

May/June 2020

ILW1501

Introduction to law

100 Marks

2 Hours

**COLLEGE OF LAW
EXAMINATION INSTRUCTIONS: MULTIPLE CHOICE QUESTIONS**

**INSTRUCTIONS FOR A FULL MCQ EXAM WITH ASSESSMENT INFO TOOL ON
MYUNISA**

1. The examination consists of **Multiple-Choice Question types only**.
2. The examination question paper counts **100 marks** and consists of **50 Multiple-Choice Questions each worth 2 marks**. Answer **all** the questions.
3. The duration of the examination is **2 hours**. You will be allowed a further **thirty (30) minutes after the conclusion** of the official examination period to upload your examination responses (answers) onto the myUnisa platform for further processing.
4. This is a **closed-book examination**. While the examination is in progress, you are not allowed to consult another person or any source in order to assist you to answer any of the questions contained in this question paper. You may also not assist another student in answering any of the questions contained in this question paper.
5. The answers to this MCQ examination may only be submitted online on myUnisa. **The Unisa MCQ App cannot be used for examination submissions.**
 - 5.1 Access myUnisa at <https://my.unisa.ac.za/portal> and login using your **student number** and myUnisa **password**.
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 - Find the corresponding examination assessment number for your module.
 - Click on the **Submit** link in the Action column and follow the steps described below.

Step 1: Enter the total number of questions required for the assessment.

- Enter the total number of questions for your assessment in the **Number of Questions** field.
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Step 2: Fill out multiple-choice question answers

The number of questions requested in the previous step will now be displayed with five answer options next to each one. Please note that each row represents a question in your assessment.

- Click on the **radio button** [the small circle] that corresponds to your answer for that question.
- Click on the **Continue** button to move to step 3.
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Step 3: Verify the answers to your multiple-choice questions

This screen presents a summary of all your answers. Use it as a final check.

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PLEASE NOTE: If you experience technical problems, of any kind, on the day of the examination and your examination answers are not submitted by the cut-off time, you will be marked as absent and automatically deferred to the October/November 2020 examination. No other type of submission of your examination answers will be accepted.

QUESTIONS 1 - 50

Question 1

Read the following scenario and answer the question that follows:

Melissa and Nasir are a mixed-race couple. They have just moved into their dream home in an elite, but very traditional, neighbourhood. Melissa and Nasir's neighbours ignore them. Some even openly voice their disapproval of their relationship.

Which normative system is applicable to this scenario?

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

Question 2

Complete the sentence by choosing the correct option:

Law can be defined as

- (1) unwritten, but formal rules of conduct.
- (2) a body of rules of conduct which has binding legal force.
- (3) customary rules meant to guide human behaviour.
- (4) informal rules of conduct.

Question 3

Consider the following two statements and choose the correct option below:

- (a) Substantive law refers to the legal rules that determine how court cases are decided.
- (b) Substantive law refers to the part of the law that determines the meaning of legal rules.

Options:

- (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.

Question 4

Formal law must comply with three basic requirements to achieve formal justice.

Which 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 5

Read the following scenario and answer the question that follows:

Ms Masina and Ms Seoke live in Protea Glen Estate in Soweto. They have been neighbours for some time. Ms Masina does not care about the environment. She regularly burns all her garden refuse by making a big fire. This is a huge nuisance to Ms Seoke and makes life very unpleasant for her.

On which private-law right of Ms Seoke does Ms Masina infringe by causing excessive smoke on her property?

- (1) personal right
- (2) personality right
- (3) real right
- (4) intellectual property right

Question 6

Read the following scenario and answer the question that follows:

Ms Masina and Ms Seoke live in Protea Glen Estate in Soweto and have been neighbours for some time. Ms Masina does not care about the environment and regularly burns all her garden refuse by making a big fire. This is a huge nuisance to Ms Seoke and makes life very unpleasant for her.

What is the object of Ms Seoke's right called?

- (1) a thing
- (2) personality property
- (3) performance
- (4) a creation of the human mind

Question 7

Indicate whether the following statement is true or false:

A personal right is a right to physical integrity which other persons must respect.

- (1) True
- (2) False

Question 8

Consider the following two statements and choose the correct option below:

- (a) Every right has a twofold relationship: firstly, the relationship between a legal subject and his/her legal object and secondly, the relationship between a legal subject and holder of the right and other legal subjects.
- (b) The connection between "law" and "right" is twofold: firstly, the law prescribes what the content of a right is, and secondly the law prescribes what the limits to the content of a right are.

Options:

- (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.

Question 9

Different nations and their legal systems influenced the development and composition of South African law.

Which legal system did NOT officially play a role in the development and composition of South African law?

- (1) Roman law
- (2) Roman-Dutch law
- (3) English law
- (4) African customary (indigenous) law

Question 10

At the end of the fourth century AD, the Roman Empire split into two parts, the Western Roman Empire and the Eastern Roman Empire.

What is the *Corpus Iuris Civilis* that kept Roman law alive in the Eastern Roman Empire?

- (1) a collection of Roman classical law by Roman jurists
- (2) a codification of Roman law under guidance of Justinian
- (3) commentaries on Roman-Dutch law by de Groot and Voet
- (4) church law of the Roman-Catholic church known as canon law

Question 11

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 English customary law governed the lives of the Dutch.

Question 12

Complete the sentence by choosing the correct option:

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 13

Different legal systems in the world are grouped together into different legal families.

Which of the following countries' legal systems fall within the civil-law legal family?

- (1) France
- (2) Scotland
- (3) England
- (4) Sri Lanka

Question 14

Consider the following two statements and choose the correct option below:

- (a) Roman law played an important role in the development of legal systems that belong to the common-law legal family.
- (b) Social and economic policies played an important part in the development of legal systems that belong to the civil-law legal family.

Options:

- (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.

Question 15

Different legal systems in the world are grouped together into different legal families.

Complete the sentence by choosing the correct option:

South African law forms part of the _____ legal family.

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

Question 16

Read the following scenario and answer the question that follows:

John and Peter are friends. One day they have an argument over a girl that they both wish to date. John tackles Peter and punches him during their argument. Peter reports the incident at the police station. John is subsequently prosecuted for the crime of assault.

Which main division of the law will be applicable to this scenario?

- (1) private law
- (2) civil procedure
- (3) public law
- (4) criminal procedure

Question 17

What does the term "private law" refer to?

- (1) A body of legal rules that derives from the deciding of court cases.
- (2) A body of legal rules that regulates relationships between individuals.
- (3) A body of legal rules that regulates relationships between the state and its citizens.
- (4) A legal principle which states that a person has the right to privacy.

Question 18

Which of the following is traditionally classified as a division of public law?

- (1) law of contract
- (2) law of succession
- (3) administrative law
- (4) conflict of laws

Question 19

Indicate whether the following statement is true or false:

Constitutional law is concerned with the administration of the state in general. It determines the way in which state bodies, state departments and numerous boards, as well as ministers should exercise their powers.

- (1) True
- (2) False

Question 20

Read the following scenario and answer the question that follows:

Karel and Martie enter into an agreement with New Visions Kitchens to renovate their kitchen. They agree that New Visions Kitchens will replace their old stove with a new Easycook stove. The new stove has a two-year guarantee.

The stove is delivered to Karel and Martie's home. The following day Karel's brother, who repairs electrical appliances, looks at the stove and tells Karel that it is not a new stove. Karel phones New Visions Kitchens, to register his dissatisfaction about the stove they delivered but they refuse to speak to him.

Which subdivisions of the law of patrimony will be applicable to this scenario?

- (1) law of persons and law of property
- (2) law of property and law of obligations
- (3) law of delict and law of obligations
- (4) law of conflicts and law of obligations

Question 21

Indicate the correct statement:

- (1) South African law is codified because it consists of a single code of law.
- (2) South African law is codified because it consists of different divisions of law.
- (3) South African law is not codified because it consists of different sources of law.
- (4) South African law is not codified because it consists of different divisions of law.

Question 22

Read the following scenario and answer the question that follows:

You are a candidate attorney working at a community legal aid center. One afternoon, Mr Khumalo approaches you for legal advice. He shows you a letter from his employer which indicates that he has been dismissed with immediate effect, with no reasons being stated in the letter. You are tasked with finding the relevant sources of law which will assist your principal attorney in preparing her case. During your research, you find various South African sources of law.

Which of the following sources of law is NOT an authoritative source of law?

- (1) Labour Relations Act 66 of 1995
- (2) Basic Conditions of Employment Act 75 of 1997
- (3) A judgment by the Labour Court
- (4) A textbook on South African labour law

Question 23

Legislation is the most important source of South African law. 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 24

Themba is fined for driving 60 km/h in a 40km/h zone. What type of law has he transgressed?

- (1) common law
- (2) private law
- (3) statutory law
- (4) constitutional law

Question 25

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), **Fraser** refers to the

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

Question 26

Indicate whether the following statement is true or false:

Despite African customary (indigenous) law being largely unwritten law, the Constitution of the Republic of South Africa, 1996 determines that South African courts must apply African customary (indigenous law) where it is applicable.

- (1) True
- (2) False

Question 27

Indicate whether the following statement is true or false:

The African philosophical concept “ubuntu” played a role in the establishment of a constitutional democracy in South Africa.

- (1) True
- (2) False

Question 28

Special features have been built into the 1996 Constitution to ensure that our democracy succeeds.

Which of the following is NOT a special feature built into the 1996 Constitution to ensure that our democracy succeeds?

- (1) The Constitution provides for parliamentary sovereignty.
- (2) The Constitution provides for the separation of state powers.
- (3) The Constitution sets out the structure of the judiciary.
- (4) The Constitution contains a Bill of Rights.

Question 29

Consider the following two statements and choose the correct option below:

- (a) “Supremacy of the Constitution” means that all legislation may be challenged in terms of the Constitution, in a court, and changed or removed by parliament, if it is found to be inconsistent with the Constitution.
- (b) The separation of state powers in three branches of government with specific functions is essential in a democratic state, because it ensures that the powers of state organs are kept in check.

Options:

- (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.

Question 30

Read the following scenario and answer the question that follows:

During the 2010 Soccer World Cup security guards of a well-known security company went on 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 31

When we speak of “the government”, it involves three levels. Which of the following is NOT a level of government?

- (1) national level
- (2) provincial level
- (3) regional level
- (4) local level

Question 32

In what chapter of the Constitution will you find the Bill of Rights that protects the fundamental rights that each person has?

- (1) chapter 1
- (2) chapter 2
- (3) chapter 3
- (4) chapter 9

Question 33

Fundamental rights are divided into three categories. Indicate the correct statement:

- (1) First-generation rights include the right to human dignity.
- (2) Second-generation rights are also known as political rights.
- (3) Second-generation rights protect individuals from the abuse of state power.
- (4) Third-generation or group rights enjoy the most protection in the Constitution.

Question 34

Read the following scenario and answer the question that follows:

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. After this incident, John refuses to go back to school. His parents decide to speak to the principal. They believe that John’s maths teacher has infringed on one of John’s fundamental rights.

To which category of fundamental rights does the right belong that John’s maths teacher has potentially infringed?

- (1) first-generation fundamental rights
- (2) second-generation fundamental rights
- (3) third-generation fundamental rights
- (4) fourth-generation fundamental rights

Question 35

Read the following scenario and answer the question that follows:

Derek installs a generator on his residential property to use in the event of a power outage. However, the generator emits excessive unclean fumes. Derek's neighbours are becoming increasingly distressed by the unclean fumes that the generator is emitting.

Which specific fundamental right is Derek infringing?

- (1) the neighbours' right to life
- (2) the neighbours' right to equality
- (3) the neighbours' right to privacy
- (4) the neighbours' right to an unpolluted environment

Question 36

Read the following scenario and answer the question that follows:

Derek decides to install a generator on his residential property to use in the event of a power outage. However, the generator emits an amount of excessive unclean fumes. Derek's neighbours are becoming increasingly distressed by the unclean fumes that the generator is emitting. Derek's neighbours decide to apply for a court order to prevent him from operating his generator.

Which application of the Bill of Rights is involved in this scenario?

- (1) vertical application of the Bill of Rights
- (2) horizontal application of the Bill of Rights
- (3) horizontal and vertical application of the Bill of Rights
- (4) neutral application of the Bill of Rights

Question 37

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

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

Question 38

In terms of section 36 of the Constitution the court will take certain factors into account to determine whether a limitation of a fundamental right is justifiable.

Which of the following is NOT a factor that the court will consider?

- (1) Is the law a law of general application that applies to everyone?
- (2) Is the limitation of the right reasonable in an open and democratic society?
- (3) What is the purpose and importance of the right?
- (4) What is the nature and extent of the limitation?

Question 39

Complete the following sentence by choosing the correct option:

In the case of *S v Makwanyane*, the Constitutional Court found the death penalty to be unconstitutional in terms of the 1993 interim Constitution on grounds of the fundamental rights to

- (1) bodily integrity and freedom and security of the person.
- (2) human dignity and humanity.
- (3) life and human dignity.
- (4) life and citizenship.

Question 40

Complete the following sentence by choosing the correct option:

In the case of *Minister of Home Affairs v Fourie*, the Constitutional Court found the definition of marriage to be unconstitutional on grounds of the fundamental rights to

- (1) human dignity and freedom of association.
- (2) equality and human dignity.
- (3) bodily integrity and equality
- (4) freedom and security of the person and human dignity.

Question 41

Indicate whether the following statement is true or false:

Since the Legal Practice Act 28 of 2014 came into full effect on 1 November 2018, the legal professions of attorneys and advocates in the private sector have been undergoing a process of restructuring and change.

- (1) True
- (2) False

Question 42

Consider the following **two** statements **and choose the correct option below**:

- (a) Advocates have an automatic right to appear in higher courts, while attorneys must apply for a right to appear in higher courts.
- (b) An LLB degree is one of the requirements for both advocates and attorneys to be admitted as legal practitioners.

Options:

- (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.

Question 43

In a criminal case before the magistrate's court, who receives the evidence collected by the investigating officer and decides whether or not the suspect should be charged?

- (1) a judge or magistrate
- (2) a state advocate
- (3) a defence advocate
- (4) a public prosecutor

Question 44

Read the following scenario and answer the question that follows:

Thabo Ngoepe, a 30-year-old legal practitioner, has just bought a new red Ferrari. One Monday morning he is late for a meeting at work. At a very busy intersection in town, he skips a red light and crashes into another motor car driven by Robson Nkomo. Robson dies at the accident scene. Thabo is arrested and appears in a magistrate's court the next day.

Which legal dispute may arise from Thabo's arrest as a result of Robson's death?

- (1) civil case
- (2) criminal case
- (3) constitutional case
- (4) appeal case

Question 45

Read the following scenario and answer the question that follows:

Peter assaults John. Consequently, John spends a huge amount on medical costs.

Which legal dispute/disputes may arise from this incident?

- (1) A civil case can be instituted against Peter.
- (2) A criminal case can be instituted against Peter.
- (3) Both a criminal and a civil case can be instituted against Peter.
- (4) Neither a criminal nor a civil case can be instituted against Peter.

Question 46

Indicate the INCORRECT statement:

- (1) In a civil case the main aim is usually to claim financial damages.
- (2) In a civil case the parties are called the plaintiff and the defendant.
- (3) In a civil case the parties can be represented by an attorney or an advocate.
- (4) In a civil case the plaintiff's case must be proven beyond all reasonable doubt.

Question 47

What are the factors determining a court's jurisdiction in a civil case?

- (1) the court's competence to hear the case
- (2) the nature of the court proceedings
- (3) the type of offence and sentence
- (4) the nature of the relief and the amount claimed

Question 48

Who are the parties to a criminal case in a magistrate's court?

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

Question 49

Read the following scenario and answer the question that follows:

John Smith was awarded damages of R500 000 by the High Court in a claim against Peter Nel. Peter caused a motor car accident in which John sustained severe injuries. Peter is not satisfied with the ruling of the High court, because he believes that the accident was not his fault.

Which court can Peter approach next?

- (1) Constitutional Court
- (2) Magistrate's Court
- (3) Supreme Court of Appeal
- (4) Regional Court

Question 50

Read the following scenario and answer the question that follows:

Sipho sues Zodwa for breach of contract. He loses the case. Later it transpires that Zodwa's uncle was the presiding officer in the court proceedings.

Which legal remedy does Sipho have at his disposal?

- (1) appeal
- (2) review
- (3) interdict
- (4) indictment

TOTAL: 50 X 2 = 100 marks

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