

ILW1501

(482149)

May/June 2013
Mei/June 2013**INTRODUCTION TO LAW
INLEIDING TOT DIE REG**Duration 2 Hours
Tydsduur 2 Ur100 Marks
100 Punte**EXAMINERS / EKSAMINATORE :**FIRST / EERSTE MRS/MEV A JACOBS
SECOND / TWEEDE MR/MNR J DE VILLIERSClosed book examination
Toeboekeksamen.

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This paper consists of 25 pages plus instructions for completion of a mark-reading sheet

Hierdie vraestel bestaan uit 25 bladsye plus instruksies vir die voltooiing van 'n merkleesblad.

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 **482149**.

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: 482149.

[TURN OVER]
[BLAAI OM]

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.

(a) There are two methods which are used to divide the South African law into two main divisions. The first method is to divide the South African law into public law and private law. **Identify and discuss** the other method in detail. (3)

Daar bestaan twee metodes wat gebruik word om die Suid-Afrikaanse reg in twee hoofafdelings in te deel. Die eerste metode is om die Suid-Afrikaanse reg te verdeel in publiekreg en privaatreë. Identifiseer en bespreek die ander metode volledig. (3)

[illegible]

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

1 _____

2 _____

3 _____

- (c) **Identify** four classes or types of rights and the corresponding object of the rights (4)
Identifiseer vier soorte of groepe regte en die ooreenstemmende objek van die regte. (4)

1 _____

2 _____

3 _____

4 _____

[10]

QUESTION 2 / VRAAG 2

- (a) The history of our legal system goes right back to the Romans and may be divided into three parts **Name** these three parts (3)
Die geskiedenis van ons regstelsel strek terug tot in die tyd van die Romeine en kan in drie dele verdeel word. Noem hierdie drie dele. (3)

[TURN OVER]
[BLAAI OM]

1 _____

2 _____

3 _____

- (b) By using criteria such as style and technique, ideology and economic elements, we can identify the Romano-Germanic, Anglo-American and Socialist legal families. Many other legal families can however also be identified. **Name** three of these families. (3)

Deur gebruik te maak van kriteria soos styl en tegniek, ideologie en ekonomiese elemente, kan ons die Romaans-Germaanse, Anglo-Amerikaanse en Sosialistiese regs families identifiseer. Talle ander regs families kan egter ook identifiseer word. Noem drie van hierdie families. (3)

1 _____

2 _____

3 _____

- (c) To which of the families that you identified in (b) does our South African legal system belong? **Motivate** your answer. (4)

Tot welke van die families wat jy in (b) identifiseer het behoort ons Suid-Afrikaanse regstelsel? Motiveer jou antwoord. (4)

[illegible]

QUESTION 3 / VRAAG 3

- (a) The following diagram sets out the divisions and subdivisions of public law and private law, as well as other areas of the law. You will notice that some of the divisions, subdivisions and other areas of the law have been replaced by the letters (A) – (F). **Complete the diagram by writing the correct answers next to the letters (A) – (F) which follow on page 8.**

Die volgende diagram sit die afdelings en onderafdelings van die publiekreg en privaatreë, asook ander gebiede van die reg uiteen. Jy sal opmerk dat sommige van die afdelings, onderafdelings en ander gebiede van die reg vervang is met die letters (A) – (F). Voltooi die diagram deur die korrekte antwoorde langs die letters (A) – (F), wat op bladsy 8 volg, te skryf.

[TURN OVER]
[BLAAI OM]

LAW		
PUBLIC LAW		PRIVATE LAW
(1) International law (2) (A) (3) Administrative law (4) Criminal law (5) Law of procedure (a) Civil procedure (b) (B) (c) Law of evidence		(1) Law of persons (2) Family law (3) (C) (4) Law of patrimony (a) (D) (b) Law of succession (c) Law of obligations (i) Law of contract (ii) (E) (iii) Enrichment
Other areas of law		
(1) Mercantile law (2) (F) (3) Conflict of laws (4) Legal philosophy		

DIE REG		
PUBLIEKREG		PRIVAATREG
(1) Volkereg (2) (A) (3) Administratiefreg (4) Strafreg (5) Prosesreg (a) Siviele prosesreg (b) (B) (c) Bewysreg		(1) Personereg (2) Familiereg (3) (C) (4) Vermoensreg (a) (D) (b) Erfreg (c) Verbintenisreg (i) Kontraktereg (ii) (E) (iii) Verryking
Ander regsgebiede		
(1) Handelsreg (2) (F) (3) Konfliktereg (4) Regsfilosofie		

[TURN OVER]
[BLAAI OM]

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

(3)

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

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

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

- (i) Which real right of the neighbours has been infringed? (1)
 Op watter saaklike reg van die bure is daar inbreuk gemaak? (1)

- (ii) The Krugers allege that this right is the most complete right that one can have and that it cannot be limited. Explain to them why their allegation is incorrect (3)

[TURN OVER]
 [BLAAI OM]

[illegible]

- _____

- Die reëls van die intestate erfreg tree in werking in twee gevalle. Noem hierdie twee gevalle.

1 _____

2 _____

[TURN OVER]
[BLAAI OM]

- 1 _____
- 2 _____
- 3 _____

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

Mr and Mrs Kok cannot have children of their own. They decide to adopt a child. Just before they are to receive their new baby they encounter problems with the adoption. They approach Jane Mothibe, their attorney, to explain to them what their legal position is. Mr and Mrs Kok first wanted to know more about the South African sources of law. They asked Jane the following questions. What will your answers to the questions be?

Mnr en mev Kok kan nie kinders van hulle eie hê nie. Hulle besluit om 'n kind aan te neem. Net voordat hulle hulle nuwe baba sou ontvang, ondervind hulle probleme met die aanneming. Hulle nader Jane Mothibe, hul prokureur, om aan hulle te verduidelik wat hulle regsposisie is. Mnr en mev Kok wou eerstens meer oor die Suid-Afrikaanse regsbronne weet. Hulle het Jane die volgende vrae gevra. Wat sal jou antwoorde op die vrae wees?

- (i) How many **kinds of sources of law** are there in South African law and what is each kind called? (2)
Hoeveel soorte regsbronne is daar in die Suid-Afrikaanse reg en wat word elke soort genoem? (2)

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

[TURN OVER]
[BLAAI OM]

- (iii) What is the **first source** of South African law that Jane will have to consult when she starts preparing for Mr and Mrs Kok's case (1)
Watter bron van die Suid-Afrikaanse reg sal Jane eerste moet raadpleeg wanneer sy met die voorbereiding van mnr en mev Kok se saak begin. (1)

- (iv) To which **kind** of sources of law does your answer in (iii) belong? (1)
Tot watter soort regsbronne behoort jou antwoord in (iii)? (1)

- (c) What does the *ratio decidendi* of a court decision refer to? (1)
Waarna verwys die *ratio decidendi* van 'n hofuitspraak? (1)

[10]

QUESTION 5 / VRAAG 5

- (a) The powers of the state are separated and divided into three sections. **Name** these three sections and **briefly state** what the functions of the respective sections are (6)
Die magte van die staat word geskei en in drie afdelings verdeel. Noem hierdie drie afdelings en meld kortliks wat die funksies van die onderskeie afdelings is. (6)

[TURN OVER]
[BLAAI OM]

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

Lizelle is an ethical vegetarian and animal rights activist who frequently protests against the exploitation of animals. One day, whilst protesting outside the Department of Agriculture's offices with a group of fellow activists, a state official confronts Lizelle and tells her that she does not have the right to hold up a poster stating "meat is murder". The state official threatens to have Lizelle arrested.

Lizelle is 'n etiese vegetariër en diereregte aktivis wat gereeld deelneem aan protesoptogte teen die eksploitasie van diere. Een dag, terwyl sy met 'n groep mede-aktiviste deelneem aan 'n protesoptog buite die Departement van Landbou se kantore, konfronteer 'n staatsamptenaar vir Lizelle en sê dat sy nie die reg het om 'n plakkaat met die woorde "vleis is moord" op te hou nie. Die staatsamptenaar dreig om Lizelle te laat arresteer.

- (i) Identify and discuss in detail the category of fundamental rights that will protect Lizelle in this situation and say which specific (one) fundamental right is applicable (4)
Identifiseer en bespreek volledig die kategorie van fundamentele regte wat Lizelle in hierdie situasie sal beskerm en sê watter spesifieke (een) fundamentele reg van toepassing is. (4)

[TURN OVER]
[BLAAI OM]

[10]

QUESTION 6 / VRAAG 6

- (a) Explain in detail how a right contained in the Bill of Rights may be **limited** (5)
Verduidelik volledig hoe 'n reg vervat in die Handves van Regte beperk mag word. (5)

[TURN OVER]
[BLAAI OM]

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

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

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

- (i) Why did the Constitutional Court decide that the definition of marriage, in terms of the common law and the Marriage Act 25 of 1961, is unconstitutional? (2)
Waarom het die Konstitusionele Hof besluit dat die definisie van 'n huwelik, ingevolge die gemenereg en die Huwelikswet 25 van 1961, ongrondwetlik is? (2)

[TURN OVER]
[BLAAI OM]

- (ii) How did the Civil Union Act of 2006 change the legal position with regard to same-sex relationships? (3)
Hoe het die Civil Union Act van 2006 die regsposisie met betrekking tot enkel-geslag verhoudings verander? (3)

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

- (a) With each of the following five statements there are two options between brackets
Encircle the correct option. (5)
By elkeen van die volgende vyf stellings is daar twee opsies tussen hakies. (5)
Omkring die korrekte opsie.
- (i) In a criminal case the (public prosecutor / magistrate) decides what charges to bring against the accused
In 'n strafsak besluit die (staatsaanklaer / landdros) watter aanklagtes om teen die beskuldigde te bring.

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

- (ii) During the court proceeding it is the role of the (interpreter / court orderly) to call witnesses

Tydens die hofverrigting is dit die rol van die (tolk / hofordonnans) om getuies te roep.

- (iii) (System of precedent / Jurisdiction) refers to the competence of a court to hear a matter

(Presedentestelsel / Jurisdiksie) verwys na die bevoegdheid van die hof om 'n aangeleentheid aan te hoor.

- (iv) The (short title / long title) of an act indicates the purpose of the act

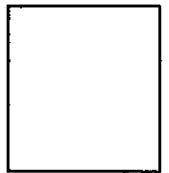
Die (kort titel / lang titel) van 'n wet dui die doel van die wet aan.

- (v) The (first section / preamble) of an act sets out the underlying philosophy of the act

Die (eerste artikel / aanhef) van 'n wet sit die onderliggende filosofie van die wet uiteen.

- (b) Discuss and compare the onus of proof in a civil case and criminal case (5)
Bespreek en vergelyk die bewyslas in 'n siviele saak en strafsak. (5)

[TURN OVER]
[BLAAI OM]

[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. PLEASE READ THE INSTRUCTIONS on the mark-reading sheet carefully before you fill in your answers. The following unique number must be filled in on the mark-reading sheet **482149**.

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. LEES ASSEBLIEF DIE INSTRUKSIES op die merkleesblad noukeurig voordat jy jou antwoorde invul. Die volgende unieke nommer moet op die merkleesblad ingevul word: 482149.

QUESTION 1 / VRAAG 1

Pieter and Yonela have been in a mixed race relationship for the past two years. They live in a very conservative neighbourhood in Johannesburg and their neighbours often make snide remarks when they walk down the street.

The normative system which is applicable in this scenario is

- (1) the law
- (2) community mores
- (3) individual morality
- (4) religion

Pieter en Yonela is die afgelope twee jaar in 'n veelrassige verhouding. Hulle woon in 'n konserwatiewe woonbuurt in Johannesburg en hulle bure maak dikwels snedige aanmerkings wanneer hulle in die straat afloop.

Die normatiewe stelsel wat in hierdie scenario van toepassing is, is

- (1) die reg.
- (2) gemeenskapsedes.
- (3) individuele moraal.
- (4) godsdiens.

[TURN OVER]
[BLAAI OM]

QUESTION 2 / VRAAG 2

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

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

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

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

QUESTION 3 / VRAAG 3

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

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

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

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

QUESTION 4 / VRAAG 4

Consider the following **two** statements

- (a) Administrative law is concerned with the institution and organisation of the state, as well as the powers of state organs
- (b) Constitutional 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) Administratiefreg hou verband met die instelling en organisasie van die staat, asook die bevoegdhede van staatsorgane.
- (b) Staatsreg 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 5 / VRAAG 5

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

- (1) Feminism
- (2) Jurisprudence
- (3) Natural-law approach
- (4) Critical Legal Studies

[TURN OVER]
[BLAAI OM]

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

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

QUESTION 6 / VRAAG 6

Custom is not made up of written rules but develop from customs within the community. Which of the following is not a requirement that a custom has to fulfill in order to be recognised as a legal rule?

- (1) The contents of the custom must be clear.
- (2) The custom must have existed for a long time
- (3) The custom must be a custom of the African indigenous law
- (4) The custom must be observed by the whole community

Gewoonte bestaan nie uit geskrewe reëls nie, maar ontwikkel uit gebruike binne die gemeenskap. Watter van die volgende is nie 'n vereiste waaraan 'n gewoonte moet voldoen voordat dit as 'n regsreël erken kan word nie?

- (1) Die inhoud van die gewoonte moet duidelik wees.
- (2) Die gewoonte moet al vir 'n lang tyd bestaan het.
- (3) Die gewoonte moet 'n gewoonte van die Afrika-inheemse reg wees.
- (4) Die gewoonte moet deur die hele gemeenskap nagekom word.

QUESTION 7 / VRAAG 7

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

In the case of *Nedbank Ltd v Pestana* 2009 (2) SA 189 (SCA), ***Nedbank Ltd*** refers to the

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

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

In die saak van *Nedbank Ltd v Pestana* 2009 (2) SA 189 (SCA), verwys Nedbank Ltd na die

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

QUESTION 8 / VRAAG 8

Consider the following two statements

- (1) The Bill of Rights is the cornerstone of democracy in South Africa and no right in the Bill of Rights may be limited.
- (2) Horizontal application of the Bill of Rights refers to the fact that it applies between the state and private institutions

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:

- (1) Die Handves van Regte is die hoeksteen van die demokrasie in Suid-Afrika en geen reg in die Handves van Regte mag beperk word nie.
- (2) Horisontale toepassing van die Handves van Regte beteken dat dit tussen die staat en privaatinstellings toepassing vind.

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

A legal subject has to meet certain requirements before he or she will be entitled to any fundamental rights

- (1) True
- (2) False

'n Regsubjek moet aan sekere vereistes voldoen voordat hy of sy op enige fundamentele regte geregtig sal wees.

- (1) Waar
- (2) Vals

QUESTION 10 / VRAAG 10

Certain rights contained in the Bill of Rights are non-derogable Which one of the following rights is protected in its entirety?

- (1) right to equality
- (2) right to human dignity
- (3) right to property
- (4) right to privacy

Sekere regte vervat in die Handves van Regte is nie aantasbaar nie. Watter een van die volgende regte word geheel en al beskerm?

- (1) reg op gelykheid
- (2) reg op menswaardigheid
- (3) reg op eiendom
- (4) reg op privaatheid

QUESTION 11 / VRAAG 11

Dr Ruan Roberts, a lecturer in constitutional law, makes the following statement "The cases of *S v Makwanyane* and *Fraser v Children's Court, Pretoria North and Others* clearly illustrate the influence of the Constitution on South African law "

Which option explains his statement?

- (1) The Constitution is not above any other existing legal principle.
- (2) The Constitution is the highest law and legal principles in conflict with it are invalid
- (3) The Constitution is only subject to the common law
- (4) The Constitution only influences common law and not statutory law

[TURN OVER]
[BLAAI OM]

Dr Ruan Roberts, 'n dosent in staatsreg, maak die volgende stelling: "Die sake van *S v Makwanyane* en *Fraser v Children's Court, Pretoria North and Others* illustreer duidelik die invloed van die Grondwet op die Suid-Afrikaanse reg."

Watter opsie verduidelik sy stelling?

- (1) Die Grondwet is nie verhewe bo enige ander bestaande regsbeginsele nie.
- (2) Die Grondwet is die hoogste regsgeval en regsbeginsele in stryd daarmee is ongeldig.
- (3) Die Grondwet is slegs ondergeskik aan die gemeenereg.
- (4) Die Grondwet beïnvloed slegs die gemeenereg en nie die statutêre reg nie.

QUESTION 12 / VRAAG 12

The parties to a civil case may be called the

- (1) plaintiff and accused
- (2) state and defendant
- (3) plaintiff and respondent
- (4) appellant and respondent

Die partye tot 'n siviele saak kan genoem word die

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

QUESTION 13 / VRAAG 13

Which of the following role players conducts the state's case during a criminal matter in the magistrate's court?

- (1) State prosecutor
- (2) State advocate
- (3) Director of Public Prosecutions
- (4) Magistrate

Welke van die volgende rolspelers voer die staat se saak tydens 'n strafsak in die landdroshof?

- (1) Staatsaanklaer
- (2) Staatsadvokaat
- (3) Direkteur van Openbare Vervolgings
- (4) Landdros

[TURN OVER]
[BLAAI OM]

QUESTION 14 / VRAAG 14

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 prokureursfirma

QUESTION 15 / VRAAG 15

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

- (1) Attorney
- (2) Interpreter
- (3) State advocate
- (4) Witness

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

- (1) Prokureur
- (2) Tolk
- (3) Staatsadvokaat
- (4) Getuie

TOTAL SECTION B 15 x 2 = [30]
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PART 1 (GENERAL/ALGEMEEN) DEEL 1

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For use by examination invigilator

Vir gebruik deur eksamenopsiener

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2. MARK LIKE THIS 
3. CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
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5. CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
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7. CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
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BELANGRIK

1. GEBRUIK SLEGS 'N HB POTLOOD OM HIERDIE BLAD TE VOLTOOI
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PART 2 (ANSWERS/ANTWOORDE) DEEL 2

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