

**SCL1501**

May/June 2016

Mei/June 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
 Gebruik van 'n nie-programmeerbare sakrekenaar is toelaatbaar

 Closed book examination
 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.

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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 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

SECTION 1
AFDELING 1

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 What is "Law"? In your definition please ensure you point out the difference between "law" and "rules" (3)
1.1 **Wat is "Die reg"? Maak seker dat jou definisie die verskil tussen "die reg" en "reëls" aandui.** (3)

- 1 2 Read the two texts below before answering the questions that follow.
1.2 **Lees die twee tekste hieronder en beantwoord die vrae wat daarop volg:**

TEXT A / TEKS A

"Angry cops 'don't want to share state vehicles'"
Frank Maponya, Sowetan January 12 2016

Detectives at the Westenburg police station are aggrieved as their bosses will not allow them to drive in state cars alone This measure was taken in the wake of the recent spate of police killings But the unhappy officers have accused the station's head Colonel Jonathan Mohale of strong arm tactics Mohale issued letters to the officers stating that they could not travel in state vehicles without a colleague

[TURN OVER]
[BLAAI OM]

TEXT B / TEKS B**"SA is gone, my countrymen"**Xolela Mangcu (in *City Press* 13 December 2015)

We have become a rudderless country. Our nation is careening downhill in a hand basket because the man at the helm, President Jacob Zuma, is not qualified to lead it. Sometimes I wonder if we deserve this democracy, or are even worthy of it. How can we be worthy of democracy if one person can do as he pleases with our institutions and resources? The endless appointments of unqualified people to lead strategic institutions and the milking of these institutions by private profiteers close to the president give a lie to the notion of democracy in this country. We are no different to any kleptocracy. The sooner we drop the pretence the better, so we might understand the nature of the beast that lies at the head of our government.

1.2.1 With reference to the contents of Text A and Text B above, comment on the difference between the following concepts.

1.2.1 Met verwysing na die inhoud van Teks A en Teks B hierbo, verduidelik die verskil tussen die volgende konsepte:

- (i) State and country (2)
(i) Staat en land (2)

- (ii) State and government (2)
(ii) Staat en regering (2)

[TURN OVER]
[BLAAI OM]

- (iii) Government and democracy
(iii) Regering en demokrasie

(2)
(2)

- 1 2 2 Comment on the use of the terms "state" in Text A and "country" in
Text B. Do you think there is a difference in meaning? Explain (5)
1.2.2 Lewer kommentaar op die gebruik van die terme "staat" in
Teks A en "land" in Teks B. Dink jy daar is 'n verskil in die
betekenis hiervan? Verduidelik. (5)

1 3 "A learning contract is a binding agreement or pact that a student enters with himself or herself. It is like a personal mission and vision . "

1 3 1 Explain why a learning contract is likened to a "personal mission and vision"? (3)

1.3.1 Verduidelik waarom 'n leerkontrak gelyk gestel kan word aan 'n "persoonlike missie en visie"? (3)

1 3 2 As a student registered for the Law degree (LLB), draft a realistic learning contract (5)

1.3.2 As 'n student wat geregistreer is vir die regsgraad (LLB), stel 'n realistiese leerkontrak op. (5)

- 1.4 In no more than two lines, make a narrative summary that captures the essence of either Text A or Text B (3)
- 1.4 **Formuleer 'n narratiewe opsomming wat nie langer as twee reëls is nie, wat die kern van óf Teks A, óf Teks B, bevat. (3)**

TOTAL SECTION 1: [25]
TOTAAL AFDELING 1: [25]

SECTION 2
AFDELING 2

- 1.1 Xolela Mangu has approached you, as a legal practitioner/attorney, to assist him in a matter against the State following the article he wrote in the City Press criticizing the president. He agrees to the following arrangement with you

Every letter written R120,00
Every letter received R75,00
Drafting of a summons R750,00
Drafting of an affidavit R80,00 per page or any part thereof
Consultation R750 per 30 minutes or any part thereof
Telephone consultation R225,00 per 15 minutes or any part thereof
Stamps R5,75 VAT excl

[TURN OVER]
[BLAAI OM]

This month you rendered the following services

Received 4 letters

Wrote and posted 7 letters

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

Consulted twice telephonically, first for 16 minutes and later 33 minutes

Instructed an advocate to draft a document The advocate charged R3540,75 VAT excl

Draft your comprehensive statement of account to Xolela Mangu (10)

- 1.1 Xolela Mangu nader jou, 'n prokureur, om hom met sy saak teen die Staat te assisteer. Hy het 'n artikel vir die City Press geskryf, waarin hy die president gekritiseer het. Julle kom ooreen op die volgende vergoeding:**

Elke brief geskryf R120,00

Elke brief ontvang R75,00

Opstel van dagvaarding R 750,00

Opstel van beëdigde verklaring R80,00 per bladsy of enige deel daarvan

Konsultasie R750,00 per 30 minute of deel daarvan

Telefoniese konsultasie R225,00 per 15 minute of deel daarvan

Seels R5,75 BTW uitgesluit

Tydens die laaste maand het jy die volgende dienste gelewer:

4 Briewe ontvang

7 Briewe geskryf en gepos

2 Beëdigde verklarings opgestel: 1 van 4½ bladsye en 1 van 9½ bladsye

Twee telefoniese konsultasies, die eerste vir 16 minute en later 33 minute.

Advokaat opdrag gegee om 'n dokument op te stel. Die advokaat se fooi was R3540,75 BTW uitgesluit

Stel die omvattende rekening vir Xolela Mangu op. (10)

[TURN OVER]
[BLAAI OM]

- 1 2 Last week Xolela purchased a BMW X5 valued at R790 000,00. Today he collides with Jacob, the owner-driver of a Jeep at an intersection in Cape Town. Xolela is 40% negligent, whereas Jacob's negligence is 50%. The damage to the BMW is estimated at R150 000,00. It is uneconomical to repair the Jeep, but its salvage value is R65 000,00. The pre-accident value of the Jeep was R456 000,00.

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

[TURN OVER]
[BLAAI OM]

- 1.2 Xolela het verlede week 'n BMX X5 ter waarde van R790 000,00 gekoop. Vandag bots hy teen Jacob, die eienaar-bestuurder van 'n Jeep, by 'n kruising in Kaapstad. Daar word bevind dat Xolela 40% nalatig was, terwyl Jacob 50% nalatig was. Die skade aan die BMW word beraam op R150 000,00. Dit is egter onekonomies om die Jeep te herstel, maar die skrootwaarde daarvan is R65 000,00. Die waarde van die Jeep voor die ongeluk was R456 000,00.**

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

(5)

[illegible]

TOTAL SECTION 2: [15]
TOTAAL AFDELING 2: [15]

[TURN OVER]
[BLAAI OM]

In order to answer the questions in this section, you will again have to read Text B that appears at the beginning of Section 1 of this examination paper
Lees weer Teks B, wat aan die begin van Afdeling 1 van hierdie vraestel verskyn, voordat jy die vrae in hierdie afdeling beantwoord.

Jacob's lawyers have taken legal action against Xolela for what they refer to as "*crimen iniuria* and defamation" Xolela has therefore come to see you with regard to the matter, and asks you to act on his behalf

Jacob se prokureurs stel resagksie teen Xolela in vir sogenaamde "*crimen iniuria* en naamskending". Xolela kom sien jou in verband hiermee en vra dat jy namens hom sal optree.

- 1.1 What points would you mention to him to ensure that he has confidence in you? (3)
- 1.1 Wat sal jy sê om seker te maak dat hy vertroue het in jou vermoë het? (3)

[illegible]

- 1.2 The matter has now been brought to the magistrate court in Cape Town Draft your opening address (4)
- 1.2 Die saak word nou in die landroshof in Kaapstad aangehoor. Formuleer jou openingsbetoë. (4)

[illegible]

[illegible]

- 1.3 List some of the important points that you will include in your heads of argument, and then draft a paragraph that would constitute your prayers (4)
- 1.3 Lys die belangrike punte wat jy in jou hoofde van betoë sal insluit en skryf dan 'n paragraaf wat as jou pleit sal dien. (4)

[illegible]

2.1 Use examples to explain what the concept "non-verbal communication" is, and say why it is important to legal practice (4)

2.1 Verduidelik wat "nie-verbale kommunikasie" is deur van voorbeelde gebruik te maak en noem waarom dit belangrik is vir die regspraktik. (4)

[illegible]

- 2.2 Explain how "inductive reasoning" works in argumentation or Logic. Give examples. (4)
- 2.2 Verduidelik hoe "induktiewe redenering" in argumentasie of logika werk. Verskaf voorbeelde. (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) *Non-sequitur*

(2)

(ii) *Argumentum ad hominem*

(2)

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

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

SECTION 4
AFDELING 4

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.

The participation of any individual in the South African legal system may be through direct involvement by civil action or proxy.
Enige individu se deelname in die Suid-Afrikaanse regstelsel mag deur direkte betrokkenheid, in die vorm van siviele aksie, of deur volmag geskied.

- 1.1 What do you understand by the term proxy? (3)
 1.1 Wat verstaan jy onder die term volmag? (3)

[TURN OVER]
[BLAAI OM]

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

1.2 Wat is die rol van die burger in die Suid-Afrikaanse regstelsel? (2)

1.3 Write a paragraph in which you explain the difference between the following (i) magistrate and (ii) small claims court commissioner (4)

1.3 Skryf 'n paragraaf waarin jy die verskil tussen die volgende verduidelik: (i) landdros en (ii) kommissaris in die hof van klein eise. (4)

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- This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. The edges of the paper are slightly irregular, suggesting it might be a scan of a physical document. There is no handwriting or other markings on the page.

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[TURN OVER]
[BLAAI OM]

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

SECTION 5
AFDELING 5

1.1 What is the distinction between the following?

1.1 Wat is die verskil tussen die volgende?

- a *Ratio decidendi* and *Obiter dictum* (2)
a. *Ratio decidendi* en *Obiter dictum* (2)

- b Majority and Minority judgment (4)
b. Meerderheids- en minderheidsuitspraak (4)

[TURN OVER]
[BLAAI OM]

[illegible]

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1 4 What does "series of law reports" mean? Give two examples of those (2)

1.4 Waarna verwys "reekse hofverslae"? Verskaf twee voorbeelde hiervan. (2)

1 5 Benny Leswiswi, a first year student, is going through the Electronic Communications Act. He comes across a term in the Act the meaning of which he does not know. What is the first thing that he should do in this instance? Give a reason for your answer. (3)

1 5 Benny Leswiswi, 'n eerstejaar student, lees deur die Wet op Elektroniese Kommunikasies. Hy vind 'n term in die wet wat hy nie ken nie. Wat is die eerste ding wat hy in hierdie omstandighede moet doen? Verskaf 'n rede vir u antwoord. (3)

- 1.6 Explain what an "order of the court" is (2)
1.6 Verduidelik wat 'n "hofbevel" is. (2)

- 1.7 What elements does every judgment contain? Mention three of them (3)
1.7 Watter elemente bevat elke uitspraak? Noem drie daarvan. (3)

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

TOTAL FOR THIS PAPER: [100]
TOTAAL VIR HIERDIE VRAESTEL: [100]