

# **Tutorial Letter 101/3/2018**

**Introduction to Law**

**ILW1501**

**Semesters 1 & 2**

**Department of Jurisprudence**

**IMPORTANT INFORMATION:**

This tutorial letter contains important information about your module, the assignments and the examination paper for this module.

# CONTENTS

Page

<b>1</b>	<b>INTRODUCTION</b> .....	<b>4</b>
<b>2</b>	<b>PURPOSE OF AND OUTCOMES FOR THE MODULE</b> .....	<b>5</b>
<b>3</b>	<b>LECTURERS AND CONTACT DETAILS</b> .....	<b>5</b>
3.1	Lecturers for ILW1501 .....	5
3.2	University .....	6
<b>4</b>	<b>MODULE-RELATED RESOURCES</b> .....	<b>6</b>
4.1	Prescribed books .....	6
4.2	Recommended books .....	6
4.3	Electronic Reserves (e-Reserves) .....	6
4.4	Library Services .....	6
4.5	Study material .....	7
4.5.1	Study guide .....	7
4.5.2	Tutorial Letter 101 .....	8
4.5.3	Other tutorial letters .....	8
<b>5</b>	<b>STUDENT SUPPORT SERVICES FOR THE MODULE</b> .....	<b>8</b>
5.1	Discussion classes .....	8
5.2	Tutorial classes .....	8
5.3	myUnisa .....	8
5.4	E-tutors .....	9
<b>6</b>	<b>MODULE-SPECIFIC STUDY PLAN</b> .....	<b>9</b>
<b>7</b>	<b>MODULE PRACTICAL WORK AND WORK-INTEGRATED LEARNING</b> .....	<b>9</b>
<b>8</b>	<b>ASSESSMENT</b> .....	<b>10</b>
8.1	Assessment plan .....	10
8.1.1	Two assignments for submission, semester mark, admission to examination and examination paper.....	10
<b>9</b>	<b>ASSIGNMENTS</b> .....	<b>10</b>
9.1	Assignments and learning .....	10
9.2	Assignments and their purpose .....	10
9.3	Three assignments.....	11
9.4	Assignment numbers .....	11
9.5	Unique numbers of assignments .....	11
9.6	Due dates for assignments.....	12
9.7	Format requirements for completion of Assignment 01 (Written Assignment).....	12
9.8	Submission of assignments.....	13
9.8.1	Submission of assignments electronically .....	13
9.8.2	Submission of assignments by post (hard-copy assignments).....	14
9.8.3	Further important information regarding submission of assignments.....	15
9.8.4	Confirmation of receipt of assignments .....	16
9.8.5	Enquiries about the receipt or return of assignments.....	16
9.9	Assessment of assignments .....	16
9.9.1	Plagiarism .....	16
9.9.2	Writing and language skills.....	17
9.9.3	Marking of assignments .....	17
9.10	Feedback on assignments.....	17

9.10.1	Assignment 01: Written assignment .....	17
9.10.2	Assignment 02: Multiple-choice question assignment.....	17
9.10.3	Assignment 03: Self-evaluation assignment .....	18
<b>10</b>	<b>OTHER ASSESMENT METHODS.....</b>	<b>18</b>
<b>11</b>	<b>EXAMINATION .....</b>	<b>18</b>
11.1	Examination period.....	18
11.2	Examination paper .....	19
11.2.1	Blank pages.....	19
11.2.2	Format of examination paper .....	19
11.2.3	Tutorial letter on examination paper.....	19
11.2.4	Marking of examination scripts .....	19
11.3	Previous examination papers .....	20
<b>12</b>	<b>FREQUENTLY ASKED QUESTIONS.....</b>	<b>20</b>
<b>13</b>	<b>CONCLUSION.....</b>	<b>20</b>
<b>14</b>	<b>ADDENDUM A: ASSIGNMENTS FOR FIRST SEMESTER .....</b>	<b>21</b>
<b>15</b>	<b>ADDENDUM B: ASSIGNMENTS FOR SECOND SEMESTER .....</b>	<b>34</b>
<b>16</b>	<b>ADDENDUM C: ASSIGNMENT 03 FOR BOTH SEMESTERS: (SELF-EVALUATION ASSIGNMENT).....</b>	<b>45</b>
<b>17</b>	<b>ADDENDUM D: PLAGIARISM POLICY OF THE COLLEGE OF LAW .....</b>	<b>54</b>
<b>18</b>	<b>ADDENDUM E: ACADEMIC HONESTY DECLARATION .....</b>	<b>55</b>

# 1 INTRODUCTION

Dear Student

Welcome to the module *Introduction to Law* (ILW1501) offered by the Department of Jurisprudence. We hope that you will find the module both interesting and rewarding. You will be well on your way to success if you start studying early in the semester. Take time to do the assignments properly. These include **two assignments**, which *must* be submitted, as well as a **self-evaluation assignment** which *must not* be submitted.

The **Department of Dispatch** should supply you with the following study material for this module:

- A study guide
- A DVD
- Tutorial Letter 101
- Additional tutorial letters

**NOTE:** *Some of this study material may not be available when you register. Study material that is not available when you register will be dispatched to you as soon as possible. All the study material for this module will also be available electronically on myUnisa.*

**IMPORTANT:** This tutorial letter is Tutorial Letter 101, the first tutorial letter for the module ILW1501. **Study** this tutorial letter as soon as possible and before you start working on this module.

**Tutorial Letter 101:** Tutorial Letter 101 contains important information about this module. We urge you to read it carefully and to keep it at hand when working through the study material, completing the assignments, preparing for the examination and addressing questions to your lecturers.

In **Tutorial Letter 101** you will find the **assignments for both semesters** and instructions on the preparation and submission of the assignments. We have further included certain **general and administrative information** about this module. Please **study** these sections of the tutorial letter carefully.

**Additional tutorial letters** that you may expect later in the semester will, for example, include information on the examination and feedback on the assignments. We would like to point out that **you must read all the tutorial letters** you receive during the semester *immediately* and *carefully*, as they always contain important and, sometimes, urgent information. Also take note that the tutorial letters you receive **form part of your study material** and should be taken into account when you prepare for the examination.

**myUnisa and the Internet:** Remember that *myUnisa* provides you with additional opportunities to take part in activities and discussions of relevance to this module and gives you easy access to assignments and your results. However, you must be registered on *myUnisa* to be able to submit assignments, gain access to the library functions and various learning resources, download study material, "chat" online to fellow students about your studies and the challenges you encounter, and participate in online discussions.

**Please note that the code for the module *Introduction to Law* has changed. Previously the module code was ILW1036, but now it is ILW1501. The old code ILW1036 may still appear on some of the study material for this module, like the study guide and the DVD. Please do not think that you have received the wrong study material if you see the code ILW1036 on some of your study material for ILW1501.**

## **2 PURPOSE OF AND OUTCOMES FOR THE MODULE**

*Introduction to Law* (ILW1501) is **one of the compulsory foundation modules** for the four-year **LLB degree**.

The module *Introduction to Law* is simply what its name says it is. It is a module which on a very basic, but sound level, *introduces* the South African law to beginner students in law. In the module ILW1501 students should gain the basic knowledge, insight and skills for the analysis and solution of elementary problems relating to some of the underlying principles of South African law in general.

## **3 LECTURERS AND CONTACT DETAILS**

### **3.1 Lecturers for ILW1501**

Only queries **about the content of this module** should be directed to your lecturers for ILW1501. *Please do not contact your lecturers about purely administrative matters* (see par 3.2 below). Please have your study material as well as your student number with you when you contact us.

The following lecturers are responsible for the module ILW1501:

#### **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 8:00 to 16:00)

#### **Mrs A Jacobs**

Office: Brooklyn House 02-012, Veale Street, Brooklyn  
 E-mail: jacoba@unisa.ac.za  
 Tel: 012 433 9514  
 Student cell: 083 462 1349 (weekdays from 08:00 to 16:00)

#### **Ms Safia Mahomed**

Office: Brooklyn House 2-027, Veale Street, Brooklyn  
 E-mail: mahoms1@unisa.ac.za  
 Tel: 012 433 9507

You may also want to write to us. Letters to lecturers may not be enclosed with, or inserted into assignments. All **written enquiries** that are not of a purely administrative nature but are about the **contents** of this module should be directed to:

The Module Leader (ILW1501)  
Department of Jurisprudence  
PO Box 392  
Unisa  
0003

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, make an appointment to come and see us personally**, write a **letter** or send an **e-mail**. You can also **communicate with us via the Forums under Discussions on myUnisa**.

### 3.2 University

General Unisa contact details may be found in the **brochure STUDIES @ UNISA** which you should have received in **your study package**. This brochure is also electronically available on the homepage of the *myUnisa website*. **It is a very important brochure which will provide you with an orientation for studying through Unisa and will help you to plan your studies.**

**Your lecturers cannot assist you with administrative matters.** This includes matters pertaining to registration, submission of assignments, assignment results, admission to the examination, examination dates, examination venues and examination results. Such matters should be addressed to the relevant administrative department. **Please consult the brochure STUDIES @ UNISA in this regard.**

**Remember to always provide your student number when you contact the University.**

## 4 MODULE-RELATED RESOURCES

### 4.1 Prescribed books

**There is no prescribed textbook for ILW1501. This means that you do not have to buy any additional books for ILW1501. You need only study the study guide, DVD and the tutorial letters. For more detail on the study material for ILW1501, see paragraph 4.5 below.**

### 4.2 Recommended books

There are no recommended books for this module.

### 4.3 Electronic Reserves (e-Reserves)

There is no prescribed additional reading or e-reserves for this module.

### 4.4 Library Services

For brief information, go to [www.unisa.ac.za/brochures/studies](http://www.unisa.ac.za/brochures/studies).

For detailed information, go to the Unisa website at <http://www.unisa.ac.za/> and click on **Library**.

**NOTE:** For purposes of this module, you will not be required to make use of the library services. You should focus strictly on your study guide and tutorial letters when you complete the assignments and study for the examination.

#### 4.5 Study material

The Department of Dispatch should supply you with the following study material for this module:

- Only study guide for ILW1036 (new code: ILW1501)

**PLEASE NOTE:** As mentioned above, the old code ILW1036 may still be used on the outside or the inside of the study guide. Do not think that you have received the wrong study guide if you see the code ILW1036.

- A DVD entitled "The laws of our lives"

**PLEASE NOTE:** The old code ILW1036 may still appear on the DVD. Do not think that you have received the wrong DVD if you see the code ILW1036.

- Tutorial Letter 101
- Other tutorial letters (which you will receive during the semester)

**PLEASE NOTE:** Your lecturers cannot help you with missing study material. You should contact the Department of Dispatch.

##### 4.5.1 Study guide

There is **one study guide** for this module. At the beginning of the study guide you will find detailed instructions on how to use it. This study guide consists of 13 study units. **You have to study all 13 study units for the examination.** In the study guide you will find a number of **activities** with each study unit. You will also find **feedback** or answers to all these activities. The activities form an extremely important part of the module. In the activities you must prove your ability to deal with the subject-matter. Thus, it is very important to do these activities as you work through each study unit and evaluate your answers by using the feedback.

**NOTE:** Please do not submit these activities to us for marking. If you have any difficulties with any of the activities, please contact one of the lecturers.

##### 4.5.1.1 Sections in the study guide that you do not have to study in detail

**PLEASE NOTE:** You are **not expected to study** and **memorise** the following in your study guide in detail:

- (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 (e.g. *S v Makwanyane* in study unit 6; and *Naude and Another v Fraser* in study unit 6)
- (4) **full references** of acts and cases mentioned above

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

#### 4.5.2 Tutorial Letter 101

**Tutorial Letter 101 for ILW1501 is an extremely important tutorial letter.** It contains very important information regarding the University and the module ILW1501, as well as all the assignments for this module. You should therefore **study** Tutorial Letter 101 very, very carefully.

#### 4.5.3 Other tutorial letters

Apart from Tutorial Letter 101, you will also receive other tutorial letters during the semester. These tutorial letters will not necessarily be available at the time of registration. Tutorial letters will be dispatched to students as soon as they are available or needed (for instance, for information on the examination and feedback on assignments).

**PLEASE 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>. The study guide and tutorial letters will be available under the Official Study Material link and the Additional Resources link on the ILW1501 *myUnisa* module site.

## 5 STUDENT SUPPORT SERVICES FOR THE MODULE

Please consult the brochure **STUDIES @ UNISA** for information regarding student support services.

### 5.1 Discussion classes

There will be no official discussion classes for the module ILW1501 during 2018.

### 5.2 Tutorial classes

There will also be no face-to-face tutorial classes for the module ILW1501 during 2018.

### 5.3 *myUnisa*

As indicated, *myUnisa* is a very useful resource. 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 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](mailto:myUnisaHelp@unisa.ac.za) for assistance with *myUnisa* and to [myLifeHelp@unisa.ac.za](mailto:myLifeHelp@unisa.ac.za) for assistance with the *myLife* account. Further details are available in the brochure **STUDIES @ UNISA** that you have received with your study package and which is also available on the homepage of the *myUnisa* website.**



You are encouraged to use the *myUnisa* website for our module, ILW1501, as it is another (and faster) way that your lecturers can communicate with you. Some of the functions that should be of use to you include:

- **Discussions**: One of the **Forums** under **Discussions** may be used to meet and contact your fellow students and even to form virtual study groups. The other **Forums** under **Discussions** also give you the opportunity to contact your lecturers directly, and to ask questions regarding the content of this module. All your questions on these forums will be answered by your lecturers 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 the **Discussions** link regularly, as it will provide answers to some frequently-asked questions.
- **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.
- **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!

#### 5.4 E-tutors

Please note that e-tutors are available for the module ILW1501. The e-tutors will open and monitor online discussions on the content of the module and assist you with content-related enquiries and with general enquiries regarding the assignments and examination. The e-tutors are only available online via the *myUnisa* website for this module. You are not allowed to contact your e-tutor telephonically, per e-mail or via standard mail. The e-tutors are appointed when the registration period for a particular semester has closed and you will be notified by the University once you have been allocated an e-tutor. Any updates or other important information regarding e-tutors will be conveyed to you on the **Announcements** link of this module's *myUnisa* site.

Keep in mind that your e-tutors communicate regularly with the lecturers. This means that they are able to convey to you all the important information on the content and administration of this module. Please treat your e-tutor with respect; failure to do so could lead to disciplinary action. Remember, your e-tutor is there to assist you and to guide you through the module; however, you are still ultimately responsible for passing this module. **This means that you have to study hard and start preparing in advance for the examination.**

## 6 MODULE-SPECIFIC STUDY PLAN

For information and suggestions regarding general time management and planning skills, please consult the brochure **STUDIES @ UNISA**.

## 7 MODULE PRACTICAL WORK AND WORK-INTEGRATED LEARNING

There are no practicals for this module.

## 8 ASSESSMENT

Assessment of ILW1501 consists of the submission of two assignments and the writing of a two-hour examination paper.

### 8.1 Assessment plan

*8.1.1 Two assignments for submission, semester mark, admission to examination and examination paper*

**There are two assignments per semester which have to be submitted for this module. Students who submit the first assignment of the semester *before or on the date of submission* will be **admitted to the examination**. This assignment mark will be taken into account for the semester mark. It will count 10% of the semester mark. **Thus, the first assignment is compulsory for admission to the examination.** **If you fail to submit your first assignment, you will not be permitted to sit for the examination.****

The mark obtained for the **second assignment** will also be **taken into account for your semester mark**.

**Thus, students who submit the first and the second assignment of the semester, will obtain admission to the examination and both their assignments will be taken into account for their semester marks.**

The **semester mark** constitutes **20%** (first assignment 10% and the second assignment 10%) of the final mark. **Remember**, you need to obtain **at least 40% in the examination** before your semester mark will be taken into account.

How will this work in practice?

- Your **semester mark** counts **20%** (Assignment 01 counts 10% and Assignment 02 counts 10%) of your final mark.
- Your **examination mark** counts **80%** of your final mark.
- Your **final mark** for the module will thus be calculated as follows: **20% (semester mark) + 80% (examination mark) = 100% (final mark)**.

## 9 ASSIGNMENTS

### 9.1 Assignments and learning

Assignments are regarded as part of the study material for this module. When you study the study guide, do the assignments, discuss the study material with fellow students or e-tutors or participate in the **Discussions** on *myUnisa*, you are actively engaged in learning.

### 9.2 Assignments and their purpose

In your assignments you will be assessed to see whether you

- (1) have an understanding of the terms, rules, concepts, principles, theories and the history of South African law in general.

- (2) can use this basic knowledge, insight and skills for the analysis and solution of elementary problems or fact scenarios relating to some of the underlying principles of South African law in general.

The questions asked in the assignments are examples of the kinds of questions that will also be put to you in the examination. It will therefore assist in your preparation for the examination.

### 9.3 Three assignments

There are **three assignments** for ILW1501.

**Assignment 01** is a **written assignment**. This assignment is **compulsory for admission to the examination** and **counts 10%** of your **semester mark**.

**Assignment 02** is a **multiple-choice question assignment**. This assignment is **not compulsory** but **counts 10%** of your **semester mark**.

**Assignment 03** is a **self-evaluation assignment**. This assignment **MUST NOT be submitted**. We urge you to complete it in your own time as it will assist you in preparing for the examination.

### 9.4 Assignment numbers

Assignments are numbered consecutively in Arabic numerals, starting from **01**. This tutorial letter contains the following assignments:

- Assignment **01** and Assignment **02** for **first-semester students** (**ADDENDUM A** of this tutorial letter)
- Assignment **01** and Assignment **02** for **second-semester students** (**ADDENDUM B** of this tutorial letter)
- Assignment **03**, self-evaluation assignment, for **first-semester and second-semester students** (**ADDENDUM C** of this tutorial letter)

**You have to submit two assignments, numbered Assignment 01 and Assignment 02, for ILW1501.**

### 9.5 Unique numbers of assignments

In addition to the general assignment number, **each assignment which must be submitted has a unique number**. Please ensure that this unique number is clearly indicated on the assignments that you submit to the University. The unique numbers for the assignments are as follows:

#### First Semester:

- Assignment 01: **862742**
- Assignment 02: **735409**

## Second Semester:

- Assignment 01: **847567**
- Assignment 02: **704372**

### 9.6 Due dates for assignments

The closing dates for the submission of Assignments 01 and 02 are:

- **First semester**
  - **Assignment 01: 23 March 2018**
  - **Assignment 02: 13 April 2018**
- **Second semester**
  - **Assignment 01: 10 August 2018**
  - **Assignment 02: 20 September 2018**

Please note that **NO ASSIGNMENTS WILL BE ACCEPTED after the relevant due date.** Please stick to the due dates. This means that you should take into account the submission dates for Assignments 01 and 02 when planning your study schedule. It also means that you must plan ahead.

#### **IMPORTANT:**

Your lecturers **do not have the authority** to grant extension of time for the submission of assignments.

### 9.7 Format requirements for completion of Assignment 01 (Written Assignment)

You can complete Assignment 01 in one of the following ways:

- **Complete the assignment in a neat handwriting on any A4 writing pad.** You need not rewrite the questions. Simply write the numbers of the questions followed by your answers. Make sure to number the questions correctly. Also make sure that you leave enough space in between your answers for the marker to make comments. **Make a copy of the completed assignment for your own records.** Submit it by following the instructions in **paragraph 9.8** below.
- **Complete the assignment by typing your answers in double spacing in a legible font.** Make sure that your assignment is neat. No further formal requirements are prescribed. You need not retype the questions. Simply type the numbers of the questions followed by your answers. Make sure to number the questions correctly. Also make sure that you leave enough space in between your answers for the marker to make comments. **Make a copy of the completed assignment for your own records.** Submit it by following the instructions in **paragraph 9.8** below.

- **PLEASE NOTE:**

- *If you submit your written assignment via myUnisa, you must submit your assignment in **pdf format, but not in “read only” format**. You can do this by either converting the word document to pdf format or by printing it out and scanning it in as an attachment and submit it on myUnisa. If your written assignment is submitted in read-only (or any other secured) format, the markers will not be able to make any comments on the document. You will thus only receive a mark for the assignment, without any further feedback on your answers.*
- ***If your assignments are submitted electronically in any format, other than pdf-format, they will not be registered, but will be returned to you and will not be marked.***
- *You can view your submitted written assignment on myUnisa. Please make sure that the **document can be opened** once you have submitted it. If the document cannot be opened, the assignment cannot be marked. **It is YOUR responsibility to make sure that your assignments are in the correct format and can be opened.***
- *Please **do not sign the Declaration with an electronic signature or a logo**, as this affects the working of the online marking tools and prevents the markers from being able to make comments on the document.*

## 9.8 Submission of assignments

You may submit written assignments and multiple-choice question assignments either electronically via *myUnisa* or by post. The best way to ensure that the University receives your assignment is to submit it via *myUnisa*.

### **Assignments may not be submitted by fax or e-mail.**

For detailed information and requirements as far as assignments are concerned, see the brochure, **STUDIES @ UNISA**, which you have received with your study package, alternatively the *myUnisa* website. If you have any queries regarding the submission of assignments you may send an e-mail to [assign@unisa.ac.za](mailto:assign@unisa.ac.za).

**PLEASE NOTE:** *Due to the unreliable service of the South African Post Office, students are strongly advised to submit all assignments via myUnisa, wherever possible. No extensions or concessions will be granted should your assignments not reach Unisa by the specified deadlines due to postal strikes. **When you submit your assignments via post, the assignments must reach the University on or before their due dates.** You must thus post your assignments well in advance to ensure that they are received at the University on or before their respective due dates.*

While we advise students to submit assignments electronically via *myUnisa*, we understand that some students experience challenges with regard to internet access. Therefore Unisa will still accept hard-copy assignments.

### 9.8.1 Submission of assignments electronically

#### 9.8.1.1 Assignment 01: Written assignment

**If you submit the written assignment via *myUnisa*, please keep the following in mind:**

- (1) **Complete** the assignment **using one of the ways prescribed in paragraph 9.7** above.

- (2) Please ensure that your name, address, student number, the module code, assignment number and unique number are filled in, and that this **information is correct**.
- (3) **You must keep a copy of the assignment.** Should the assignment for some reason not reach the University, we will not be able to assist you, if you cannot provide us with a copy of your submitted assignment.
- (4) **You must submit your document in pdf format.** You can do this by either converting the word document to pdf format or by printing it out and scanning it in as an attachment and submit it. **Again, please ensure that your document is not submitted in read-only or in any other secured format.**
- (5) Please **follow the instructions below** very carefully when submitting your assignment:
  - Go to *myUnisa*.
  - Log in with your student number and password.
  - Select the module from the orange bar.
  - Click on assignments in the menu on the left.
  - Click on the assignment number you want to submit.
  - Follow the instructions on the screen very carefully.

#### 9.8.1.2 Assignment 02: Multiple-choice question assignment

**If you submit your multiple-choice question assignment via *myUnisa*, please follow the instructions in 9.8.1.1, numbers (3) and (5) above very carefully. Please note that you will complete the multiple-choice question assignment on an electronic mark-reading sheet on *myUnisa*.**

#### 9.8.2 *Submission of assignments by post (hard-copy assignments)*

##### 9.8.2.1 Assignment 01: Written assignment

**If you submit the written assignment by post, please do the following:**

- (1) **Complete** the assignment as required in **paragraph 9.7** above.
- (2) **You must keep a copy of the assignment.** Should the assignment for some reason not reach the University, we will not be able to assist you, if you cannot provide us with a copy of your submitted assignment.
- (3) Put the assignment in an **assignment cover** and staple it in the top left-hand corner.
- (4) Please ensure that your name, address, student number, the module code (or study unit), assignment number and unique number are filled in on the outside of the assignment cover, and that this **information is correct**.
- (5) Put your assignment in **one of the envelopes** that you have received as part of your study package, and send the envelope to Unisa.
- (6) **Assignments should be addressed to:**  
 The Registrar  
 UNISA  
 0003

## 9.8.2.2 Assignment 02: Multiple-choice question assignment

**If you submit the multiple-choice question assignment by post, please do the following:**

- (1) If you answer the **assignment on a mark-reading sheet** and **submit it by post**, please **consult** the brochure, **STUDIES @ UNISA**, for instructions on how to use and complete a mark-reading sheet, as well as an example of a mark-reading sheet used for assignment purposes. **Follow the instructions very carefully.**
- (2) You must mark your **answers** to the questions of the assignment **directly on a mark-reading sheet** which you received as part of your study package. All the mark-reading sheets will be marked by the computer. Check that Unisa has supplied you with a mark-reading sheet. Written answers on a sheet of paper will not be marked.
- (3) Please ensure that your name, address, student number, module code, assignment number and unique number appear on the mark-reading sheet, and that this **information is correct.**
- (4) **Please use an HB pencil when you fill in the mark-reading sheet. Please do not use a pen when you complete 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.**
- (5) Many students submit **faulty mark-reading sheets** which cannot be processed by the computer. Mark-reading sheets that are rejected by the computer **will be returned** to students without being marked.
- (6) **You must keep a copy of the completed mark-reading sheet.** Should the assignment for some reason not reach the University, we will not be able to assist you, if you cannot provide us with a copy of your submitted mark-reading sheet.
- (7) When submitting a **multiple-choice question assignment by post**, you must send **only your mark-reading sheet** in one of the envelopes which you received as part of your study package. **Do not send an assignment cover with your mark-reading sheet.**

9.8.3 *Further important information regarding submission of assignments*

- (1) **Be careful before you submit the same assignment a second time, especially on myUnisa.** Make sure that you cancel your first attempt before you submit your second attempt.
- (2) **PLEASE NOTE:** You may resubmit your assignment until the closing date of that particular assignment. However, you should bear in mind that when you "resubmit" an assignment, your previous assignment will be cancelled. Do not try to "resubmit" an assignment after the closing date, since this will result in your assignment being cancelled altogether and the system will not accept your resubmission. Your assignment will then not be marked at all.
- (3) Students who submit their assignments long before the closing date will have to wait for their results until the assignments have been marked by the markers or the computer. **No results will be available before the closing date of the assignment.**
- (4) **PLEASE NOTE:** Make sure that you submit the correct assignment for ILW1501. If you submit an incorrect assignment for ILW1501, you will obtain a naught (0) for the assignment.

#### 9.8.4 Confirmation of receipt of assignments

If you submit your assignment(s) via *myUnisa*, you will receive a reference number from the Assignments Department. This is your proof that Unisa has received your assignment(s). **If you do not receive any proof of receipt of your assignment(s), please contact the Assignment Section. It is YOUR responsibility to make sure that your assignments arrive at Unisa.**

**PLEASE NOTE:** You can view your submitted **written assignment** on *myUnisa*. Please make sure that the document can be opened once you have submitted it. If the document cannot be opened, the assignment cannot be marked. **It is YOUR responsibility to make sure that your assignments are in the correct format and can be opened.**

#### 9.8.5 Enquiries about the receipt or return of assignments

##### **VERY IMPORTANT:**

**Please consult the brochure STUDIES @ UNISA that is available on the homepage of the *myUnisa* website for information regarding assignments (e.g. whether or not the University has received your assignment, or the date on which an assignment was returned to you). To go to the *myUnisa* website, start at the main Unisa website, <http://www.unisa.ac.za>, and then click on the "Login to *myUnisa*" link under the *myUnisa* heading on the screen. This should take you to the *myUnisa* website. You can also go there directly by typing in <http://my.unisa.ac.za>.**

### 9.9 Assessment of assignments

#### 9.9.1 Plagiarism

Although students may work together when preparing assignments, each student must write and submit his or her own individual assignment. In other words, you must submit your own ideas in your own words. **It is unacceptable for students to submit identical assignments on the basis that they worked together. That is copying (a form of plagiarism) and none of these assignments will be marked. Furthermore, you may be penalised or subjected to disciplinary proceedings by the University.**

When you use the work or works of other people to complete the assignment, you have to reference these sources in accordance with the prescribed referencing style. **Since you will use your study guide to answer the questions, you have to provide a reference for this source.** You must reference the study guide in the following manner: Insert the heading, **Bibliography**, at the end of your assignment and **reference the study guide** as follows:

Jacobs A, Ferreira-Snyman MP et al *Introduction to Law: Only Study Guide for ILW1036* (Unisa Pretoria 2009).

**Please read the Plagiarism Policy of the College of Law as provided in ADDENDUM D of this tutorial letter. Also note that you have to include the Academic Honesty Declaration (see ADDENDUM E) when you submit a written assignment.**



### 9.9.2 Writing and language skills

**Please note that in addition to your knowledge of the content of a module you will also be assessed on your writing and language skills. We have incorporated this aspect into Assignment 01.** It is therefore important that you pay attention to formulation (sentence construction, e.g. to answer questions in full sentences) and language (spelling, grammar, punctuation) when completing the assignment. Also note that **cell phone language is not acceptable**. Marks may be deducted for poor writing skills.

**Remember:** A lawyer's most important tools are his or her knowledge, textbooks (in your case the study guide) and language. It is crucial for a lawyer to have good writing skills!

### 9.9.3 Marking of assignments

It has been our general experience that students are often at a loss when they receive an assignment mark which indicates that they have failed outright or have perhaps underperformed in their estimation. Some students obtain a pass mark but are surprised at the mark received and are convinced that they should have been awarded a higher mark. Questions are then raised as to how assignments are marked, and by whom. A very large number of students register for this module each year, and it is for this reason that external markers are used to assist in the marking of written assignments. The module leader provides the external markers with complete memorandums and marking instructions for all written assignments. Each marker is drawn from practice and is academically qualified to assess assignments in law. All of our markers are experienced both in the practice of law and in legal studies. Samples of the marker's marked assignments are moderated by the lecturers and these assignments undergo careful screening for any inconsistencies before the marks are released. If you are for any reason dissatisfied with the mark you receive for an assignment and wish to query it, contact the module leader. Note that complaining by way of social media forums is not an acceptable way to lodge a complaint with regard to the marking of an assignment, and you cannot expect us to take note of a complaint which is not brought directly to our attention. Remember that we are here to assist you in your learning journey, but cannot do so unless you bring any issue you may have to our attention.

## 9.10 Feedback on assignments

### 9.10.1 Assignment 01: Written assignment

The marking of the written assignment will start soon after the closing date of the assignment. The markers will mark and also comment on the assignments. Your assignment will be returned to you once it has been marked. If you submitted Assignment 01 electronically, the marked assignment will be returned to you electronically by the marker. A **detailed feedback** on the written assignment **will be sent to all students registered for this module** in a follow-up tutorial letter, and not only to those students who submitted the assignment. **The feedback on this assignment will also be available on myUnisa.**

### 9.10.2 Assignment 02: Multiple-choice question assignment

The electronic and hard-copy mark-reading sheets will be marked by the computer soon after the closing date of the assignment. A **detailed feedback** on the multiple-choice question assignment **will be sent to all students registered for this module** in a follow-up tutorial letter, and not only to those students who submitted the assignment. **The feedback on this assignment will also be available on myUnisa.**

As soon as you have received the feedback on the assignments in the follow-up tutorial letter, please check your answers. **Self-evaluation constitutes an important part of your learning.** It is therefore very important that you evaluate your marked answers against the detailed feedback in the tutorial letter. This will enable you to see where you made your mistakes and, even more importantly, assist you to avoid making these same mistakes in the examination. The assignments and the feedback on these assignments thus constitute an important part of your learning and should help you to be better prepared for the examination.

**The feedback for Assignment 01** (written assignment) **and Assignment 02** (multiple-choice question assignment) **will be included in one follow-up tutorial letter. This tutorial letter will be sent to students in hard copy and will also be posted on myUnisa under Official Study Material.**

### 9.10.3 *Assignment 03: Self-evaluation assignment*

**The feedback on the self-evaluation assignment is included in this tutorial letter. See ADDENDUM C in this regard.** This will enable you to mark your assignment as soon as you have completed it.

## 10 OTHER ASSESSMENT METHODS

There are no other assessment methods for this module.

## 11 EXAMINATION

### 11.1 Examination period

ILW1501 is a **semester module** and is therefore offered in semester one and semester two. **This means that you can register for ILW1501 in either the first or the second semester of a specific academic year.** The examination session for the first semester takes place in May/June of the academic year. The second examination session takes place in October/November of the academic year. **If you pass the module after writing the examination of a specific semester, you need not register for the module again in the following semester.**

Thus, if you are registered for the first semester of 2018 and obtain admission to the examination, you will write the examination in May/June 2018. If you pass the module, you need not register for the module again in the second semester of 2018. If you obtain an aegrotat, special or supplementary examination in May/June 2018, you will write the examination in October/November 2018. If you fail the May/June 2018 examination, you will have to register for the module again in the second semester of 2018.

If you are registered for the second semester of 2018 and obtain admission to the examination, you will write the examination in October/November 2018. If you pass the module, you need not register for it again in the first semester of 2019. If you obtain an aegrotat, special or supplementary examination in October/November 2018, you will write the examination in May/June 2019. If you fail the October/November 2018 examination, you will have to register for the module again in the first semester of 2019.

**Please note that your lecturers may not arrange an aegrotat or special examination for you.** Detailed information on the process and contact details in this regard are provided in the brochure **STUDIES @ UNISA.**

After registration and before the examination, the Examination Section will provide you with general information on the examination, including information on examination venues, examination dates and examination times. If you do not receive this information, please contact the Department of Examinations a few weeks before the examination commences. Alternatively, you should be able to access this information online on *myUnisa*. **Please note that your lecturers cannot assist you with this information.**

## 11.2 Examination paper

### 11.2.1 Blank pages

**VERY IMPORTANT: 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 exam paper BEFORE you commence answering the questions. No concessions will be made for students who answer an incomplete paper.**

### 11.2.2 Format of examination paper

You will write **one two-hour paper** on the module ILW1501. The examination paper counts **100 marks**.

The examination paper consists of two parts:

- **Section A** consists of **written questions** which must be answered on the examination paper in the spaces provided (**70%**).
- **Section B** consists of **multiple-choice questions** (**30%**).

### 11.2.3 Tutorial letter on examination paper

To help you in your preparation for the examination, you will receive a tutorial letter on the format of the examination paper early in the semester. This tutorial letter will also give you examples of questions that you may expect and set out clearly what material you have to study for examination purposes.

### 11.2.4 Marking of examination scripts

As in the case of assignment marks, it has been our general experience that students are often at a loss when they receive an examination mark which indicates that they have failed outright or perhaps have to write a supplementary examination. Some students obtain a pass mark but are surprised at the mark received and are convinced that they should have been awarded a higher mark. Questions are then raised as to how examination papers are marked, and by whom. A very large number of students register for this module each year and it is for this reason that external markers are used to assist in the marking process. The module leader provide the external markers with complete memorandums and marking instructions. Each marker is drawn from practice and is academically qualified to assess examination papers in

law. Each of our markers is experienced in the practice of law and in legal studies. The lecturers moderate samples of each marker's marked examination scripts and these scripts undergo careful screening for any inconsistencies before the marks are released. If you are for any reason dissatisfied with the mark you receive for an examination, you are welcome to follow the instructions with regard to remarking and rechecking which are available in **STUDIES @ UNISA**. Note that complaining by way of social media forums is not an acceptable way to lodge any complaint with regard to the marking of an examination script, and you cannot expect us to take note of a complaint which is not brought directly to our attention.

### 11.3 Previous examination papers

The University (not the lecturers) makes previous examination papers available on *myUnisa*. Please note that the memoranda of these examination papers are not available. Also note that your lecturers will not make any other examination papers and memoranda available to students.

**We advise you not to focus on old examination papers only as the content of modules and, therefore, examination papers change from year to year.** You may accept that the types of questions that will be asked in the examination will be similar to those asked in the activities in your study guide and in the three assignments. Also consult the tutorial letter with all the information on the examination paper, which you will receive early in the semester, for examples of the different types of questions that you can expect in the examination paper.

## 12 FREQUENTLY ASKED QUESTIONS

We receive many calls from students asking the same questions over and over again. We therefore included some of the most frequently asked questions and their answers under **FAQs** on this module's site on *myUnisa*.

**Before contacting your lecturers please study** the brochure **STUDIES @ UNISA** which contains an A-Z guide of the most relevant study information or read **through the FAQs and the Announcements on myUnisa**.

## 13 CONCLUSION

We trust that you will enjoy this module. Please remember that you are welcome to contact any of us should you have any questions relating to the content of this module. We wish you success with your studies.

Kind regards

**PROF MP FERREIRA-SNYMAN  
MRS A JACOBS  
MRS S MAHOMED**

**14 ADDENDUM A: ASSIGNMENTS FOR FIRST SEMESTER****VERY IMPORTANT:**

**Assignment 01 is a compulsory assignment. You must submit Assignment 01 to gain admission to the examination. If you do not submit Assignment 01 before the due date, you will not be granted admission to the examination. Remember that Assignment 01 is not only compulsory, but that it also counts 10% of the semester mark of 20%.**

**Assignment 02 is not a compulsory assignment for admission to the examination, but counts 10% of the semester mark of 20%.**

---

**FIRST SEMESTER: ASSIGNMENT 01**  
**CLOSING DATE: 23 MARCH 2018**  
**UNIQUE NUMBER: 862742**

---

- (1) We trust that you have worked through the entire study guide by now. **Assignment 01** focuses on **study units 2, 5, 6, 10 and 12** of your **study guide**.
- (2) **Assignment 01** contains **written questions**.

**Remember:** You can **complete** the assignment **in a neat handwriting on the pages of any A4 writing pad**, or **by typing** your answers in a legible font in double spacing. **Please consult the instructions in paragraphs 9.7 and 9.8 above which deal with the format, completion and submission of Assignment 01.**

- (3) The **purpose** of this assignment is **twofold**: In this assignment you will be given three **scenarios** and you will be expected to apply your knowledge of the subject-matter on these scenarios. You will be expected to work logically and systematically and to argue the specific legal problem dealt within each scenario. In one of the questions, you will be expected to identify where the components that an Act consist of may be found.
- (4) **Your writing skills will also be evaluated. Consult in this regard paragraph 9.9 above.** Please do not make use of telegram style or cell phone language when you answer the questions in the assignment. **Please use complete and comprehensible sentences in your answers, as well as punctuation.**

**The ability to write is a crucial skill for any lawyer** as this can mean the difference between a good or a poor legal document (i.e. a contract, particulars of a claim, testament, etc.). **Marks will therefore be deducted for poor spelling, grammar or punctuation or if your answers are not formulated clearly.**

- (5) **Assignment 01 is compulsory for admission to the examination. If you fail to submit your first assignment, you will not be permitted to sit for the examination. Remember that Assignment 01 is not only compulsory, but that it also counts 10% of the semester mark of 20%.**
- (6) When you use the work or works of other people to complete the assignment, you have to reference these sources in accordance with the prescribed referencing style. **Since you will use your study guide to answer the questions, you have to provide a reference for this source.** You must reference the study guide in the following manner: Insert the heading, **Bibliography**, at the end of your assignment and **reference the study guide** as follows:

Jacobs A, Ferreira-Snyman MP et al *Introduction to Law: Only Study Guide for ILW1036* (Unisa Pretoria 2009).

- (7) Also remember to **include the Academic Honesty Declaration** (see **ADDENDUM E**) at the **end of your assignment**. You can **write it out** or **type it in at the end of your assignment**. Or you can **complete the Academic Honesty Declaration and scan it in as part of your assignment in pdf format**.

**PLEASE NOTE:** Please do not sign the Declaration with an electronic signature or a logo, as this affects the working of the online marking tools and prevents us from being able to make comments on your document.





**FIRST SEMESTER: ASSIGNMENT 01****Question 1**

**Read the following scenario and answer the questions that follow:**

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.

1.1 Which **division** of the private law will be applicable to this scenario? Give a **reason** for your answer. (2)

---

---

---

---

1.2 Which **subdivision** of your answer in 1.1 will be applicable to this scenario? Give a reason for your answer. (2)

---

---

---

---

1.3 Which **right** that belongs to the subdivision in 1.2 has been infringed? Give a **reason** for your answer. (2)

---

---

---

---

**[6]**



**Question 2**

Where will you find the following in the Choice on Termination of Pregnancy Act 92 of 1996?

(i) The **name** of the Act (1)

---



---

(ii) The **purpose** of the Act (1)

---



---

(iii) The **long title** of the Act (1)

---



---

(iv) The **underlying philosophy** of the Act (1)

---



---

[4]

**Question 3**

Precious and Beauty have been in a same-sex relationship for the past six years. They would like to get married, but are not sure whether gay people are allowed to marry. You are the couple's lawyer and they come to you for advice. Keeping the influence of the Constitution in mind, explain to Precious and Beauty what their legal position is and what different options they have at their disposal regarding their union. (6)

---



---



---



---



---



---



---

---

---

---

[6]

**Question 4**

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 R 90 000.

**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)

---

---

---

---

---

---

---

---

---

---

[4]

**TOTAL: [20]**

---

**FIRST SEMESTER: ASSIGNMENT 02**  
**CLOSING DATE: 13 APRIL 2018**  
**UNIQUE NUMBER: 735409**

---

- (1) **Assignment 02** is a multiple-choice question assignment with **10 multiple-choice questions**. This assignment must be completed on a marking-sheet with an HB pencil and sent by post or submitted electronically via *myUnisa* on an electronic mark-reading sheet. **Study paragraph 9.8 above on how to complete and submit this assignment.**
- (2) **This assignment covers all the study material and will compel you to work through the entire study guide and master the content thereof.** After completing this assignment, you will know what the module is all about.
- (3) It is not easy to do a multiple-choice question assignment. It requires much effort and time. Multiple-choice questions do not only assess knowledge, but are also used to assess comprehension and application of the study material. **In the examination you will be asked a number of multiple-choice questions.** Therefore, this is an **important step in your preparation for the examination** and you will be rewarded if you spend sufficient time in completing the multiple-choice question assignment!
- (4) **Assignment 02 is not compulsory for admission to the examination, but counts 10% of the semester mark of 20%.**

**FIRST SEMESTER: ASSIGNMENT 02****Question 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.

**Question 2**

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.

**Question 3**

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 lives of the people were governed through *placaeten*.

**Question 4**

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

**Question 5**

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.

### Question 6

Carefully consider the following case reference: *Molefe v Mahaeng* 1999 (1) SA 562 (SCA). In this case *Mahaeng* is the

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

### Question 7

John Small is in grade 8. One day in his mathematics class, John is battling to do one of the calculations. In the presence of the other learners his teacher calls him a baboon and tells him to write out the words I am dumb ten times on the board. As a result of this incident, John refuses to go back to school. His parents decide to speak to the principal.

Which **fundamental right** has been infringed?

- (1) his right to physical integrity
- (2) right to his good name
- (3) his right to honour
- (4) his right to human dignity

### Question 8

During the 2010 World Cup Soccer security guards of a well-known security company decided to strike in Johannesburg, Cape Town and Durban. The police were called in several times to break up demonstrations by the security guards. They even had to use rubber bullets to break up the protest actions. Which branch of the state's power is applicable in this case?

- (1) judicial authority
- (2) legislative authority
- (3) executive authority
- (4) the Director of Public Prosecutions

### Question 9

In terms of the Constitution of 1996



- (1) none of the fundamental rights contained in the Bill of Rights can be limited.
- (2) there is a limitation applicable in the case of "discrimination" since only unfair discrimination will be unconstitutional.
- (3) no provision is made for a limitation where one fundamental right is in direct conflict with another.
- (4) the right to human dignity may be suspended when the state declares a state of emergency.

**Question 10**

Who are the role players in a criminal case in the magistrate's court?

- (1) a state prosecutor, an attorney and a magistrate
- (2) an advocate, a state advocate and a magistrate
- (3) a state prosecutor, an advocate and a judge
- (4) a state advocate, a defence advocate and a judge

**TOTAL: [10]**

## 15 ADDENDUM B: ASSIGNMENTS FOR SECOND SEMESTER

**VERY IMPORTANT:**

**Assignment 01 is a compulsory assignment. You must submit Assignment 01 to gain admission to the examination. If you do not submit Assignment 01 before the due date, you will not be granted admission to the examination. Remember that Assignment 01 is not only compulsory, but that it also counts 10% of the semester mark of 20%.**

**Assignment 02 is not a compulsory assignment for admission to the examination, but counts 10% of the semester mark of 20%.**

---

**SECOND SEMESTER: ASSIGNMENT 01**  
**CLOSING DATE: 10 AUGUST 2018**  
**UNIQUE NUMBER: 847567**

---

- (1) We trust that you have worked through the entire study guide by now. **Assignment 01** focuses on **study units 4, 5 and 7** of your **study guide**.
- (2) **Assignment 01** contains **written questions**.

**Remember:** You can **complete** the assignment **in a neat handwriting on the pages of any A4 writing pad**, or **by typing** your answers in a legible font in double spacing. **Please consult the instructions in paragraph 9.7 and 9.8 above which deal with the format, completion and submission of Assignment 01.**

- (3) The **purpose** of this assignment is **twofold**: In this assignment you will be given a **scenario** and you will be expected to apply your knowledge of the subject-matter on this scenario. You will be expected to work logically and systematically and to argue the specific legal problem dealt within the scenario. You will also be expected to **write two short paragraphs** in which you have to discuss or explain some of the underlying legal concepts and principles of the South African law in general.
- (4) **Your writing skills will also be evaluated. Consult in this regard paragraph 9.9 above.** Please do not make use of telegram style or cell phone language when you answer the questions in the assignment. **Please use complete and comprehensible sentences in your answers, as well as punctuation.**

**The ability to write is a crucial skill for any lawyer** as this can mean the difference between a good or a poor legal document (i.e. a contract, particulars of a claim, testament, etc.). **Marks will therefore be deducted for poor spelling, grammar or punctuation or if your answers are not formulated clearly.**

- (5) **Assignment 01 is compulsory for admission to the examination. If you fail to submit your first assignment, you will not be permitted to sit for the examination. Remember that Assignment 01 is not only compulsory, but it also counts 10% of the semester mark of 20%.**
- (6) When you use the work or works of other people to complete the assignment, you have to reference these sources in accordance with the prescribed referencing style. **Since you will use your study guide to answer the questions, you have to provide a reference for this source.** You must reference the study guide in the following manner: Insert the heading, **Bibliography**, at the end of your assignment and **reference the study guide** as follows:

Jacobs A, Ferreira-Snyman MP et al *Introduction to Law: Only Study Guide for ILW1036* (Unisa Pretoria 2009).

- (7) Also remember to **include the Academic Honesty Declaration** (see **ADDENDUM E**) at the **end of your assignment**. You can **write it out** or **type it in at the end of your**

assignment. Or you can complete the Academic Honesty Declaration and scan it in as part of your assignment in pdf format.

**PLEASE NOTE:** Please do not sign the Declaration with an electronic signature or a logo, as this affects the working of the online marking tools and prevents the markers from being able to make comments on your document.

**SECOND SEMESTER: ASSIGNMENT 01****Question 1**

**Explain** why the South African legal system is classified as a **mixed** legal system. (4)

---

---

---

---

---

---

---

---

**[4]****Question 2**

Jane Mothibe agreed with Technicolour Painters that they would paint the Mothibe's house. In terms of the agreement Technicolour Painters would provide the paint and labour for which Jane would pay them R20 000. They also 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. To make matters worse, it appeared that they had broken a valuable statue in Jane's garden. Jane wants to sue them for breach of contract and for breaking the valuable statue.

2.1 Will **public law** or **private law** be applicable to this problem? Give a **reason** for your answer. (2)

---

---

---

---

2.2 Which **division** of your answer in 2.1 will be applicable? Give a **reason** for your answer. (2)

---

---

---

---



2.3 Which **subdivision** of your answer in 2.2 will be applicable? Give a **reason** for your answer. (2)

---

---

---

---

2.4 Name **two further subdivisions** of your answer in 2.3 that will be applicable to our scenario and explain why. (4)

---

---

---

---

---

---

---

---

[10]

### Question 3

A number of **special features** have been built into our Constitution of 1996 to ensure that our democracy succeeds. The **supremacy of the Constitution** is one of these special features. Write a paragraph in which you discuss the **supremacy of the 1996 Constitution**. (6)

---

---

---

---

---

---

---

---

---

---





---

---

---

[6]

**TOTAL: [20]**

---

**SECOND SEMESTER: ASSIGNMENT 02**  
**CLOSING DATE: 20 SEPTEMBER 2018**  
**UNIQUE NUMBER: 704372**

---

- (1) **Assignment 02** is a multiple-choice question assignment with **10 multiple-choice questions**. This assignment must be completed on a marking-sheet with an HB pencil and sent by post or submitted electronically via *myUnisa* on an electronic mark-reading sheet. **Study paragraph 9.8 above on how to complete and submit this assignment.**
- (2) **This assignment covers all the study material and will compel you to work through the entire study guide and master the content thereof.** After completing this assignment, you will know what the module is all about.
- (3) It is not easy to do a multiple-choice question assignment. It requires much effort and time. Multiple-choice questions do not only assess knowledge, but are also used to assess comprehension and application of the study material. **In the examination you will be asked a number of multiple-choice questions.** Therefore, this is an **important step in your preparation for the examination** and you will be rewarded if you spend sufficient time in completing the multiple-choice question assignment!
- (4) **Assignment 02 is not compulsory for admission to the examination, but counts 10% of the semester mark of 20%.**

**SECOND SEMESTER: ASSIGNMENT 02****Question 1**

Formal law has to comply with three basic requirements in order to achieve formal justice. Which one of the following is **not** a requirement for formal justice?

- (1) Explicit legal rules must be laid down.
- (2) The legal rules must apply generally.
- (3) The legal rules must be fair and impartial.
- (4) The legal rules must be applied impartially by a legal institution.

**Question 2**

Clarence is arrested after the owner of a music shop accused him of stealing a CD. Clarence denies this accusation. What is Clarence's right to appear in court called?

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

**Question 3**

The following legal disciplines fall within private law:

- (1) law of criminal procedure, law of evidence, law of persons
- (2) administrative law, constitutional law, international law
- (3) law of persons, law of personality, law of patrimony
- (4) mercantile law, criminal law, enrichment

**Question 4**

What is the official government publication in which legislation is published, called?

- (1) South African Law Reports
- (2) Hansard Reports
- (3) Bill of Rights
- (4) Government Gazette

**Question 5**

The 1996 Constitution of South Africa is

- (1) South Africa's first Constitution.
- (2) a codification of South African law.
- (3) a written and democratic Constitution.
- (4) an ordinary statute just like all other statutes.

### Question 6

Which of the following is an example of a second generation right?

- (1) right to freedom and security of the person
- (2) right to education
- (3) right to property
- (4) right to life

### Question 7

Who are the role players in a criminal case in the magistrate's court?

- (1) a state prosecutor, an attorney and a magistrate
- (2) an advocate, a state advocate and a magistrate
- (3) a state prosecutor, an advocate and a judge
- (4) a state advocate, a defence advocate and a judge

### Question 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), **(4)** refers to the

- (1) number of parties involved in the case.
- (2) volume in which the case can be found.
- (3) page on which the case can be found.
- (4) level of importance of the case.

### Question 9

Section 3(3) of the Right of Appearance in Courts Act 62 of 1995 determines that attorneys who have acquired the right of appearance in the High Court may also appear in

- (1) Parliament.
- (2) the Supreme Court of Appeal.
- (3) the Constitutional Court.
- (4) none of the above-mentioned.

### Question 10

Who of the following is **not** a role-player in a criminal case?

- (1) defendant
- (2) attorney
- (3) advocate
- (4) prosecutor

[TOTAL: 10]

**16 ADDENDUM C: ASSIGNMENT 03 (SELF-EVALUATION ASSIGNMENT FOR BOTH SEMESTERS)**

**VERY IMPORTANT:**

**Please do not submit this assignment for marking. After you have answered the questions of the assignment, please evaluate your answers by using the feedback which follows the assignment.**

---

**ASSIGNMENT 03 FOR BOTH SEMESTERS**

**SELF-EVALUATION ASSIGNMENT AND ITS FEEDBACK**

---

- (1) **This assignment is a self-evaluation assignment.** When you join the legal profession, you will have to evaluate your own arguments and submissions, and therefore you should acquire this skill as soon as possible.
- (2) **The questions in the assignment cover all the study units in the study guide.** Since the questions are similar to the kinds of questions you may expect in the examination, you should **consider this assignment as a valuable revision exercise in your examination preparation.**
- (3) **After you have answered the questions of the assignment, please evaluate your answers by using the feedback which follows the assignment.** In this feedback we give you the answers to the questions as well as the mark allocation (in round brackets) for the facts that you should have mentioned. The purpose of this is to show you how to approach and answer a question. The knowledge obtained thus, can then be applied when answering the questions in the examination.
- (4) **PLEASE DO NOT SUBMIT THIS ASSIGNMENT TO US FOR MARKING. WE REPEAT: THIS ASSIGNMENT IS A SELF-EVALUATION ASSIGNMENT AND SHOULD NOT BE HANDED IN FOR MARKING. IF YOU HAVE ANY DIFFICULTIES WITH ANY OF THE QUESTIONS IN THE ASSIGNMENT, PLEASE CONTACT US.**

**BOTH SEMESTERS: ASSIGNMENT 03 - SELF-EVALUATION ASSIGNMENT**

**Question 1**

Give a **description** of each of the following legal terms:

(a) legal subject (2)

---

---

---

---

---

---

---

---

---

---

(b) legal object (2)

---

---

---

---

---

---

---

---

---

---

**Question 2**

The history of our legal system goes back to Roman times. **Name** the periods our legal history may be divided into. (4)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**Question 3**

Encircle the **correct** option:

South African law forms part of the

- (1) civil-law legal family.
- (2) socialist legal family.
- (3) hybrid legal family.
- (4) common-law legal family. (1)

**Question 4**

In South African law a distinction is made between authoritative sources of law and sources of law which have persuasive influence. What is the difference between these two kinds of sources of law? (2)

---

---

---

---

---

---

---

---

---

---

**Question 5**

Consider the following **two statements**:

- (a) The *ratio decidendi* of a judgment consists of the legal principles the court applied to the facts of the case.
- (b) *Obiter dicta* made by a judge in a judgment are applicable to the legal dispute before court.

Which option is correct?

- (1) (a) is correct; (b) is incorrect.
- (2) (a) is incorrect; (b) is correct.
- (3) (a) is correct; (b) is correct.
- (4) (a) is incorrect; (b) is incorrect. (1)





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

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Question 8**

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

"Section 36 of the Constitution determines that the fundamental rights which are protected in the Bill of Rights may not be limited." (3)

---

---

---

---

---

---

---

---

---

---

**Question 9**

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 action that he can institute, as well as the court(s) where he can institute his action. (5)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**Question 10**

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)

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

**TOTAL: [30]**

## FEEDBACK ON ASSIGNMENT 03: SELF-EVALUATION ASSIGNMENT

Now that you have done the questions of the self-evaluation assignment, please evaluate your answers by using the feedback that follows. In the feedback we give you the answer to each question as well as the mark allocation (in round brackets) for the facts that you should have mentioned.

### Question 1

- (a) A legal subject is anyone who is subject to the norms of the law (1) and who also may be the bearer of rights and duties (1). (2)
- (b) A legal object can be anything that is of economic value to people. (1) Something may have economic value because it is something which costs a lot of money, is scarce or is useful. (1) (2)

[See study unit 2.]

### Question 2

- 1 Roman law becomes Roman-Dutch Law (1)
- 2 Roman-Dutch law comes to the Cape (1)
- 3 The influence of English law (1)
- 4 The influence of African customary law (1) (4)

[See study unit 3.]

### Question 3

**Statement (3)** is clearly the **correct** statement. (1)

[See study unit 4.]

### Question 4

Authoritative sources of law have binding authority in court (1), whereas sources of law which have merely persuasive influence in court do not bind the court (1). (2)

[See study unit 6.]

### Question 5

Statement (a) is correct. The *ratio decidendi* of a judgment consists of the legal principles the court applied to the facts of the case. [See study unit 6.]

Statement (b) is incorrect. *Obiter dicta* made by a judge in a judgment are *not* applicable to the legal dispute before court. [See study unit 6.]

Therefore, **option (1) is the correct option** that you had to choose. (1)

**Question 6**

The doctrine or idea of separation of powers refers to the powers of the state that are separated or divided. (1) The separation of state powers prevents the concentration of power in any one branch of the state and consequently prevents abuse of power by one branch of the state. (1) The powers of the state are separated and divided into three sections or branches:

- the legislative authority (½) that makes laws (½)
- the executive authority (½) that applies and carries out laws (½)
- the judicial authority (½) that decides legal disputes (½) (5)

[See study unit 7.]

**Question 7**

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

[See study unit 8.]

**Question 8**

Incorrect. (1) Section 36 of the Constitution is known as the "limitation clause" (1) and sets out the criteria in terms of which a right contained in the Bill of Rights may be limited (1). (3)

[See study unit 9.]

**Question 9**

Karel will be able to institute a civil action for his medical expenses. (1) The court in which the action can be instituted will depend on the amount that Karel claims for his medical expenses. (1) If the amount is not too large (less than R200 000), he will have to institute his claim in a district court. (1) If the amount is between R200 000 and R400 000, he will have to institute his claim in a regional court. (1) If the amount is more than R400 000, he will have to institute his claim in the High Court. (1) (5)

[See study unit 11.]

**Question 10**

Incorrect. (1)

Any one of the following could have been 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) (2)

[See study unit 13.]

**TOTAL: [30]**

## 17 ADDENDUM D: PLAGIARISM POLICY OF THE COLLEGE OF LAW

The College of Law is committed to the Unisa ideal of research that is based on integrity, quality and rigour. All work must meet the ideal of academic integrity. Academic integrity can be defined as the meaningful and concerted effort to ensure honesty, trust, fairness, respect and responsibility in research. All research at CLAW, whether a first-year assignment or a doctoral thesis, should be guided by this ideal.

The opposite of academic integrity is academic dishonesty. In line with Unisa's policies, the following activities are forms of academic dishonesty:

- **Copying/cut-and-paste/patch-writing:** This type of dishonesty involves just copying someone else's work either word-for-word or changing it slightly without indicating that it is copied by, for example, putting it in inverted commas or brackets.
- **Absence of references:** This involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own.
- **Cheating/falsifying information:** This is the manufacturing of data which does not exist or leaving out contradictory evidence, also sometimes called cherry-picking.
- **Padding:** This refers to the practice of referring to sources that were not consulted, but which makes the footnotes and/or bibliography seem more impressive.
- **Too many quotes:** This form of dishonesty is one where more than 15% of the work consists of quotes.
- **Incorrect referencing:** Incorrect referencing shows a lack of rigour and of disciplinary expertise.
- **Helping someone cheat:** This might range from the innocuous (allowing someone to copy from you) to the more severe (providing someone with the means to cheat). It is the reason why students are not allowed to hand in the same assignment, even if they worked in a group.

**PLEASE NOTE: If your work contains any of these forms of academic dishonesty or any other kind of dishonesty not included here, you will be awarded a mark of 0 (zero) and disciplinary action may be taken against you. In addition all assignments, portfolios, dissertations and theses must include a signed copy of the statement attached to this tutorial letter.**

**18 ADDENDUM E: ACADEMIC HONESTY DECLARATION**

**DECLARATION**

1. I understand what academic dishonesty entails and am aware of Unisa's policies in this regard.
  
2. I declare that this assignment is my own, original work. Where I have used someone else's work I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
  
3. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
  
4. I did not make use of another student's work and submitted it as my own.

NAME: .....

SIGNATURE: .....

STUDENT NUMBER:.....

DATE: .....