

ILW1501

(477482)

October/November 2013

Oktober/November 2013

**INTRODUCTION TO LAW
INLEIDING TOT DIE REG**Duration 2 Hours
Tydsduur 2 Uur100 Marks
100 Punte**EXAMINERS / EKSAMINATORE****FIRST / EERSTE****MRS/MEV A JACOBS****SECOND / TWEEDE****MR/MNR J DE VILLIERS****Closed book examination.
Toeboekeksamen.****This examination question paper remains the property of the University of South Africa and may not be removed from the examination venue.****Hierdie eksamenvraestel bly die eiendom van die Universiteit van Suid-Afrika en mag nie uit die eksamenlokaal verwyder word nie****This paper consists of 26 pages plus instructions for completion of a mark-reading sheet****Hierdie vraestel bestaan uit 26 bladsye plus instruksies vir die voltooiing van 'n merkleesblad.****INSTRUCTIONS**

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

INSTRUKSIES

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

**[TURN OVER]
[BLAAI OM]**

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

SECTION A COMPULSORY 70 MARKS

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

AFDELING A: VERPLIGTEND 70 PUNTE

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

SECTION B COMPULSORY 30 MARKS

This section consists of 15 multiple-choice questions which must be answered on the mark-reading sheet provided. Each question counts TWO marks. The unique number to be filled in on the mark-reading sheet is **477482**.

AFDELING B: VERPLIGTEND 30 PUNTE

Hierdie afdeling bestaan uit 15 meervoudigekeuse-vrae wat op die merkleesblad wat voorsien word, beantwoord moet word. Elke vraag tel **TWEE** punte. Die unieke nommer wat op die merkleesblad ingevul moet word, is: **477482**.

[TURN OVER]
[BLAAI OM]

SECTION A
AFDELING A

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

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

QUESTION 1 / VRAAG 1

- (a) Name the four normative systems that you came across in your ILW1501 study guide (2)

Noem die vier normatiewe stelsels wat jy in jou ILW1501 studiegids teëgekom het. (2)

- 1 _____
- 2 _____
- 3 _____
- 4 _____

- (b) What is the similarity between these four normative systems? (1)
Wat is die ooreenkomst tussen hierdie vier normatiewe stelsels? (1)

- (c) There are two methods which are used to divide the South African law into two main divisions The one method is to divide the South African law into formal law and substantive law. Identify and briefly discuss the other method (3)
Daar bestaan twee metodes wat gebruik word om die Suid-Afrikaanse reg in twee hoofafdelings in te deel. Die een metode is om die Suid-Afrikaanse reg te verdeel in formele reg en substantiewe reg. Identifiseer en bespreek die ander metode kortliks. (3)

[TURN OVER]
[BLAAI OM]

[illegible]

- $$8 \times \frac{1}{2} = (4)$$

COLUMN A	COLUMN B
1 duty	a servitude
2 real right	b something with economic value
3 right to appear in court	c opposite of a right
4 personality right	d claim
5 right to sell a house	e right to own body
6 legal object	f copy right
7 personal right	g content of a right
8 intellectual property right	h capacity in accordance with legal status

[TURN OVER]
[BLAAI OM]

Skryf die letter in Kolom B neer wat pas by die nommer in Kolom A. Let daarop dat die nommers van Kolom A na die kolomme verskyn. Skryf bloot die korrekte letter langs die nommer. Byvoorbeeld: 6 a $8 \times \frac{1}{2} = (4)$

KOLOM A	KOLOM B
1. verpligting	a. serwituut
2. saaklike reg	b. iets met ekonomiese waarde
3 reg om in 'n hof te verskyn	c. teenkant van 'n reg
4. persoonlikheidsreg	d. eis
5. reg om 'n huis te verkoop	e. reg op eie liggaam
6. regsobjek	f. kopiereg
7. persoonlike reg	g. inhoud van 'n reg
8 intellektueelgoederereg	h. 'n bevoegdheid ingevolge regstatus

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

$8 \times \frac{1}{2} = (4)$
[10]

[TURN OVER]
[BLAAI OM]

QUESTION 2 / VRAAG 2

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

1 _____

2 _____

- (b) What caused the creation of what was called the Roman-Dutch law? (2)
Wat het die skepping van die sogenaamde Romeins-Hollandse reg veroorsaak? (2)

- (c) By using certain criteria we can identify the different legal families **Name** three of these criteria (3)
Deur gebruik te maak van sekere kriteria kan ons die verskillende regs families identifiseer. Noem drie van hierdie kriteria. (3)

1 _____

2 _____

3 _____

- (d) **Name** the three components of our hybrid South African legal system (3)
Noem die drie komponente van ons hibriede Suid-Afrikaanse regstelsel. (3)

1 _____

2 _____

3 _____

[10][TURN OVER]
[BLAAI OM]

QUESTION 3 / VRAAG 3

- (a) Mr Sipho Sibisi concluded a contract of sale with Mrs Zodwa Pheswa. In terms of this contract Sipho undertook to sell his motor car, a red Mazda 323, to Zodwa for R63 000. They agreed that Zodwa will pay the purchase price when Sipho delivers the car to her. When Sipho wanted to deliver the car, Zodwa refused to pay the purchase price. She told Sipho that she no longer liked the Mazda 323 and was making arrangements to buy another motor car, a blue Toyota Camry.

Mnr Sipho Sibisi het 'n koopkontrak gesluit met mev Zodwa Pheswa. Ingevolge hierdie kontrak het Sipho onderneem om sy motor, 'n rooi Mazda 323, aan Zodwa te verkoop vir R63 000. Hulle het ooreengekom dat Zodwa die koopprys sal betaal wanneer Sipho die motor aan haar lewer. Toe Sipho die motor aan haar wou lewer, het Zodwa geweier om die koopprys te betaal. Sy het Sipho meegedeel dat sy nie meer van die Mazda 323 gehou het nie en dat sy besig was met reëlins om 'n ander motor, 'n blou Toyota Camry, te koop.

- (i) In this scenario Sipho has a right in terms of the private law. **Identify** this right. **Also explain** what this right entails for both Sipho and Zodwa by referring to the scenario. (3)
In hierdie scenario het Sipho 'n reg ingevolge die privaatreg. Identifiseer hierdie reg. Verduidelik ook, met verwysing na die scenario, wat hierdie reg vir beide Sipho en Zodwa inhou. (3)

- (ii) Which **specific subdivision** of the **private law** will be applicable to this scenario? Give a reason for your answer (2)

Watter spesifieke onderafdeling van die privaatrek sal van toepassing wees op hierdie scenario? Gee 'n rede vir jou antwoord. (2)

- (iii) If Sipho and Zodwa go to court with this matter, which **specific subdivision** of the **public law** will be applicable to the proceedings in court? Give a reason for your answer (2)

As Sipho en Zodwa hof toe gaan met hierdie aangeleentheid, watter spesifieke onderafdeling van die publiekreg sal van toepassing wees op die verrigtinge in die hof? Gee 'n rede vir jou antwoord. (2)

- (b) Discuss in detail the law of succession as subdivision of the law of patrimony (3)
Bespreek volledig die erfreg as onderafdeling van die vermoënsreg. (3)

[10]

QUESTION 4 / VRAAG 4

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

You are an article clerk at a well-known firm of attorneys. One of the partners asks you to find a court decision on the interpretation of the Tobacco Products Control Act 83 of 1993. After you have done your research, you inform the partner that you have found three criminal cases on this subject. The first case was decided by the High Court in Durban in 2000. When you read the case you were surprised to see that one of the judges referred to an article written by one of your law lecturers. The article appeared in the *South African Law Journal* of 1999. The second case was decided by the Supreme Court of Appeal in 2002. The third case was an unreported case by a regional court in Durban which was decided in 2004. The partner decides to test your knowledge of the South African sources of law and asks you to answer the following questions.

Jy is 'n prokureursklerk by 'n bekende prokureursfirma. Een van die vennote vra jou om 'n hofbeslissing oor die interpretasie van die Wet op die Beheer van Tabakprodukte 83 van 1993 te vind. Nadat jy jou navorsing gedoen het, deel jy die vennoot mee dat jy drie strafsake oor hierdie onderwerp gevind het. Die eerste saak is in 2000 deur die Hoë Hof in Durban beslis. Toe jy die saak gelees het, was jy verras om te sien dat een van die regters verwys het na 'n artikel wat deur een van jou regsdosente geskryf is. Die artikel het in die *South African Law Journal* van 1999 verskyn. Die tweede saak is in 2002 deur die Hoogste Hof van Appèl beslis. Die derde saak is 'n ongerapporteerde beslissing van 'n streekhof in Durban wat in 2004 beslis is. Die vennoot besluit om jou kennis met betrekking tot die Suid-Afrikaanse regsbronne te toets en vra jou om die volgende vrae te antwoord.

[TURN OVER]
[BLAAI OM]

- (i) How many **kinds of sources of law** are there in South African law **and** what is each kind called? (3)
Hoeveel soorte regsbronne is daar in die Suid-Afrikaanse reg en wat word elke soort genoem? (3)

- (ii) What is the **difference** between these **kinds** of sources of law? (2)
Wat is die verskil tussen hierdie soorte regsbronne? (2)

- (iii) You have used legislation and case law in your research. To which kind of source of law do these sources belong? (1)
Jy het wetgewing en regspraak in jou navorsing gebruik. Tot watter soort regsbron behoort hierdie bronne? (1)

- (iv) To which kind of source of law does the article published in the *South African Law Journal* belong? (1)
Tot watter soort regsbron behoort die artikel wat in die *South African Journal* gepubliseer is? (1)

- (v) Which court decision in the scenario will be authoritative and will therefore have to be followed? Give reasons for your answer (3)
Watter hofuitspraak in die scenario sal gesaghebbend wees en sal dus gevolg moet word? Gee redes vir jou antwoord. (3)

[10]

QUESTION 5 / VRAAG 5

- (a) What is the "constitution" of a country? (2)
Wat is die "grondwet" van 'n land? (2)

[TURN OVER]
[BLAAI OM]

- [illegible]

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

[TURN OVER]
[BLAAI OM]

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

- (ii) **Identify and discuss in detail the category** of the fundamental right which has been infringed in this scenario (2)
Identifiseer en bespreek volledig die kategorie van fundamentele regte waarop daar in hierdie scenario inbreuk gemaak is (2)

- (iii) Which **application** of the Bill of Rights is applicable in this scenario? Give a reason for your answer (2)
Watter toepassing van die Handves van Regte is van toepassing in hierdie scenario? Gee 'n rede vir jou antwoord. (2)

[10]

[TURN OVER]
[BLAAI OM]

QUESTION 6 / VRAAG 6

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

1 _____

2 _____

3 _____

4 _____

5 _____

- (b) **Discuss** the influence of the Constitution on criminal law by specifically focusing on the position of the death penalty in South African law. **Refer** to relevant case law in your discussion (5)
Bespreek die invloed van die Grondwet op die strafreg deur spesifiek te fokus op die posisie van die doodstraf in die Suid-Afrikaanse reg. **Verwys** in jou bespreking na relevante regspraak. (5)

[10]**QUESTION 7 / VRAAG 7**

- (a) Draw a diagram which illustrates the hierarchy of the different courts in South Africa (3)
Teken 'n diagram wat die hiërargie van die verskillende howe in Suid-Afrika illustreer. (3)

**[TURN OVER]
[BLAAI OM]**

- (b) Sibaniso Burgher is arrested for assaulting his wife, Catherine, and their two children. Sibaniso denies this accusation. The next day he has to appear in the magistrate's court to plead.

Sibaniso Burgher word gearresteer vir die aanranding van sy vrou, Catherine, en hulle twee kinders. Sibaniso ontken hierdie beskuldiging. Hy moet die volgende dag in die landdroshof verskyn om te pleit.

- (i) Who will conduct the prosecution during the legal dispute in court? (1)
Wie sal die vervolging doen gedurende die regsdispuut in die hof? (1)

- (ii) Who will be the presiding officer in this court? (1)
Wie sal die voorsittende beampte in hierdie hof wees? (1)

- (iii) What is the role of the presiding officer in this court? (2)
Wat is die rol van die voorsittende beampte in hierdie hof? (2)

- (iv) What is the onus of proof in this legal dispute and on whom does it rest? (2)
Wat is die bewyslas in hierdie regsdispuut en op wie rus dit? (2)

- (c) Indicate whether the following statement is **correct** or **incorrect** and **give a reason** for your answer

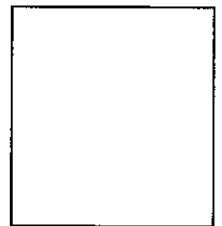
"If an accused has not been given the opportunity to present his or her case in court, such a person can appeal to a higher court " (1)

Dui aan of die volgende stelling korrek of verkeerd is en gee 'n rede vir jou antwoord:

"Indien 'n beskuldigde nie die geleentheid gegee is om sy of haar saak in die hof te stel nie, kan sodanige persoon na 'n hoër hof appelleer." (1)

[10]

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



[TURN OVER]
[BLAAI OM]

**SECTION B
AFDELING B**

This section consists of 15 multiple-choice questions. You must choose ONE statement as your answer for each question and then mark it on the mark-reading sheet. Each question counts **TWO** marks. In this section you must mark your answers with a HB PENCIL on the MARK-READING SHEET provided. The following **unique number** must be filled in on the mark-reading sheet: **477482**.

Hierdie afdeling bestaan uit 15 meervoudigekeuse-vrae. Jy moet EEN stelling as jou antwoord vir elke vraag kies en dan jou antwoord op die merkleesblad merk. Elke vraag tel TWEE punte. In hierdie afdeling moet jy jou antwoorde met 'n HB-POTLOOD op die MERKLEESBLAD wat voorsien word, merk. Die volgende unieke nommer moet op die merkleesblad ingevul word: 477482.

QUESTION 1 / VRAAG 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

Die formele reg moet aan drie basiese vereistes voldoen ten einde formele geregtigheid te bereik. Watter een van die volgende is nie 'n vereiste vir formele geregtigheid nie?

- (1) Duidelike regsreëls moet neergelê word.
- (2) Die regsreëls moet algemeen geld.
- (3) Die regsreëls moet billik en onpartydig wees.
- (4) Die regsreëls moet onpartydig deur 'n regsinstelling toegepas word

QUESTION 2 / VRAAG 2

Wendy and Kate live together in a same-sex relationship. They want to buy a house in a conservative neighbourhood in Pretoria. However, the residents informed them that they will not tolerate a lesbian couple living in their community. What is the sanction for not complying with the norms of the normative system that is applicable in this scenario?

- (1) remorse by Wendy and Kate
- (2) disapproval by the community
- (3) prosecution by a state organ
- (4) punishment by a state organ

[TURN OVER]
[BLAAI OM]

Wendy en Kate leef saam in 'n enkelgeslag verhouding. Hulle wil 'n huis in 'n konserwatiewe woonbuurt in Pretoria koop. Die inwoners deel hulle egter mee dat hulle nie 'n lesbiese paartjie in hulle woonbuurt sal toelaat nie. Wat is die sanksie indien die norme van die normatiewe stelsel wat in hierdie scenario van toepassing is, verontagsaam word?

- (1) selfverwyt deur Wendy en Kate
- (2) afkeur deur die gemeenskap
- (3) vervolging deur 'n staatsorgaan
- (4) strafoplegging deur 'n staatsorgaan

QUESTION 3 / VRAAG 3

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

- (1) a real right
- (2) a personal right
- (3) a personality right
- (4) an immaterial property right

Jane Mothibe het met Technicolour Painters ooreengekom om die Mothibes se huis te verf. Ingevolge die ooreenkoms het Technicolour Painters onderneem om die werk binne drie weke te voltooi. Nadat drie weke verloop het, het Technicolour Painters egter net die helfte van die huis klaar geverf. Jane was woedend en noem die een verwer "'n idioot". Watter een van die verwer se regte is aangetas?

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

QUESTION 4 / VRAAG 4

Consider the following **two** statements pertaining to the connection between law and right

- (a) The law prescribes the limitations of all rights
- (b) All rights are limited in content and scope

Which option is **correct**?

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

Oorweeg die volgende twee stellings met betrekking tot die verband tussen die reg (*law*) en 'n reg (*right*):

- (a) Die reg bepaal die beperkinge van alle regte.
- (b) Alle regte word beperk met betrekking tot inhoud en omvang.

Watter opsie is korrek?

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

QUESTION 5 / VRAAG 5

Several factors contributed to the reception of English law at the time of the British occupation of the Cape during 1806-1910. The influence of English law occurred

- (1) only in the rules of law
- (2) only in the administration of justice
- (3) in both the administration of justice and the rules of law
- (4) in neither the administration of justice nor the rules of law

Verskeie faktore het bygedra tot die resepsie van die Engelse reg tydens die Britse okkupasie van die Kaap gedurende 1806-1910. Die invloed van die Engelse reg was sigbaar

- (1) slegs in die regsreëls.
- (2) slegs in die regsadministrasie.
- (3) in beide die regsadministrasie en regsreëls.
- (4) in nóg die regsadministrasie nóg die regsreëls.

QUESTION 6 / VRAAG 6

Which of the following legal systems can **not** be grouped within the Romano-Germanic legal family?

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

Welke van die volgende regstelsels vorm nie deel van die Romaans-Germaanse regsfamilie nie?

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

QUESTION 7 / VRAAG 7

Which of the following countries' legal systems can **not** be grouped within the Anglo-American legal family?

- (1) America
- (2) Australia
- (3) New Zealand
- (4) Scotland

Welke van die volgende lande se regstelsels vorm nie deel van die Anglo-Amerikaanse regsfamilie nie?

- (1) Amerika
- (2) Australië
- (3) Nieu-Seeland
- (4) Skotland

QUESTION 8 / VRAAG 8

Consider the following **two** statements

- (a) Constitutional law is concerned with the institution and organisation of the state, as well as the powers of state organs
- (b) Administrative law controls the administration of state bodies and state departments, as well as the conduct of ministers

Which option is **correct**?

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

Oorweeg die volgende twee stellings:

- (a) Staatsreg hou verband met die instelling en organisasie van die staat, asook die bevoegdhede van staatsorgane.
- (b) Administratiefreg beheer die administrasie van staatsliggame en staatsdepartemente, asook die optrede van ministers.

Watter opsie is korrek?

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

QUESTION 9 / VRAAG 9

Which division of the law examines the law from an abstract perspective and reflects on, amongst other things, the function of the law?

- (1) constitutional law
- (2) public international law
- (3) legal philosophy
- (4) procedural law

Watter gebied van die reg ondersoek die reg vanuit 'n abstrakte perspektief en reflekteer onder andere op die funksie van die reg?

- (1) staatsreg
- (2) volkereg
- (3) regsfilosofie
- (4) prosesreg

QUESTION 10 / VRAAG 10

Carefully **consider** the following **case reference** *Denel (Edms) Bpk v Vorster* 2004 (4) SA 481 (SCA) In this case, *Vorster* is the

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

Oorweeg die volgende saakverwysing aandagtig: *Denel (Edms) Bpk v Vorster* 2004 (4) SA 481 (SCA) In hierdie saak, is *Vorster* die

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

QUESTION 11 / VRAAG 11

Carefully **consider** the following **reference** to a section of an act s 2(1)(b)(iii) In this reference, "(b)" refers to a specific

- (1) section
- (2) sub-section
- (3) paragraph
- (4) sub-paragraph

Oorweeg die volgende verwysing na 'n gedeelte in 'n wet aandagtig: a 2(1)(b)(iii). In hierdie verwysing, verwys "(b)" na 'n spesifieke

- (1) artikel.
- (2) subartikel.
- (3) paragraaf.
- (4) subparagraaf.

QUESTION 12 / VRAAG 12

The supremacy of the Constitution is the only feature built into our Constitution to ensure democracy in South Africa

- (1) True
- (2) False

Die oppergesag van die Grondwet is die enigste eienskap wat in ons Grondwet ingebou is om demokrasie in Suid-Afrika te verseker.

- (1) Waar
- (2) Vals

QUESTION 13 / VRAAG 13

Consider the following **two** statements pertaining to the influence of the Constitution on South African law

- (a) The Civil Union Act 17 of 2006 allows heterosexual couples and same-sex couples to enter into a marriage or a civil partnership
- (b) The consequences of the union of a same-sex couple in terms of the Civil Union Act 17 of 2006 correspond with the consequences of a heterosexual civil marriage

Which option is **correct**?

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

Oorweeg die volgende twee stellings met betrekking tot die invloed van die Grondwet op die Suid-Afrikaanse reg:

- (a) Die *Civil Union Act 17 of 2006* stel heteroseksuele paartjies en paartjies van dieselfde geslag in staat om 'n huwelik of 'n siviele vennootskap aan te gaan.
- (b) Die gevolge van die verbinteniss van 'n homoseksuele paartjie in terme van die *Civil Union Act 17 of 2006* stem ooreen met die gevolge van 'n heteroseksuele siviele huwelik.

Watter opsie is korrek?

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

QUESTION 14 / VRAAG 14

Consider the following two statements

- (a) The Constitutional Court may hear appeals on any matter from the High Courts
- (b) The Supreme Court of Appeal may hear appeals on any matter from the High Courts, except constitutional matters

Which option is correct?

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

Oorweeg die volgende twee stellings

- (a) Die Konstitusionele Hof mag appèlle met betrekking tot enige aangeleentheid van die Hoë Howe aanhoor.
- (b) Die Hoogste Hof van Appèl mag appèlle met betrekking tot enige aangeleentheid van die Hoë Howe aanhoor, met die uitsluiting van konstitusionele aangeleenthede.

Watter opsie is korrek?

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

QUESTION 15 / VRAAG 15

Which of the following is **not** an academic or professional requirement to be admitted as an attorney?

- (1) pupillage for a prescribed period
- (2) completion of an attorneys admission examination
- (3) an LLB degree
- (4) practical legal training at a private law firm

Welke van die volgende is nie 'n akademiese of professionele vereiste om toegelaat te word as prokureur nie?

- (1) pupilskap vir 'n voorgeskrewe tydperk
- (2) aflegging van 'n prokureurstoelatingseksamen
- (3) 'n LLB graad
- (4) praktiese regsopleiding by 'n privaat regsfirma

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

TOTAL 100
TOTAAL. 100

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100-X
STUDIE-EENHEID by PSY100-X

1

PAPER NUMBER
VRAESTELNOMMER

2

STUDENT NUMBER
STUDENTENOMMER

6

7

INITIALS AND SURNAME
VOORLETTERS EN VAN

DATE OF EXAMINATION
DATUM VAN EKSAMEN

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

UNIQUE PAPER NO
UNIEKE VRAESTEL NR

8

9

For use by examination invigilator
Vir gebruik deur eksamenopsiener

IMPORTANT

1. USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
2. MARK LIKE THIS
3. CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
4. ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
5. CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
6. CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
7. CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
8. DO NOT FOLD

BELANGRIK

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

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

10

10

10

10