



SCL1501

May/June 2015
Mei/June 2015

SKILLS COURSE FOR LAW STUDENTS VAARDIGHEDE VIR REGSTUDENTE

Duration · 2 Hours
Tydsduur 2 Uur

100 Marks
100 Punte

EXAMINERS / EKSAMINATORE :

FIRST / EERSTE · MR/MNR MD LETSOALO
SECOND / TWEDE · MR/MNR KB MOROTA

Use of a non-programmable pocket calculator is permissible.
Gebruik van 'n nie-programmeerbare sakrekenaar is toelaatbaar.

Closed book examination
Toeboekeksamen.

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This paper consists of 24 pages
Hierdie vraestel bestaan uit 24 bladsye.
INSTRUCTIONS

- 1 Answer ALL the questions
- 2 Read the questions VERY CAREFULLY before answering them
- 3 Use a BLUE or a BLACK PEN when you answer the questions on the EXAMINATION PAPER PLEASE DO NOT USE A PENCIL WHEN YOU ANSWER THE QUESTIONS

INSTRUKSIES:

- 1 Beantwoord AL die vrae.
- 2 Lees die vrae BAIE AANDAGTIG deur voordat jy dit beantwoord.
- 3 Gebruik 'n BLOU of 'n SWART PEN wanneer jy die vrae op die EKSAMENVRAESTEL beantwoord. MOET ASSEBLIEF NIE 'N POTLOOD GEBRUIK WANNEER JY DIE VRAEBEANTWOORD NIE.

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[BLAAI OM]

**THIS PAPER CONSISTS OF FIVE SECTIONS:
HIERDIE VRAESTEL BESTAAN UIT VYF AFDELINGS:**

**ALL FIVE SECTIONS ARE COMPULSORY AND YOUR ANSWERS TO THE
QUESTIONS MUST BE WRITTEN DIRECTLY ON THE EXAMINATION
PAPER.**

**AL VYF DIE AFDELINGS IS VERPLIGTEND EN JOU ANTWOORDE OP
DIE VRAE MOET DIREK OP DIE VRAESTEL GESKRYF WORD.**

SECTION 1 AFDELING 1:	LAW AND STUDY SKILLS: 25 MARKS REGS- EN STUDIEVAARDIGHEDE: 25 PUNTE
SECTION 2 AFDELING 2:	NUMERIC SKILLS: 20 MARKS REKENVAARDIGHEDE: 20 PUNTE
SECTION 3 AFDELING 3:	COMMUNICATION / LITIGATIONSKILLS: 25 MARKS KOMMUNIKASIE- /LITIGASIEVAARDIGHEDE: 25 PUNTE
SECTION 4 AFDELING 4:	LEGAL ACTORS / RESEARCH SKILLS. 10 MARKS REGSPERSONE / NAVORSINGSVAARDIGHEDE: 10 PUNTE
SECTION 5 AFDELING 5:	READING SKILLS: 20 MARKS LEESVAARDIGHEDE: 20 PUNTE

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[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 wat daarvoor toegelaat is.

1.1 Explain why it is important for a learner to be regarded as a "subjective being" in the learning process (5)

1.1 Verduidelik waarom dit vir die leerling belangrik is om as 'n "subjektiewe wese" van die leerproses geag te word. (5)

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- [illegible]

2.1 Explain why "skill" is such a critical aspect in the lives of legal practitioners (5)

2.1 Verduidelik waarom "vaardigheid" so 'n kritiese rol in die lewens van regspraktisyne speel. (5)

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(5)
(5)

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- 2 3 Choose an area of social life, and think about the laws that govern it
Now, discuss why it is necessary to have law in that specific context (5)
- 2 3 **Kies 'n sosiale lewensarea, en dink na oor die wette wat sodanige
area bestuur. Bespreek nou waarom die wet in daardie spesifieke
konteks noodsaaklik is. (5)**

TOTAL FOR SECTION 1 [25]
TOTAAL VIR AFDELING 1 [25]

SECTION 2
AFDELING 2

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

Beantwoord AL die vrae. Skryf u antwoorde op die vrae in hierdie afdeling DIREK op die eksamen vraestel in die ruimte toegelaat.

QUESTION 1 / VRAAG 1

- 1 1 The distance between Lephepane and Kgapanne towns is 78 km When the highway, which is under construction, is finished, the distance will be 18% shorter What will the distance in km's then be? (2)
- 1.1 Die afstand tussen die dorpie Lephepane en Kgapanne is 78 km. Wanneer die hoofweg, wat onder konstruksie is, klaar is, sal die afstand tussen die dorpie 18% korter wees. Wat sal die afstand dan in km wees. (2)

- 1 2 The Spark Newspaper company employs 240 people $\frac{3}{4}$ of these employees are women How many men has the Spark Newspaper Company employed? (2)
- 1.2 Die Spark Nuusblaad Maatskapy het 240 mense in diens. $\frac{3}{4}$ van die mense is vroue. Hoeveel mans het Die Spark Nuusblad in diens? (2)

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- 1.3 The advocate's fees amount to R6000,00 inclusive of VAT. How much are the fees excluding VAT? (1)
- 1.3 Die advokaat se fooi is R6000,00 BTW ingesluit. Hoeveel sal die fooie BTW uitgesluit wees? (1)

- 1.4 A Toyota Auris and Hyundai Accent collide at an intersection in Tzaneen. Sello Merafe, the owner-driver of the Toyota Auris, was 20% negligent. Bibo Malatji, the owner-driver of the Hyundai Accent, was 45% negligent. The damage to the Auris is estimated at R25 000. It is uneconomical to repair the Accent. The pre-accident value of the Accent was R170 000. The salvage value of the wreck is R60 000. Who must pay whom; and what amount of damages must he pay? (5)
- 1.4 'n Toyota Auris bots met 'n Hyundai Accent by 'n verkeerskruising. Sello Merafe, die eienaar-bestuurder van die Toyota Auris, was 20% nalatig. Bibo Malatji, die eienaar-bestuurder van die Hyundai Accent, was 45% nalatig. Die skade aan die Auris beloop R25 000. Dit is onekonomies om die Accent te herstel. Die wrak is R60 000 werd. Watter eienaar-bestuurder moet aan watter eienaar skadevergoeding betaal en wat moet die bedrag skadevergoeding wees? (5)

[illegible]

QUESTION 2 / VRAAG 2

Draft an account from Theo Mapheto to Mandla Masango on the facts given below (You may assume that postage stamps cost R4,50 each VAT included).

Theo Mapheto of Mapheto Attorneys in Johannesburg arranged with his client, Mandla Masango, to account to him on a monthly basis. Mr Mapheto agreed on remuneration as follows.

- R75 for every letter written
- R35 for every letter received
- R750 per consultation of 30 minutes or any part thereof
- Drafting of summons: R450
- R350 per telephone consultation of 30 minutes or any part thereof.
- Drafting of affidavit R55 per page or any part thereof

During the past month, Theo Mapheto, completed the following work on behalf of his client.

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[BLAAI OM]

Stel Mandla Masango se rekening aan Theo Mapheto op, gegewe die inligting hieronder. (Jy kan aanvaar dat posseëls R4,50 per seël kos BTW ingesluit).

- **R75 vir elke brief geskryf.**
- **R35 vir elke brief ontvang.**
- **R750 per konsultasie van 30 minute of enige deel daarvan.**
- **R450 vir die opstel van 'n dagvaarding**
- **R350 per telefoonkonsultasie van 30 minute of enige deel daarvan.**
- **R55 per bladsy of enige deel daarvan, vir die opstel van 'n beëdigde verklaring.**

Hy het 12 briewe geskryf en gepos. Hy het vir 123 minute met die kliënt gekonsulteer. He het 'n dagvaarding opgestel. Hy moet 'n advokaat R930 (BTW uitgesluit) betaal. Hy en die kliënt het 4 keer telefonies gekonsulteer: een konsultasie was vir 11 minute, een vier 32 minute, die ander vir 85 minute en die laaste een vir 63 minute.

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**SECTION 3
AFDELING 3**

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 u antwoorde op die vrae in hierdie afdeling DIREK op die eksamenvraestel in die ruimte toegelaat.

All questions in this section are based on the based on the following passage, which you must thoroughly read before answering
Alle vrae in die afdeling is gebaseer op die paragraaf wat volg. Lees dit aandagtig deur voor u poog om dit te beantwoord:

Last week, Trilly Mogoboya purchased an Isuzu KB 200. Today, on his way to Tzaneen, he collides with Matome Motapola, the owner-driver of a Hilux Bakkie, at an intersection at Bindzulani near Nkowankowa township. In the process, all the potatoes that Motapola was carrying in the bakkie fell on to the road. It is reported that some villagers from the nearby settlements of Mokgoloboto and Dan came with their wheelbarrows and plastic bags and helped themselves to Motapola's potatoes. It is later learned that he had just purchased the potatoes from Harmony Fresh Produce at the Bindzulani Shopping Complex for R3 600,00 when the accident occurred. The complex also houses the popular drinking spot known as "Sigojini Tavern". Trilly is 43% negligent, whereas Matome Motapola's negligence is 36%. It is reported that Trilly was travelling at a speed of 110 km/h, whereas Motapola's speed was 70 km/h. The damage to the bakkie is estimated at R46 000. It is uneconomical to repair the Isuzu KB, but its salvage value is R33 000. The pre-accident value of the Isuzu was R289 000.

Motapola does not suffer any serious bodily injuries, but is taken to the Letaba Hospital and is treated for what the nurses tell him is a "shock". Trilly, on the other hand, suffers serious injuries to both his legs and the doctors tell him that he has to use a wheelchair for about two weeks. They also tell him not to do his work for two weeks. He has to pay the hospital R120, 00 for each of the 14 days he is bound to use the wheelchair.

Verlede week het Trilly Mogoboya 'n Isuzu KB 200 gekoop. Vandag, oppad na Tzaneen bots hy met Matome Motapola, die eienaar-bestuurder van 'n Hilux Bakkie, by 'n kruising by Bindzulani naby Nkowankowa dorpsgebied. In die proses val al die aartapels wat Matome Motapola in sy bakkie vervoer het in die pad. Dit is gerapporteer dat sommige dorpenaars uit die nabygeleë nedersettings van Mokgoloboto en Dan gekom het met hulle kroiwaens en plastieksakke en Motapola se aartapels gevat het. Later word dit bekend dat hy net die aartapels van Harmony Fresh Produce by die Bindzulani winkelkompleks gekoop het vir R3600,00 toe die ongeluk gebeur het. Die kompleks huisves ook die bekende drinkplek wat bekend staan as "Sigojini Tavern". Trilly is 43%

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[BLAAI OM]

nalatig en Matome Motapola is 36% nalatig. Dit is gerapporteer dat Trilly teen 'n spoed van 110 km/h gery het terwyl Motapola se spoed 70 km/h was. Die skade aan die bakkie is ongeveer R46 000. Dit sal onekonomies wees om die Isuzu te herstel., maar sy herwinningswaarde is ongeveer R33 000. Die voorongelukswaarde van die Isuzu was R289 000.

Motapola het nie enige ernstige liggaamlike beserings opgedoen nie, maar word na die Letaba Hospitaal geneem. Hy word volgens die verpleegster behandel vir "skok". Trilly, aan die ander kant, het ernstige beserings opgedoen aan beide sy bene en volgens die dokters moet hy vir twee weke lank 'n rolstoel gebruik. Hy word ook geadviseer om nie vir die twee weke te werk nie. Hy moet die hospitaal R120,00 vir elk van die 14 dae wat hy die rolstoel gebruik het betaal.

QUESTION 1 / VRAAG 1

Trilly has come to see you with regard to the accident he was involved in at the intersection near Bindzulani. He asks you to act on his behalf in the matter.

Trilly kom sien u met betrekking tot die ongeluk waarin hy betrokke was by die kruising naby Bindzulani. Hy vra u om namens hom op te tree in die saak.

- 1 1 Frame two questions that you will ask him so as to "put him at ease" during your first consultation with him (2)
- 1.1 Formuleer twee vrae wat u hom sal vra om hom "op sy gemak te stel" tydens u eerste konsultasie met hom (2)

- 1.2 During the consultation, it emerges that Sello Merafe, a resident of Nkowankowa township, was at the nearby "Flame Grilled Chicken" restaurant and witnessed the whole accident as it unfolded. Draft two possible questions that you may ask him so as to let him give the court an overview of what happened (2)
- 1.2 Tydens die konsultasie kom dit onder u aandag dat Sell Merafe, 'n inwoner van Nkowankowa dorpsgebied, by die nabygeleë "Flame Grilled Chicken" restaurant was. Hy het toegekyk hoe die hele ongeluk gebeur het. Stel twee moontlike vrae op wat u aan hom sal stel met die doel om aan die hof 'n oorsig van die ongeluk te verskaf. (2)

- 1.3 The matter has now been brought before the Ritavi magistrate court. Draft what you think will be your opening address. (4)
- 1.3 Die saak is nou voor die Ritavi landroshof gebring. Stel die openingsrede op soos wat u dink dit sal wees. (4)

[TURN OVER]
[BLAAI OM]

- Were you coming from Harmony Fresh Produce when that speedster collided with you?
- Do you think that the speedster was rushing to the Sigojini Tavern when he caused the accident?
- Were you driving fast when you approached the intersection?

- Het u van Harmony Fresh Produce afgekom toe die jaagduiwe met u gebots het?
- Dink u dat die jaagduiwe na die Sigojini Tavern gejaag het toe hy die ongeluk veroorsaak het?
- Het u teen 'n hoë spoed gery toe u die kruising genader het?

[illegible]

- 1 5 Now, draft a concise paragraph that would constitute your "prayers" (4)
Stel 'n bondige paragraaf op wat u smeekbede bevat. (4)

QUESTION 2 / VRAAG 2

- 2.1 Use examples to explain what the concept "non-verbal communication" is, and say why it is important to legal practice (5)
2.1 **Maak gebruik van voorbeelde en verduidelik wat met die konsep "nie-verbale kommunikasie" bedoel word en waarom dit belangrik vir die regsberoep is. (5)**

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

1.1 Why are certain legal bodies in South Africa commonly referred to as "Chapter 9 institutions"? (3)

1.1 Waarom word daar algemeen na sekere regsliggame in Suid-Afrika verwys as "hoofstuk 9 instansies"? (3)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

- 1 2 Write a paragraph in which you explain the difference between the following (i) attorney and (ii) advocate (2)
- 1 2 Skryf 'n paragraaf waarin jy die verskil verduidelik tussen die volgende : (i) prokureur en (ii) advokaat. (2)

[illegible]

- 1.3 What are "articles of clerkship", and why are they necessary? (3)**
1.3 Wat is "leerklerkskappe" en hoekom is hulle nodig? (3)

1 4 What is the role of a citizen as a legal actor in the South African legal system? (2)

1.4 Wat is die rol van die burger as rolspeler in die Suid-Afrikaanse regstelsel? (2)

TOTAL SECTION 4: [10]
TOTAAL AFDELING 4: [10]

[TURN OVER]
[BLAAI OM]

- 1 3 What is the Act of Parliament? Where is it published? (2)
1.3 Wat is 'n Parlements wet? Waar word dit gepubliseer? (2)

QUESTION 2 / VRAAG 2

- 2 1 In an action proceeding, the procedure is started by way of summons
What is a summons? (4)
2 1 In 'n aksieprosedure word die prosedure begin deur 'n dagvaarding.
Wat is 'n dagvaarding? (4)

[TURN OVER]
[BLAAI OM]

- 2.2 Your cousin reads through the case of *Molefe v Mahaeng* in your SCL1501 Study Guide. He comes across the words "*cur adv vult*" and "*postea*". He wants to know the reason behind those words. Explain to him what would have happened if those terms appear in a law report. (4)
- 2.2 U neef lees deur die saak van *Molefe v Mahaeng* in u SCL1501 Studiegids. Terwyl hy lees vang die woorde "*cur adv vult*" en "*postea*" sy oog. Hy wil graag weet wat die bogenoemde terme beteken. Verduidelik aan hom wat dit beteken wanneer die terme in regspraak verskyn. (4)

- 2.3 What does the word "held" in a headnote indicate? (2)
2.3 Wat dui die word "held" of "beslis" in 'n kopstuk aan? (2)

TOTAL SECTION 5: [20]
TOTAAL AFDELING 5: [20]

TOTAL: [100]
TOTAAL: [100]