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SCL1501

**OCTOBER/NOVEBER 2016
OKTOBER/NOVEMBER 2016**

**SKILLS COURSE FOR LAW STUDENTS
VAARDIGHEDE VIR REGSTUDENTE**

STUDENT NUMBER / STUDENTENOMMER									

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Number of paper / Vraestelnommer

Date of examination / Datum van eksamen

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Question No Vraagnr	Marks / Punte					
	Examiners / Eksaminatore					
	1		2		3	
Section 1 Afdeling 1						
Section 2 Afdeling 2						
Section 3 Afdeling 3						
Section 4 Afdeling 4						
Section 5 Afdeling 5						
Total / Totaal						

WARNING

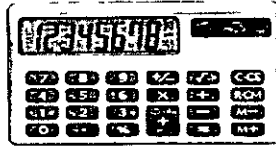
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- 1 'n Kandidaat wat sonder magtiging enige boek dokument of voorwerp wat hom in die eksamen behulpzaam kan wees in die eksamenlokaal inbring en nalaat om die ongemagtigde materiaal aan die opsiener te oorhandig voordat die eksamen amptelik n aanvang neem, sal skuldig wees aan oortreding van die Universiteit se eksamenregulasies en hom blootstel aan straf soos deur die Raad van die Universiteit bepaal mag word
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**SCL1501**
 October/November 2016
 Oktober/November 2016

SKILLS COURSE FOR LAW STUDENTS
VAARDIGHEDE VIR REGSTUDENTE

 Duration 2 Hours
 Tydsduur 2 Uur

 100 Marks
 100 Punte
EXAMINERS / EKSAMINATORE
 FIRST / EERSTE MR/MNR KB MOROTA
 SECOND / TWEDE MR/MNR MD LETSOALO

 Use of a non-programmable pocket calculator is permissible
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 Toeboekeksamen

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 This paper consists of 21 pages
 Hierdie vraestel bestaan uit 21 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 VRAE BEANTWOORD NIE

 [TURN OVER]
 [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 15 MARKS REKENVAARDIGHEDE. 15 PUNTE
SECTION 3 AFDELING 3:	COMMUNICATION / LITIGATIONSKILLS 25 MARKS KOMMUNIKASIE- /LITIGASIEVAARDIGHEDE: 25 PUNTE
SECTION 4 AFDELING 4:	LEGAL ACTORS / RESEARCH SKILLS 15 MARKS REGSPERSONE / NAVORSINGSVAARDIGHEDE. 15 PUNTE
SECTION 5 AFDELING 5:	READING SKILLS 20 MARKS LEESVAARDIGHEDE. 20 PUNTE

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. "The point of departure for every law student is an understanding of the concept of 'law' "
 - 1.1 Explain why it is important for law students to clearly understand the concept of "law" (3)
 - 1.1 **Verduidelik hoekom dit belangrik is vir 'n regstudent om die konsep "die reg" te verstaan. (3)**

[illegible]

- 1.2 Illustrate, with examples, how the concepts "law" and "rules" are generally confused by ordinary citizens or non-lawyers (4)
- 1.2 Dui aan met behulp van voorbeelde hoe die konsepte "die reg" en "reels" deur gewone burgers en individue wat nie regsgeleerdes is nie, verwar word. (4)

2. TEXT A "**State capture. What is a state?**" (Jacob Zuma, 13 May 2016)

We don't have economic power. Those who are having economic power will run you. They will run you. I'm not talking about state capture because that's, heh-heh, no, because I must help you, I must help you. Because that term is wrong. We don't understand what is a state. We talk about state capture, you don't understand. Is judiciary captured? Heeh? Is it captured? By who? By who? Heeh! Is parliament captured? Heeh? Hmnl! What composes the state are three arms. It is the executive, it is the judiciary, it is the legislature. That is a state. If you say state capture what do you mean? Are all these captured? You are misleading people. You are talking about small issues, you make them big issues.

("State capture. What is a State?" (Address by Jacob Zuma, ANC Gauteng Provincial Council, Pretoria, 13 May 2016. eNCA <http://www.enca.com/South-Africa-/Zuma-warns-party-risks-losing-power> Date accessed 04 June 2016)

2.1 Explain the concept "social contract" (2)

2.1 Verduidelik die konsep "sosiale kontrak". (2)

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[illegible]

3 **Text B:** "The student should realise that he/she belongs to the learning space as a human being and not as a non-human entity with an empty brain, which needs to be filled with unquestionable knowledge given by some teacher, lecturer or professor " (SCL1501 Study guide, 2015)

3 1 Explain how the above extract links to the metaphor of a bank in "banking education" (2)

3.1 Verduidelik hoe die bostaande uittreksel aansluit by die metafoor van "banking education" (2)

3 2 Explain "praxis" in the context of the above extract (2)

3.2 Verduidelik "praxis" in konteks van die bostaande uittreksel. (2)

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[BLAAI OM]

This month you rendered the following services

Received 7 letters

Wrote and posted 9 letters

Drafted 4 affidavits 2 consisting of 5 ½ pages, 1 consisting of 9 ½ pages and 1 consisting of 11 ½ pages

Consulted twice telephonically, first for 19 minutes and later 39 minutes

Instructed an advocate to draft a document The advocate charged R4345,75 VAT excl

Draft your comprehensive statement of account to San Kara (10)

- 1.1 San Kara nader jou, 'n prokureur, om hom met sy saak teen die Staat te assisteer Hy is deur lede van die Suid-Afrikaanse Polisiediens (SAPD) aangerand. Julle kom ooreen op die volgende vergoeding:

Elke brief geskryf R115,00

Elke brief ontvang R72,00

Opstel van dagvaarding R 780,00

Opstel van beedigde verklaring R87,00 per bladsy of enige deel daarvan

Konsultasie R725,00 per 30 minute of enige deel daarvan

Telefoniese konsultasie R215,00 per 15 minute of enige deel daarvan

Seëls R5,50 BTW uitgesluit

Tydens die laaste maand het jy die volgende dienste gelewer:

7 Briewe ontvang

9 Briewe geskryf en gepos

4 Beedigde verklarings opgestel 2 van 5½ bladsye, 1 van 9½ bladsye en 1 van 11 ½ bladsye

Twee telefoniese konsultasies, die eerste vir 19 minute en later 39 minute

Advokaat opdrag gegee om 'n dokument op te stel. Die advokaat se fooi was R4345,75 BTW uitgesluit

Stel die omvattende rekening vir San Kara op. (10)

- 12 Last week San Kara purchased a Ford Figo valued at R120 000,00 (VAT Incl) Today he collides with Jeff Masemola, the owner-driver of a Toyota Fortuner at an intersection in Tshwane San Kara is 55% negligent, whereas Jeff Masemola's negligence is 20% The damage to the Ford Figo is estimated at R35 000,00 It is uneconomical to repair the Fortuner, but its salvage value is R72 000,00 The pre-accident value of the Fortuner was R525 000,00

Calculate who must pay whom, and what would be the amount of damages (5)

[TURN OVER]
[BLAAI OM]

Bepaal wie vir wie moet betaal en hoeveel die skadevergoeding is.

[illegible]

)

[TURN OVER]
[BLAAI OM]

[illegible]

- [illegible]

QUESTION 2 / VRAAG 2

2.1 Use examples to explain the importance of "body language" as a non-verbal feature in the litigation process (4)

2.1 Maak van voorbeelde gebruik om die belang van "liggaamstaal" as 'n nie-verbale aspek van die litigasieproses te verduidelik. (4)

2.2 What are some of the aspects you will consider when you consult with a client/witness to ensure that you listen "while taking cognisance of feelings"? You should also explain this way of listening (4)

2.2 Wat is sommige van die aspekte wat jy in ag sal neem wanneer jy met 'n klient/getuie konsulteer om seker te maak dat jy luister "terwyl jy kennis neem van emosies en gevoelens"? Verduidelik ook hierdie manier van luister. (4)

2 3 With the help of your own examples, explain the following concepts as they relate to Logic

2 3. **Met behulp van jou eie voorbeelde, verduidelik die volgende konsepte in verhouding tot Logika:**

- (i) *Criticism* (2)
(i) **Kritiek** (2)

- (ii) *Arguing in circles* (2)
(ii) **Sirkelredenasie** (2)

- (iii) *Argue from authority* (2)
 (iii) **Argument vanuit gesag** (2)

TOTAL SECTION 3: [25]
TOTAAL AFDELING 3: [25]

SECTION 4
AFDELING 4

QUESTION 1 / VRAAG 1

- 1 1 Who are the members of the support staff in the law firm? (2)
 1 1. **Wie is die lede van die regsfirma se ondersteuningspersoneel?** (2)

- 1 2 Explain the following phrases
 1.2 **Verduidelik die volgende frases:**

- (i) "para" (2)
 (i) "para" (2)

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 [BLAAI OM]

- (ii) Contract of articles (2)
(ii) **Leerkontrak** (2)

- (iii) Power of attorney (2)
(iii) **Volmag** (2)

- 1 3 What does the role of the Clerk of Court entail? (2)
1.3 Wat behels die rol van die Klerk van die Hof? (2)

- 1 4 Is there a difference between an attorney and a paralegal? Elaborate (5)
1.4 Is daar 'n verskil tussen 'n prokureur en 'n pararegspraktisyn?
Brei uit op jou antwoord. (5)

TOTAL SECTION 4: [15]
TOTAAL AFDELING 4: [15]

SECTION 5
AFDELING 5

QUESTION 1 / VRAAG 1

- 1 1 Explain the system of precedent in relation to the hierarchy of courts (3)
1.1 Verduidelik die presedentestelsel in verhouding tot die hiërargie van hofe. (3)

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- 1 2 Explain the following components of an Act of parliament (3)
1 2 Verduidelik die volgende komponente van 'n parlementswet

- (i) Preamble
(i) **Aanhef**
-
-

[TURN OVER]
[BLAAI OM]

- (ii) Long title
(ii) **Lang titel**

- (iii) Short title
(iv) **Kort titel**

- 1 3 Your friend, who is a paralegal student at Jane Furse College, struggles with certain aspects of how to read an Act. He does not understand how to determine whether an Act is in force. Explain this to him. (4)
- 1 3 **Jou vriend, 'n pararegestudent by Jane Furse College, vind sommige aspekte van die lees van 'n Wet moeilik. Hy verstaan nie hoe om te bepaal of 'n Wet van krag is nie. Verduidelik dit aan hom. (4)**

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[BLAAI OM]

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1. 2013

1.5 Wat is die verskil tussen sleutelwoorde (trefwoorde) en 'n kopstuk? (2)

[illegible]

1.6 Sekere vermoedens word in ag geneem saam met die die reëls aangaande die interpretasie van Wette, soos vervat in die Wet op Interpretasie 33 van 1957. Verskaf voorbeelde van hierdie vermoedens. (4)

[illegible]

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

TOTAL [100]
TOTAAL [100]