT INFORMATION

This tutorial letter contains very important information regarding the examination for ILW1501. **STUDY pp 9-25 for the examination.**

BAR CODE

Dear Student

In this tutorial letter, we want to share the following information with you:

- 1 YOUR LECTURERS FOR 2018**
- 2 STUDY THE BROCHURE STUDY@UNISA!
STUDY YOUR TUTORIAL LETTERS FOR ILW1501!**
- 3 MODULE CODE FOR *INTRODUCTION TO LAW***
- 4 STUDY MATERIAL FOR ILW1501**
- 5 myUnisa**
- 6 ASSIGNMENTS AND ADMISSION TO THE EXAMINATION**
- 7 EXAMINATION! EXAMINATION! EXAMINATION!**
 - 7.1 Information regarding the examination**
 - 7.2 Previous examination papers**
 - 7.3 Sections in Study Guide which you must use for activity purposes only**
 - 7.4 Language usage in the examination**
 - 7.5 Blank pages in the examination paper**
 - 7.6 Format of the examination paper**
 - 7.7 Examples of the types of questions in the examination paper**
- 8 HOW TO COMPLETE A MARK-READING SHEET IN THE EXAMINATION**

1 YOUR LECTURERS FOR 2018

Prof MP Ferreira-Snyman (module leader)

Office: Brooklyn House 02-026, Veale Street, Brooklyn

E-mail: ferremp@unisa.ac.za

Office Cell: 082 947 6606 (weekdays from 08:00 to 16:00)

Mrs A Jacobs (assistant lecturer)

Office: Brooklyn House 2-012, Veale Street, Brooklyn

E-mail: jacoba@unisa.ac.za

Office Tel: 012 433 9514

Student Cell: 083 462 1349 (weekdays from 08:00 to 16:00)

Ms S Mahomed (assistant lecturer)

Office: Brooklyn House 2-027, Veale Street, Brooklyn

E-mail: mahoms1@unisa.ac.za

Office Tel: 012 433 9507

Please do not hesitate to contact us should you experience any problems in connection with the **contents of the study material for ILW1501**. You can **phone** us during the mornings, **make an appointment to come and see us personally**, write a **letter** or send an **e-mail**. You can also **communicate with us via Forums 2, 3 and 4 under "Discussions"** on myUnisa.

Make sure that you solve all your problems with regard to the study material before the examination! After the examination it will be too late!

**2 STUDY THE BROCHURE STUDY@UNISA!
STUDY YOUR TUTORIAL LETTERS FOR ILW1501!**

In your study package you should have received the brochure STUDY@UNISA. It is extremely important to start your studies at Unisa by STUDYING this brochure! It tells you everything you need to know about Unisa and how it operates! It is also electronically available on the home page of myUnisa, the online campus of Unisa!

The brochure STUDY@UNISA includes information pertaining to administrative matters such as registration, study material, submission of assignments, assignment results, admission to the examination, examination dates, examination venues and examination results. Please address these matters to the relevant administrative department. General Unisa contact details are in the **brochure STUDY@UNISA**.

Remember that your lecturers cannot assist you with these administrative matters or contact details!

It is ALSO extremely important to STUDY all the tutorial letters for ILW1501 as soon as you receive them!

We would like to repeat that you must **STUDY** all the tutorial letters you receive during the semester *immediately* and *carefully*, as they always contain important and, sometimes, urgent information. Take note that the tutorial letters you receive form part of your study material and you should study them when you prepare for the examination.

You will realise that if you STUDY your tutorial letters, you will find ALL the information you need for ILW1501 in these tutorial letters! So please STUDY your tutorial letters!

3 MODULE CODE FOR *INTRODUCTION TO LAW*

Please read Tutorial Letter 101/2018 paragraph 1 (p 5) and paragraph 4.5 (p 7) again.

VERY IMPORTANT! PLEASE NOTE!

The module code for *Introduction to Law* was previously the code ILW1036, but is now ILW1501. The **previous code for the module ILW1036 still appears** on some of the study material for this module, like the **Study Guide with the title "Only study guide for ILW1036"**. If you have registered for the module ILW1501 and you see the code ILW1036 on or inside your Study Guide, please do not think that you have received the wrong Study Guide. **The Study Guide entitled "Only study guide for ILW1036" is indeed the Study Guide for ILW1501.**

4 STUDY MATERIAL FOR ILW1501

NOTE: The Department of Dispatch should supply you with the study material for ILW1501. The lecturers cannot supply you with any hard copy study material.

ALSO NOTE: If you have access to the Internet, you will find the Study Guide and tutorial letters for the module ILW1501 on the University's online campus, myUnisa, at <http://my.unisa.ac.za>. Unfortunately, we cannot make the DVD available on myUnisa. However, you will find the complete text of the DVD in Study unit 11 of the Study Guide. It is sufficient to study only Study Unit 11 for the examination, without watching the DVD also.

The complete study package of ILW1501 for examination purposes will consist of:

- **A Study Guide** - Entitled: "Only study guide for ILW1036"
(**Please note:** This is indeed the correct Study Guide for ILW1501. ILW1036 was the old code for ILW1501.)
- **A DVD** - Entitled: "The laws of our lives"
(**Please note:** The complete text of the DVD is printed in Study Unit 11 of the Study Guide. Again, it is sufficient to study only Study Unit 11 for the examination, without watching the DVD also.)

- **Tutorial Letters**

- Tutorial Letter 101/2018 - General information regarding the University and the module ILW1501; information regarding the assignments and admission to the examination for both semesters; **Assignment 01**, the **written assignment**; **Assignment 02**, the **multiple-choice question** assignment; **Assignment 03**, the **self-evaluation assignment** and its **feedback** (pp 46-53 of Tutorial Letter 101)(the first tutorial letter)
- Tutorial Letter 102/2018 - Lecturers for 2018; study the brochure STUDY@UNISA and the tutorial letters for ILW1501; module code for *Introduction to Law*; study material for ILW1501; myUnisa; information regarding the assignments and admission to the examination for both semesters; **information regarding the examination for semester one**; how to complete a mark-reading sheet in the examination (this tutorial letter)
- Tutorial Letter 201/2018 - Lecturers for 2018; module code for *Introduction to Law*; study material for ILW1501; assignments, semester mark and admission to the examination; feedback on **Assignment 01** and feedback on **Assignment 02**; a serious warning (the final tutorial letter). **This tutorial letter will only be available online on myUnisa, in electronic format. Therefore, you will not receive it in hard copy. You must access it on myUnisa under "Official Study Material" or "Additional Resources".**

PLEASE NOTE: There is **no prescribed textbook for ILW1501**. Therefore, you do not have to buy any additional books. You also need not worry about any further reading material for this module. **You need only study the Study Guide (entitled "Only study guide for ILW1036") and the other tutorial letters that you receive.**

5 myUnisa

We wish to stress the importance of myUnisa in your studies at Unisa. It is a very useful resource and you must make use of it. If you have access to the Internet, you can quickly access resources and information at the University. The myUnisa learning management system is Unisa's online campus that will help you to communicate with your lecturers, with other students and with the administrative departments of Unisa – all through the computer and the Internet.

To access the functions of myUnisa, go to the main Unisa website, <http://www.unisa.ac.za>, and then click on the "Login to myUnisa" link. This should take you to the myUnisa website. You can also go there directly by typing in <http://my.unisa.ac.za>.

All you have to do is to register on myUnisa. Please note that your lecturers cannot assist you with this registration process. You may send an e-mail to myUnisaHelp@unisa.ac.za for assistance with myUnisa and to myLifeHelp@unisa.ac.za for assistance with the myLife account. Further details are available in the brochure STUDY@UNISA that you have received with your study package.

We want to encourage you to use the myUnisa website for our module, ILW1501, as it is another (and faster) way that your lecturers can communicate with you. We urge you to submit your assignments via myUnisa as this will avoid postal delays.

Other functions that are important:

- **Discussions:**

You may use **Forum 1** under the option "**Discussions**" to meet and contact your fellow students and even to form virtual study groups.

Forums 2 and 4 under the option "**Discussions**" give you the opportunity to contact your lecturers or e-tutors directly, and to ask questions regarding the content of this module. Your lecturers or e-tutors will answer your questions on these forums on a regular basis. Furthermore, all students registered for a particular semester will be able to view the questions and answers. It is a good idea to check these forums regularly, as it will provide answers to some frequently asked questions. **Please scroll through all the comments and questions on Forums 2 and 4 before you post your question, as someone else could have asked a similar question and one of the students or lecturers, or your e-tutor may have answered it already.**

Forum 3 under the option "**Discussions**" provides you with the opportunity to participate actively in weekly activities monitored by the lecturers and your e-tutors. Lecturers provide answers, feedback and comments to the questions in the activities. These weekly activities, feedback and comments in **Forum 3** are extremely important for the examination. **STUDY them carefully!!!!**

- **Announcements:**

From time to time, your lecturers will make important announcements regarding new developments or administrative arrangements. We urge you to keep up to date with any announcements by regularly accessing the Announcements link. **Thus, if you ask a question which has been addressed in an announcement, we will simply refer you to the relevant announcement for the answer to your question.**

- **FAQs (Frequently Asked Questions):**

Here your lecturers post frequently asked questions and answers relevant to this module. **It is advisable to go through these questions before contacting your lecturers for ILW1501!**

6 ASSIGNMENTS AND ADMISSION TO THE EXAMINATION

Once again **study** Tutorial Letter 101/2018, paragraph 8 (p 10) regarding the assignments, admission to the examination and your semester mark.

7 EXAMINATION! EXAMINATION! EXAMINATION!

7.1 Information regarding the examination

Before the examination, the Examination Section will provide you with general information regarding the examination as well as information on examination venues, examination dates and examination times. If you do not receive this information, please contact the Examination Section a few weeks before the examination commences. **Please note that your lecturers cannot assist you with this information.**

You can also use **myUnisa** to find information on the examination.

7.2 Previous examination papers

The University (**not the lecturers!**) makes previous examination papers available on myUnisa. **Please note that the lecturers for ILW1501 will not provide memoranda for these examination papers.** They will also not make any other examination papers available to students. **We advise you not to focus on old examination papers only as the content of the module and, therefore, examination papers change from time to time.** You may accept that the types of questions asked in the examination will be similar to those asked in the activities in your Study Guide and in the three assignments. Consult paragraph 7.7 below for examples of the different types of questions that may appear in the examination paper.

7.3 Sections in the Study Guide which you must use for activity purposes only

PLEASE NOTE that you are **not expected to study and memorise** the following in the Study Guide **in detail**. You must use them simply to do and study the activities.

- (1) The **contents** of The Choice on Termination of Pregnancy Act 92 of 1996 (in Study Unit 6).
- (2) The **contents** of the Bill of Rights (in Study Unit 8)
- (3) The **contents** of any court cases (eg *S v Makwanyane* in Study Unit 6; and *Naude and Another v Fraser* in Study Unit 6)

HOWEVER, you **have to study** the **activities** and **feedback** given on The Choice on Termination of Pregnancy Act 92 of 1996, the Bill of Rights and the court cases.

7.4 Language usage in the examination

It is crucial for a lawyer to have good writing skills! It is therefore important that you also pay attention to formulation (sentence construction, eg to answer questions in full comprehensible sentences) and language (spelling, grammar, punctuation) when answering the questions in the examination paper. Please do not use telegram or sms style. **Markers may deduct marks for poor writing skills.**

7.5 Blank pages in the examination paper

It is **YOUR responsibility to check that YOUR EXAMINATION PAPER CONTAINS ALL THE PAGES**. If your examination paper is not complete and/or contains blank pages, you must report it to the examination invigilator and **request a new examination paper BEFORE you commence answering the questions**. We will make no concessions for students who answer an incomplete paper.

7.6 Format of the examination paper

The duration of the examination is **two hours**.

The examination paper counts **100 marks**.

The paper consists of **two compulsory sections**. This means that you must do **both sections**.

- SECTION A: 70 marks
- SECTION B: 30 marks

SECTION A of the examination paper will take the form of **fill-in questions**. This means that you will have to answer the questions **on the paper** itself that you will receive (instead of in a separate examination book). After completion of the examination, you will thus **hand in** the examination paper.

SECTION B will take the form of **multiple-choice questions**. You must answer these questions **on the mark-reading sheet** that you will receive together with the examination paper. After completion of the examination, make sure that you **hand in both the mark-reading sheet and the examination paper**.

7.7 Examples of the types of questions in the examination paper

You can expect the following **types of questions** in the examination paper:
[After each question, the answer and the mark allocation (in round brackets) appear as it will appear in the memorandum used by the markers.]

- **Short questions**

Example 1

Who is the presiding officer in a case in a High Court? (1)

Answer:

A judge (1)

[Study Unit 13, p 215]

Example 2

What is the role of the presiding officer in court? (3)

Answer:

The presiding officer has to consider the facts of the case (1), the relevant law (1) and has to come to a decision (1).

[Study Unit 11, p 177]

- **Short discussion-type questions**

Example 1

Explain why we classify the South African legal system as a hybrid legal system. (4)

Answer:

Various legal systems, which belong to different legal families, played a role in the development of South African law. (1) The first legal system that played a role was the Roman-Dutch law ($\frac{1}{2}$), which forms part of the civil-law legal family ($\frac{1}{2}$). The second legal system is English law ($\frac{1}{2}$), which forms part of the common-law legal family ($\frac{1}{2}$). The third legal system that also played a role was African indigenous law ($\frac{1}{2}$), which forms part of the indigenous family ($\frac{1}{2}$).

[Study Unit 4, pp 45-46; p 48]

Example 2

Name and briefly discuss the two forms of succession in South African law. (4)

Answer:

There are two forms of succession in South African law, namely **testate succession** (1) and **intestate succession** (1). In the case of testate succession, the deceased has left a valid will. (1) In the case of intestate succession, the deceased has left no will at all (½) or has not left a valid will (½).

[Study Unit 5, p 53]

Example 3

For many years, the definition of marriage in South African law did not include permanent heterosexual or homosexual (same-sex) relationships. Discuss the influence of the Constitution on this issue in South African family law. Refer to relevant sources of law in your discussion. (8)

Answer: Any 8 of the following 16 marks:

The Constitutional Court decided in 2005 that permanent cohabitation relationships must be included in the definition of marriage (1). The court decided that the definition of marriage found in our common law (1) and the Marriage Act 25 of 1961 (1) is unconstitutional (1) on grounds of the right to equality (1) and the right to human dignity (1). The Constitutional Court gave parliament two years to change the position (1).

Parliament changed the position by promulgating The Civil Union Act 17 of 2006 (1). This Act allows heterosexual and homosexual (same-sex) couples (1) to enter into a marriage (1) or a civil partnership (1). The Act uses the collective noun "civil union" (1) to refer to marriages or civil partnerships that couples conclude in terms of the Act. A civil union is defined as the voluntary union of two persons who are both 18 years or older, which is solemnised and registered as a marriage or a civil partnership according to the procedures prescribed in the Act, to the exclusion of all other persons, while the union lasts. (1)

Civil union partners must choose whether they want to call their union a marriage or a civil partnership (1). Civil unions have exactly the same consequences as civil marriages concluded in terms of the Marriage Act 25 of 1961 (1). Civil unions also dissolve in the same way as marriages in terms of the Divorce Act 70 of 1979 (1).

[Study Unit 10, p 168]

- **Problem- or scenario-type questions**

Example 1

Read the following scenario and answer the questions that follow:

An alleged drug dealer appears in court on drug charges. Jane Motibe is representing him. The drug dealer claims that the police tortured him in order to persuade him to sign a confession. They told him that he was a criminal who did not have any rights at all.

- (1) **Identify the three fundamental rights that will protect the alleged drug dealer in this situation.** (3)

Answer:

The three fundamental rights are:

- the right to security and freedom of the person (1)

- the right not to be tortured in any way (1)

- the right not to be compelled (forced) to make any confessions (that can be used as evidence against him) (1)

[Important note: The right to human dignity will also be correct.]

- (2) **Identify and discuss in detail the category to which the three fundamental rights in question (1) belong.** (3)

Answer:

These three fundamental rights belong to the **category of first-generation rights.** (1)

Discussion:

- These rights are civil, procedural, political or the so-called blue rights. (1)

- These rights protect the individual from the abuse of state power. (1)

[Important note: Carefully read questions (1) and (2) again. Note that question (1) requires you to identify the fundamental rights, whereas question (2) asks you to identify the category to which the fundamental rights in question (1) belong. Students loose marks in the examination because they confuse the fundamental rights and the category of fundamental rights with each other.]

- (3) **What type of application of the Bill of Rights is applicable in this scenario? Give a reason for your answer.** (2)

Answer:

Vertical application (1)

Reason:

This scenario clearly involves the police / prison authorities / a state organ / the state / the executive branch of government **and** an individual. (1)

[Study Unit 8, p 142; pp 146-148]

Example 2

Read the following scenario and answer the question that follows:

John and Karel were involved in an argument. John hit Karel and Karel had to receive medical treatment. He now wants John to pay for his medical expenses. Advise Karel as to the type of dispute or claim that he can institute, what he can claim, as well as the court where he can institute his dispute or claim. (3)

Answer:

Karel will be able to institute a civil action (1) for financial damages, namely his medical expenses (1). The court where Karel will institute the action will depend on the amount that Karel claims for his medical expenses. (1)

[Important note: For examination purposes, you must study the value of civil claims which fall within the jurisdiction of magistrates' courts (in other words, district and regional courts) and high courts:

- **District courts can hear actions for civil claims up to a value of R200 000.**
- **Regional courts can hear actions for civil claims from R200 000 to R400 000.**
- **High Courts should only hear actions for civil claims above R400 000.]**

[Study Unit 11, p 191; Tutorial Letter 101/2018, Assignment 03 (Self-evaluation Assignment), Question 9, p 50 and p 53]

Example 3

The following example of a problem- or scenario-type question is a frequently asked question in the examination and we have noticed that students often struggle with it! Please ensure that you study and understand the answers to Example 3 and the diagram here below, which provides a breakdown of the MAIN DIVISIONS, DIVISIONS, SUBDIVISIONS and FURTHER SUBDIVISIONS of our law.

We will often provide you with a scenario-type question and ask you to identify the applicable main divisions, divisions, subdivisions and further subdivisions of our law. An example of the types of questions, based on a particular scenario, that we may ask you is:

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

- (3) Which subdivision of your answer in (2) will be applicable? Give a reason for your answer.
- (4) Name two further subdivisions of your answer in (3) that will be applicable to our scenario.

Either public law or private law will be applicable to the scenario-type question.

These types of questions usually count for approximately 10 marks in the examination. It is therefore very important that you understand the hierarchical (ranked) structure of the main divisions, divisions, subdivisions and further subdivisions of our law as set out in the diagram below.

MAIN DIVISIONS / DIVISIONS / SUBDIVISIONS AND FURTHER SUBDIVISIONS OF SOUTH AFRICAN LAW

LAW	
PUBLIC LAW (Main Division)	PRIVATE LAW (Main Division)
<ul style="list-style-type: none"> (1) International law (Division) (2) Constitutional law (Division) (3) Administrative law (Division) (4) Criminal law (Division) (5) Law of procedure (Division) <ul style="list-style-type: none"> (a) <i>Law of civil procedure</i> (subdivision) (b) <i>Law of criminal procedure</i> (subdivision) (c) <i>Law of evidence</i> (subdivision) 	<ul style="list-style-type: none"> (1) Law of persons (Division) (2) Family law (Division) (3) Law of personality (Division) (4) Law of patrimony (Division) <ul style="list-style-type: none"> (a) Law of things (subdivision) (b) <i>Law of succession</i> (subdivision) <ul style="list-style-type: none"> (i) <u>Testate succession</u> (further subdivision) (ii) <u>Intestate succession</u> (further subdivision) (c) <i>Law of obligations</i> (subdivision) <ul style="list-style-type: none"> (i) <u>Law of contract</u> (further subdivision) (ii) <u>Law of delict</u> (further subdivision) (iii) <u>Law of unjustified enrichment</u> (further subdivision)
OTHER AREAS OF LAW	
<ul style="list-style-type: none"> (1) Mercantile law (Division) (2) Labour law (Division) (3) Conflict of laws (Division) (4) Legal philosophy (Division) 	

Read the following scenario and answer the questions that follow by using the diagram above:

Larry and Peter are friends. One day they have an argument over a girl which they both wish to date. Larry tackles Peter with a number of fist punches during their argument. Peter reports the incident at the police station. Larry is later prosecuted in terms of a statute that prohibits assault and has to appear in a magistrate's court for his trial.

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

Answer:

Public law (½)

Reason: Any one of the following for (½) mark:

- It is concerned with the relationship between the state and its citizens.
- It regulates relationships that are concerned with public interests / general interests / interests of the community.
- If someone commits a crime, this act goes against the interests of the community and must be punished. Such an act becomes the concern of public law.
- Larry has committed a criminal offence/assault.

[Study Unit 5, pp 50-51]

(2) Name one division of your answer in (1) (NB: which falls under substantive or material law) that will be applicable to this scenario. Give a reason for your answer. (3)

Answer:

Criminal law (1)

Reason: Any two of the following for 2 marks:

- It is concerned with the state forbidding certain forms of conduct (1) and punishing those who engage in prohibited acts (1).
- Criminal law states which acts are crimes (1) and what penalties/punishments the state will impose for commission of these crimes (1).

[Study Unit 5, p 51]

- (3) **With reference to your answer in (ii), identify the subdivision of law of procedure that will be applicable to this scenario? Give a reason for your answer. (2)**

Answer:

Law of criminal procedure (1)

Reason:

It is concerned with the way in which someone who is suspected of having committed a crime, is prosecuted and tried. (1)

[Study Unit 5, p 52]

- (4) **If the state decides to call a witness during Larry's trial, which further subdivision of the law of procedure will be applicable? Give a reason for your answer. (2)**

Answer:

Law of evidence (1)

Reason: Any one of the following for 1 mark:

- It is concerned with how evidence must be presented before the court. (1)
- It determines which kind of evidence is admissible and inadmissible. (1)

[Study Unit 5, p 52]

- (5) **Is there any possibility that the law of civil procedure can be applicable to this scenario? Give a reason for your answer. (2)**

Answer:

There is no possibility that the law of civil procedure can be applicable to this scenario. (1)

Reason: Any one of the following for 1 mark:

- Civil procedure is used in civil cases / private law disputes. (1)
- This is a criminal dispute. (1)
- This is not a civil dispute. (1)

[Study Unit 5, pp 51-52]

- **"Name" or "List" questions**

Example 1

Name four of the authoritative (primary) sources of South African law. (2)

Answer: Any four of the following five sources for (½) mark each = (2):

- 1 Legislation (½)
- 2 Court decisions (½)
- 3 Common law (½)
- 4 Custom (½)
- 5 African indigenous law (½)

[Study Unit 6, p 77]

Example 2

List three ways in which the attendance of an accused can be assured in the Magistrate's Court. (3)

Answer:

- 1 Arrest (1)
- 2 A notice issued by a peace officer / police officer (1)
- 3 A summons issued by the Clerk of the Court (1)

[Study Unit 11, p 181]

- **"Correct/Incorrect" questions**

Example 1

Indicate whether the following statement is correct or incorrect and give a reason for your answer:

"The defendant is one of the parties in a civil case." (2)

Answer:

Correct. (1) In a civil case, there are two parties namely the plaintiff and the defendant. (1)

[Study Unit 12, p 212]

Example 2

Indicate whether the following statement is correct or incorrect and give a reason for your answer:

"If an accused has not been given the opportunity to present his or her case in court, such a person can appeal to a higher court." (2)

Answer:

Incorrect. (1)

Reason: Any one of the following can be given as a reason to earn the second mark:

- If there has been an irregularity in the procedure, for example, if an accused has not been given the opportunity to present his or her case in court, such a person *cannot appeal* to a higher court, *but can request a review* by a higher court. (1)
- A party may *appeal* if the party feels that the court made an error in its decision. (1)
- A party may *appeal* if the party is unhappy with the court's decision. (1)

[Study Unit 13, pp 217-218; TL101/2018, p 51 and p 53]

[Important note: In these kind of questions, your answer (that is, correct or incorrect) must relate to your reason in order to obtain full marks. If your answer and reason do not relate to each other, you will not obtain any marks.]

- "Diagram/Column" questions

Example 1

Complete the following diagram in order to distinguish between a personal right and personality right: (2)

Right	Object of right	Example
personal right		
personality right		

Answer:

Right	Object of right	Example
personal right	performance (½)	right to delivery of purchased thing / right to payment of purchase price / contract of sale (½)
personality right	personality property (½)	right to physical integrity / right to reputation, honour or good name (½)

[Study Unit 2, p 25]

Example 2

Write down the letter in Column B that will match the number in Column A. Note that the numbers of Column A appear after the columns. Simply write the correct letter next to the number. Example: 1.a. (3)

COLUMN A	COLUMN B
1. civil rights	a. right to clean air
2. group rights	b. right to education
3. socio-economic rights	c. right to life

Answer:

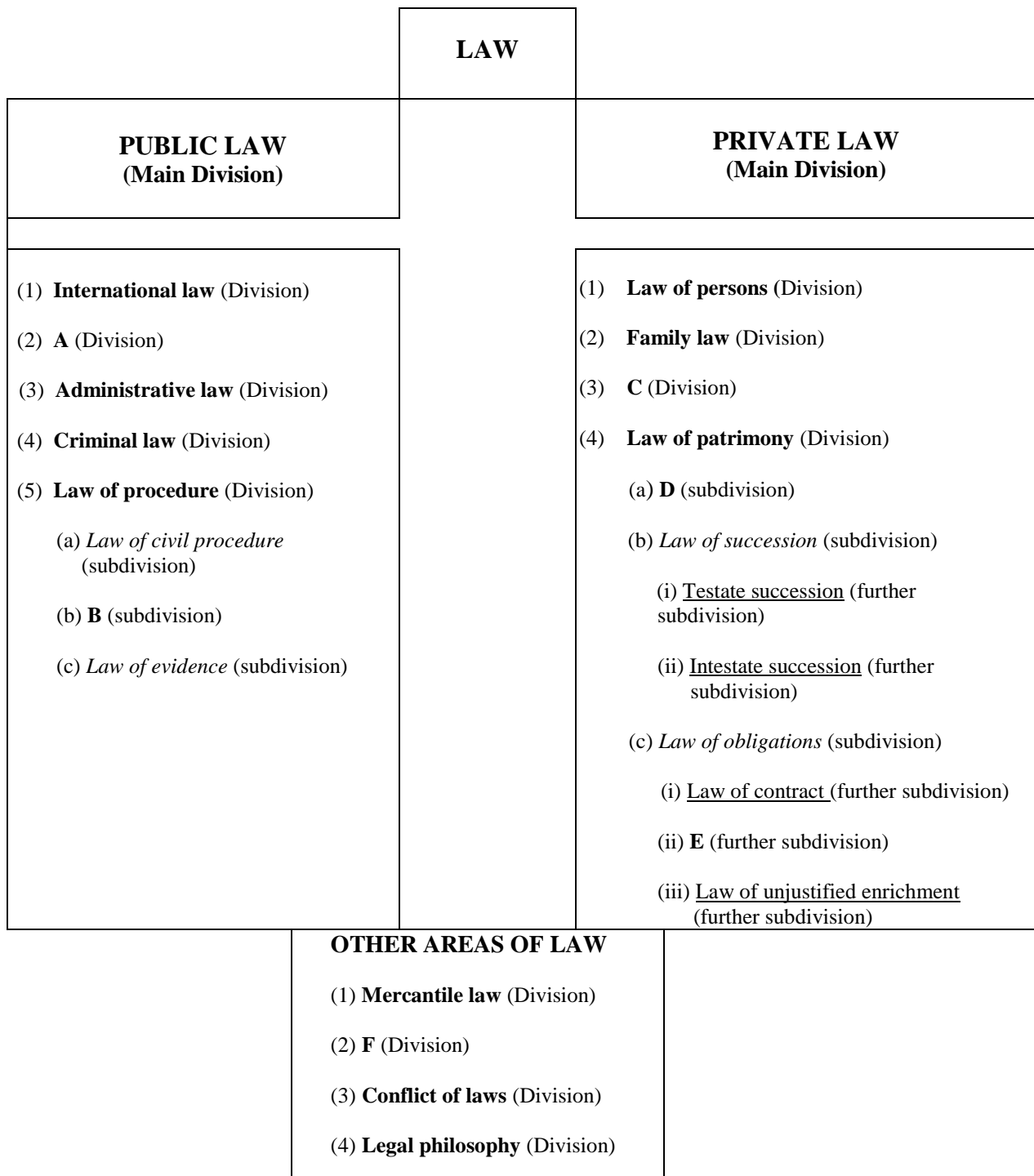
1. c. (1)
2. a. (1)
3. b. (1)

[Study Unit 8, p 142; TL101/2018, pp 49-50 and p 53]

Example 3

The following diagram sets out the divisions and subdivisions of public law and private law, as well as other areas of the law. You will notice that some of the divisions, subdivisions and other areas of the law have been replaced by the letters (A)-(F). Complete the diagram by writing the correct answers next to the letters (A)-(F).

MAIN DIVISIONS / DIVISIONS / SUBDIVISIONS AND FURTHER SUBDIVISIONS OF SOUTH AFRICAN LAW



- A _____
- B _____
- C _____
- D _____
- E _____
- F _____

6 x (1/2) = (3)

Answer:

- A Constitutional law (1/2)
- B Law of criminal procedure ((1/2)
- C Law of personality (1/2)
- D Law of things or property (1/2)
- E Law of delict (1/2)
- F Labour law (1/2)

6 x (1/2) = (3)

[Study Unit 5, p 56]

- **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 that you have to insert).

Example 1

In terms of the _____ (four words), lower courts are bound by the decisions of the higher (superior) courts. (1)

Answer:

In terms of the **principle of judicial precedent**, (1) lower courts are bound by the decisions of the higher (superior) courts.

[Study Unit 6, p 78; Study Unit 13, p 217]

Example 2

An obligation is a legal relationship in terms of which one party has a _____ (one word) to performance and the other party a corresponding _____ (one word) to performance. (1)

Answer:

An obligation is a legal relationship in terms of which one party has a **right** (½) to performance and the other party a corresponding **duty** (½) to performance.

[Study Unit 2, p 28; Study Unit 5, p 53]

- **Multiple-choice questions**

Example 1

The *Corpus Iuris Civilis* is the codification of the

- (1) Roman classical law by Roman jurists.
- (2) Roman law by Justinian.
- (3) Roman-Catholic church law known as canon law.
- (4) Roman-Dutch law by de Groot and Voet. (2)

Answer:

Statement (2) is clearly correct. The *Corpus Iuris Civilis* is the codification of Roman law by Justinian.

[Important note: Justinian was the emperor of the Eastern Roman Empire during the sixth century AD. He wanted his empire to be as glorious as the old Roman Empire. He also wanted to bring order to the Roman legal system of his time. He achieved this by deciding that a commission had to codify the Roman law. Codification of the Roman law meant that all the earlier writings of the classical jurists and all the laws passed by all the emperors, in other words sources of Roman law that already existed, were to be collected as a code. The name of this collection or code of the Roman law was the *Corpus Iuris Civilis*. By codifying the Roman law, Justinian played an important role in keeping Roman law alive in the Eastern Roman Empire and making it possible for countries in Europe law to receive and preserve Roman law from the 12th century onwards. See Study Unit 3, page 36.]

Example 2

The police arrest Sibaniso Burgher for assaulting his wife, Catherine, and their two children. Sibaniso appears in court to plead. Who will be the parties in this case?

- (1) Catherine and Sibaniso
- (2) Catherine, the two children and Sibaniso
- (3) the state, Catherine and the two children
- (4) the state and Sibaniso (2)

Answer:

Statement (4) is the correct statement.

[Important note: Our facts deal with a criminal case. The police accuse Sibaniso of a crime because he assaulted his wife and two children. In a criminal case, the parties are the state and the accused. Thus, the state and Sibaniso will be the parties in this case. See Study Unit 12, p 212.]

Use the following example of the format of the examination paper and the guidelines for the different questions when preparing for the examination. In fact, we urge you to study the format of the examination paper and the guidelines for the different questions. If you know the format of the examination paper off by heart, you should know on which study units the different questions are based and this will make the answering of the questions easier for you.

SECTION A**TOTAL: 70**

This section is **compulsory**.

Answer **all** the questions in this section.

You must write your answers to the questions in this section **directly on the examination paper** in the space provided.

Please use a blue or a black pen when you answer this section.

The questions in this section cover the **entire Study Guide for ILW1501** (entitled "Only study guide for ILW1036"), the **DVD** (entitled "The laws of our lives"), **Tutorial Letter 102** (this tutorial letter), **all assignments** and their **feedback** in **Tutorial Letter 101** and **Tutorial Letter 201**, **all the activities in the discussions on Forum 3 of myUnisa and their answers and feedback.**

You may expect the following **types of questions** in this section:

- short questions
- short discussion-type questions
- short problem-type questions
- "name" or "list" questions
- "correct/incorrect" questions
- "diagram/column" questions
- "complete sentences" questions

This section consists of **five questions**. Each question consists of a number of **further questions**.

QUESTION 1 [15]

- This question covers **Study Units 1, 2, 3 and 4**.

QUESTION 2 [15]

- This question covers **Study Units 5 and 6**.

QUESTION 3 [15]

- This question covers **Study Units 7, 8, 9 and 10**.

QUESTION 4 [15]

- This question covers **Study Units 11, 12 and 13**.

QUESTION 5 [10]

- This question covers the **entire Study Guide for ILW1501** (entitled "Only study guide for ILW1036") and the **DVD** (entitled "The laws of our lives").

SECTION B**TOTAL: 30****QUESTIONS 1 TO 15: 15 x 2 = 30 marks**

This section is **compulsory**.

Answer **all** the questions in this section.

In this section, you will have to answer **15 multiple-choice questions**. Each question counts **two marks**.

The questions in this section cover the **entire Study Guide for ILW1501** (entitled "Only study guide for ILW1036") and the **DVD** (entitled "The laws of our lives"). They also cover **Tutorial Letter 102** (this tutorial letter), **all assignments**, and their **feedback** in **Tutorial Letter 101** and **Tutorial Letter 201**.

Your answers to the questions in this section must be marked **directly on the mark-reading sheet** provided. **Please use an HB pencil when you fill in the mark-reading sheet.**

Please mark the number of the statement that you choose next to the number of the relevant question. **You may choose only ONE statement for each question.**

PLEASE NOTE!!!! VERY, VERY IMPORTANT!!!!

You will find most of the above kinds of questions given in paragraph 7.7 in the activities in the Study Guide, the assignments and the discussions on Forum 3 of myUnisa. When you study for the examination, you must work through all the activities and their feedback in the Study Guide, all the assignments and their feedback in Tutorial Letter 101 and Tutorial Letter 201, as well as all the activities in the discussions on Forum 3 of myUnisa and their answers and feedback.

8 HOW TO COMPLETE A MARK-READING SHEET IN THE EXAMINATION

As mentioned above, you will have to complete a **mark-reading sheet for SECTION B** of the examination paper.

Remember the following with regard to the completion of the mark-reading sheet in the examination:

- Make sure that you **know how to fill in a mark-reading** sheet before you enter the examination centre.
- You must use an **HB pencil** to fill in the mark-reading sheet. Please **bring** along your **own HB pencil** to the examination centre. **Unisa does not provide pencils at the examination centres.**
- You have to fill in a **unique number**.
- **Fill in the mark-reading sheets correctly. Mark-reading sheets that are filled in incorrectly will not be marked!!!**

Please do not hesitate to contact us should you have any questions about the contents of the study material. Should you happen to be in Pretoria, you are most welcome to make an appointment and pay us a visit on the Brooklyn campus.

We wish you every success in your preparation for the examination.

Yours sincerely

Your lecturers for ILW1501:
Prof MP Ferreira-Snyman
Mrs A Jacobs
Ms S Mahomed

PRETORIA