

**SCL1014**
 October/November 2010
 Oktober/November 2010

**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 MS/ME P MOLUSI

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

 This paper consists of 30 pages
Hierdie vraestel bestaan uit 30 bladsye.

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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 u dit beantwoord.
- 3 Gebruik 'n BLOU of 'n SWART PEN wanneer u die vrae op die EKSAMENVRAESTEL beantwoord MOET ASSEBLIEF NIE 'N POTLOOD GEBRUIK WANNEER U ANTWOORD NIE

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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 U ANTWOORDE OP DIE VRAE MOET DIREK OP DIE VRAESTEL GESKRYF WORD.

SECTION 1 AFDELING 1.	STUDY SKILLS 25 MARKS STUDEERVAARDIGHEDE: 25 PUNTE
SECTION 2 AFDELING 2.	NUMERIC SKILLS 20 MARKS REKENVAARDIGHEDE: 20 PUNTE
SECTION 3 AFDELING 3.	COMMUNICATION SKILLS 20 MARKS KOMMUNIKASIEVAARDIGHEDE: 20 PUNTE
SECTION 4 AFDELING 4:	RESEARCH SKILLS 10 MARKS NAVORSINGSVAARDIGHEDE: 10 PUNTE
SECTION 5 AFDELING 5	READING SKILLS 25 MARKS LEESVAARDIGHEDE. 25 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 u antwoorde op die vrae in hierdie afdeling DIREK op die eksamenvraestel in die toegelate ruimte.

QUESTION 1 / VRAAG 1

"It is important from the start for us to indicate that learning is an **active** process Being a process suggests that it involves a lot of activities"

"Van die begin af moet dit ook duidelik wees dat leer 'n aktiewe proses is. Omdat leer 'n aktiewe proses is, moet baie aksies plaasvind."

- 1 1 List four activities that characterise a learning process (2)
1.1 Noem vier aktiwiteite wat 'n leerproses kenmerk. (2)

- 1 2 Explain the concept "memorisation" (2)
1.2 Verduidelik die konsep "memorisering". (2)

- 1 3 State some of the things that may be done during the "fixation phase" (3)
1.3 Noem sommige van die dinge wat gedoen kan word tydens die "fiksasie fase". (3)

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[BLAAI OM]

QUESTION 2 / VRAAG 2

The environment in which we study is often the least valued aspect of the study process. We seldom consider the space around us as a key element of our success in our studies.

Die omgewing waarbinne jy studeer, is dikwels die mees onderskatte invloed op jou studieproses. Ons beskou ons studie-omgewing selde as 'n sleutel-aspek in die sukses wat ons in ons studies behaal.

2.1 Explain the difference between the following factors which are parts of the physical space: (i) no distractions and (ii) no interruptions. (1)

2.1 Verduidelik die verskil tussen die volgende faktore wat deel vorm van die fisiese spasie: (i) geen afleidings en (ii) geen onderbrekings. (1)

2.2 In your own words, explain lighting and ventilation as factors in your study environment. (1)

2.2 Verduidelik, in jou eie woorde, beligting en ventilasie as faktore in jou studie-omgewing. (1)

QUESTION 3 / VRAAG 3

"Internal motivation is intrinsic (internal) to the individual. The individual knows and pushes him/herself from his/her own conscience or heart to do well."

"Interne motivering kom vanuit die persoon se innerlike. Die persoon is bewus van en weet wat om te doen en dryf hom-/haarself om beter te presteer."

3.1 In your own words, and using your own examples, describe what characterises intrinsic motivation (2)

3.1 Beskryf, in jou eie woorde, en met behulp van jou eie voorbeelde, wat innerlike motivering kenmerk. (2)

3.2 What is the relationship between learning contracts and the whole notion of "intrinsic motivation"? (1)

3.2 Wat is die verhouding tussen leerkontrakte en die konsep van "interne motivering"? (1)

QUESTION 4 / VRAAG 4

4.1 Drawing on your knowledge from the Skills Course for Law Students (SCL1014), advise your friend who frequently has the following challenges in terms of his/her studies

- procrastination and postponing work,
- working only when under pressure,
- imbalance in terms of time allocation for various subjects, activities etc (3)

- sloer met en uitstel van werk
- alleenlik werk wanneer hy/sy onder druk is
- wanbalans met betrekking tot tydsbesteding aan verskeie vakke, aktiwiteite ens. (3)

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“Working together we can do more” (a political party slogan-South Africa)
“Deur saam te werk kan ons meer doen” (’n politieke party in Suid-Afrika se slagspreuk)

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5.2 Using your own words, list the cons of a study group (2)

5.2 Noem, in jou eie woorde, die nadele van 'n studiegroep. (2)

QUESTION 6 / VRAAG 6

6.1 What does the following word/verb require you to do? (2)

6.1 Wat vereis die volgende woord/werkwoord van jou om te doen? (2)

(i) Evaluate

(i) Evalueer

6.2 Read the following article adapted from the **Sowetan** (Friday 11 June 2010), and capture the essence of the text in four narrative lines (4)

6.2 Lees die volgende artikel, wat aangepas is uit die **Sowetan** (Vrydag 11 Junie 2010) en gee die kern van die teks in vier herhalende sinne weer. (4)

“D-Day for ‘Rapist’ ” By Canaan Mdletshe***Teacher who allegedly molested deaf, dumb orphan still at work***

Police confirmed yesterday that the teacher who allegedly raped a 14-year old disabled orphan at Indaleni School for the Deaf in Richmond, Kwazulu-Natal, is to be arrested soon

“We can confirm that a rape charge has been laid and an arrest is imminent”, police spokesperson Vincent Mdunge said yesterday. A family member said the girl was raped last year. The Grade 7 pupil, who is deaf and dumb, gave up her classes last month and dropped out of school.

The orphan’s sister is now pleading with the education authorities to help her. The older sister, who is aged 24, and cannot be named to protect the victim, said the ordeal had caused her sibling “psychological strain”.

The two orphans rent a shack at Bhhekuzulu township in Vryheid in northern Zululand. They lost their parents between 2003 and 2005. The elder sister said she had only heard of her sister’s ordeal when she tried to commit suicide at the end of last month.

“She drank washing powder. When this failed to kill her, she tried to hang herself at school, but fortunately other pupils saved her”, she said.

The sister said she went to the school to find out why her sister had tried to commit suicide but was not given any explanation.

“One of the teachers later phoned to tell me that she had told the school principal that one of the teachers who stayed in the hostel had raped her in November but that the principal was keeping the matter quiet to protect the teacher. The principal has not told me anything”, she said.

She said she confronted the principal but he denied knowing anything. The teacher is still at the school. She said her sister is so traumatised that “I am afraid she might hurt herself as she has not received any counseling. She is always talking about death”, the sister said.

She said she had now sought a new school for her sister in Pinetown outside Durban. “The fees at that school are R18000 a year and I cannot afford it”, she said. Education department spokesperson Mbalu Thusi said they would see to it that the girl continued with her education.

“Obviously, from the allegations, it will be difficult for her to continue studying at that school. We will see to it that she enrolls at another school. As for the teacher, we will investigate. If the allegations are true, we will take the necessary steps”, she said.

“D-Dag vir ‘verkragter’” deur Canaan Mdletshe

Onderwyser wat na bewering ’n doofstom weeskind gemolesteer het steeds in pos

Die polisie het gister bevestig dat die onderwyser wat na bewering ’n 14-jarige gestremde weeskind by die Indaleni Skool vir Dowes in Richmond, KwaZulu-Natal, verkrag het, binnekort in hegtenis geneem sal word.

“Ons kan bevestig dat ’n klag van verkragting gelê is, en ’n inhegtenisname is onderweg,” het polisiewoordvoerder Vincent Mdunge gister gesê. ’n Familielid sê die meisie is verlede jaar verkrag. Die Graad 7-leerling, wat doofstom is, het laas maand opgehou om klasse by te woon en die skool verlaat.

Die weeskind se suster pleit nou by onderwysowerhede om haar te help. Die ouer suster, wat 24 is en wie se naam nie bekend gemaak mag word nie om die slagoffer te beskerm, sê die beproewing het haar suster “psigologiese skade” aangedoen.

Die twee wesies huur ’n plakkershut by die Bhekuzulu-township in Vryheid in noord-Zululand. Hulle het hul ouers tussen 2003 en 2005 verloor. Die oudste suster sê sy het eers einde verlede maand van haar suster se beproewing gehoor toe dié selfmoord probeer pleeg het.

“Sy het wasgoedpoeier gedrink. Toe dit nie werk nie, het sy probeer om haarself by die skool op te hang, maar gelukkig het die ander leerlinge haar gered,” het sy gesê.

Die suster het skool toe gegaan om uit te vind hoekom haar suster selfmoord probeer pleeg het, maar niemand kon vir haar ’n verduideliking gee nie.

“Een van die onderwysers het later gebel en vir my gesê dat sy vir die skoolhoof vertel het dat een van die onderwysers wat in die koshuis bly haar in November verkrag het, maar dat die skoolhoof wou die storie stilhou om die onderwyser te beskerm. Die skoolhoof het niks vir my gesê nie,” het sy gesê.

Sy het die skoolhoof gekonfronteer, maar hy het ontken dat hy iets weet. Die onderwyser is nog steeds by die skool. Sy sê haar suster is so getraumatiseer dat “ek bang was sy gaan haarself seermaak aangesien sy nog geen berading ontvang het nie. Sy praat gedurig oor die dood,” het die suster gesê.

Sy sê sy het ’n nuwe skool gekry vir haar suster om by te woon in Pinetown buite Durban. “Die fooie by dié skool is R18 000 per jaar en ek kan dit nie bekostig nie”, sê sy. Onderwysdepartement-woordvoerder

“Natuurlik sal dit vir haar moeilik wees om haar studies by daardie skool voort te sit as gevolg van die bewerings. Ons sal toesien dat sy by ’n ander skool ingeskryf word. Wat die onderwyser betref, sal ons ondersoek instel. As die bewerings waar is, sal ons die nodige stappe neem,” het sy gesê.

[illegible]

[TURN OVER]
[BLAAI OM]

**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 eksamenvraestel in die toegelate ruimte.

QUESTION 1 / VRAAG 1

X and Y decide to pool all their assets and liabilities to set up a partnership. X's assets are worth R279 996 and Y has assets worth R779 000 and liabilities of R145 988. Calculate the final assets of the partnership. (1)

X en Y besluit om hul bates en laste saam te sit om 'n vennootskap te begin. X se bates is R279 996 en Y het bates ter waarde van R779 000 en laste van R145 988. Bereken die finale bates van die vennootskap. (1)

QUESTION 2 / VRAAG 2

D inherits from his uncle's estate assets to the value of

Car	R60 999,
House	R450 000,
Farming equipment	R197 856, and
D has a student loan of	R50 899,
D owes a jewellery store worth	R4 077,

Calculate the net value of D's estate (1)

D erf uit sy oom se boedel bates ter waarde van:

Kar	R 60 999;
Huis	R450 000;
Plaasimplemente	R197 856; en
D het 'n studielening van	R50 899;
D besit 'n juwelierswinkel ter waarde van	R4 077;

Bereken die netto waarde van D se boedel.

(1)

[TURN OVER]
[BLAAI OM]

QUESTION 3 / VRAAG 3

An attorney pays salaries to three secretaries at R14 500 EACH Calculate his yearly salary cost (1)

'n Prokureur betaal salarisse van R14 500 ELK aan drie sekretaresse. Bereken sy jaarlikse salariskoste. (1)

QUESTION 4 / VRAAG 4

An attorney arranges an account for his client on the following basis

Every letter received R45,
Every letter written R90,
Drafting of a summons R4 500,
Drafting of an affidavit R50 per page or any part thereof,
Consultation R300 per 30 minutes or any part thereof,
Telephonic consultation R75 per 15 minutes or any part thereof,
Stamps R10 VAT excluded

During the past month the attorney rendered the following services:

Received 20 letters,
Wrote 10 letters,
Drafted 2 summons,
Drafted an affidavit consisting of $3\frac{3}{4}$ pages,
Consulted telephonically for 26 minutes,

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[BLAAI OM]

Draft a comprehensive statement of account (10)

**Elke brief ontvang R45;
Elke brief geskryf R90;
Opstel van 'n dagvaarding R4 500;
Opstel van 'n beëdigde verklaring R50 per bladsy of gedeelte daarvan;
Konsultasie R300 per 30 minute of gedeelte daarvan;
Telefoniese konsultasie R75 per 15 minute of gedeelte daarvan;
Seëls R10 BTW uitgesluit.**

**20 briewe ontvang;
10 briewe geskryf;
2 dagvaardings opgestel
'n Beëdigde verklaring van 3¾ bladsye opgestel;
Telefonies gekonsulteer vir 26 minute;
Twee keer gekonsulteer, die eerste keer vir 9 minute en die tweede keer vir 1¼ uur;
Die kliënt het 'n ortopediese chirurg besoek teen 'n koste van R4 900
BTW uitgesluit.**

Stel 'n omvattende rekeningstaat op. (10)

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Suppose salaries towards three staff members are R150 000 on the basis 2:2:1. Find the salary paid per staff member. (2)

Veronderstel die salarisse vir drie personeellede is R150 000 op 'n basis van 2:2:1. Bereken die salaris wat elke personeellid ontvang. (2)

[TURN OVER]
[BLAAI OM]

QUESTION 6 / VRAAG 6

You obtained the following marks 19/25, 35/50 and 30/40 for assignments ILW1036, FLS101V and SCL1014 respectively. In which assignment did you receive the highest marks? (1)

Jy het die volgende punte ontvang, 19/25, 35/50 and 30/40, vir werkopdragte in ILW1036, FLS101V en SCL1014 onderskeidelik. Vir watter opdrag het jy die beste punt gekry? (1)

QUESTION 7 / VRAAG 7

Give four examples of transactions where an attorney will/may have to use funds to pay on behalf of a client. (2)

Noem vier voorbeelde van transaksies waar 'n prokureur fondse kan/mag gebruik om namens 'n kliënt te betaal. (2)

QUESTION 8 / VRAAG 8

Faith collides with Thando at an intersection. Faith is found to be 60% negligent. Her car is valued at R160 000. Thando's negligence in the collision is 30%. Her car of R345 000 is a write-off and she receives R15 000 for the wreck. Who should pay damages to the other? (2)

Faith is in 'n botsing met Thando betrokke by 'n kruising. Daar word bevind dat Faith 60% nalatig was. Die waarde van haar kar is op R160 000 bereken. Thando se nalatigheid in die botsing is 30%. Haar motor van R345 000 word afgeskryf en sy ontvang R15 000 vir die wrak. Wie moet skadevergoeding aan wie betaal? (2)

**TOTAL SECTION 2 [20]
TOTAAL AFDELING 2 [20]**

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

**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 toegelate ruimte.

QUESTION 1 / VRAAG 1

In order to answer the questions in this section, you will again have to read the newspaper text (adapted from the *Sowetan*) in section 1 of this examination paper

Om die vrae in hierdie afdeling te kan beantwoord, moet jy weer die koerantberig (soos aangepas uit die *Sowetan*) in afdeling 1 van hierdie vraestel lees

Mosibudi Swele, the sister of the alleged rape victim, has decided to lay a charge of rape against Morutiši Senokwane, the teacher who allegedly raped the 14-year old disabled orphan. Now Morutiši Senokwane approaches you to represent him in the matter.

Mosibudi Swele, die suster van die vermeende verkrachtingslagoffer, het besluit om 'n klag van verkragting te lê teen Morutiši Senokwane, die onderwyser wat na bewering die 14-jarige gestremde weeskind verkrag het. Nou nader Morutiši Senokwane jou om hom in die saak te verteenwoordig.

- 1.1 Write four direct questions that you will ask him during the consultation to elicit important information to help you work on the case (4)
- 1.1 Skryf vier direkte vrae neer wat jy vir hom sal vra tydens die konsultasie ten einde belangrike inligting uit hom te kry wat jou sal help om aan die saak te werk. (4)**

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1 4 The prosecutor asks Mosibudi Swele the following questions (during examination in chief)

- "Did your sister drink washing powder because she was traumatised?"
- "Was she traumatised because of what this man did to her?"

Explain fully what you would do in this situation in response or reaction to his/her questioning (2)

1.4 Die aanklaer vra vir Mosibudi Swele die volgende vrae (tydens hoofondervraging):

- "Het jou suster die waspoeier gedrink omdat sy getraumatiseer was?"
- "Was sy getraumatiseer weens dit wat hierdie man aan haar gedoen het?"

Verduidelik ten volle wat jy in hierdie situasie sou doen in reaksie op sy/haar vrae. (2)

- 1.5 In the circumstances, advise Mosibudi Swele what other steps may be taken in an attempt to ensure that her sister's expenses are covered at the Pinetown school (2)
- 1.5 **Onder die omstandighede, voorsien Mosibudi Swele van raad oor watter ander stappe geneem kan word in 'n poging om te verseker dat haar suster se uitgawes by die Pinetown-skool gedek word. (2)**

QUESTION 2 / VRAAG 2

- 2.1 What is the relationship between logic and legal practice? (2)
- 2.1 **Wat is die verhouding tussen logika en regswork? (2)**

- 2.2 Using your own examples, distinguish between "deductive reasoning" and "inductive reasoning" (2)
- 2.2 **Met behulp van jou eie voorbeelde, onderskei tussen "deduktiewe redenering" en "induktiewe redenering". (2)**

2.3 Explain fully the notion of "*argumentum ad hominem*" (2)

2.3 Verduidelik die konsep "*argumentum ad hominem*" ten volle. (2)

TOTAL SECTION 3 [20]
TOTAAL AFDELING 3: [20]

SECTION 4 AFDELING 4

QUESTION 1 / VRAAG 1

Mention two critical reasons for research in law (1)

Noem twee belangrike redes vir navorsing in regswork. (1)

QUESTION 2 / VRAAG 2

Distinguish between footnotes and a bibliography in a research work. (2)

Onderskei tussen voetnotas en 'n bronnelys in 'n navorsingswerk. (2)

QUESTION 3 / VRAAG 3

3.1 Mention four structural components of a journal article (2)

3.1 Noem vier strukturele komponente van 'n joernaalartikel. (2)

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[BLAAI OM]

3 2. What are the four steps you will take when reading an article? (2)

3.2 Wat is die vier stappe wat jy moet neem wanneer jy 'n artikel lees? (2)

QUESTION 4 / VRAAG 4

What is the significance of books and journal articles in research? (2)

Hoekom is boeke en tydskrifartikels van belang in navorsing? (2)

QUESTION 5 / VRAAG 5

Compare a table of contents and a subject index (1)
Vergelyk 'n inhoudsopgawe en 'n onderwerpindeks. (1)

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

**SECTION 5
AFDELING 5**

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 toegelate ruimte.

QUESTION 1

Read the following article extracted from *Legalbrief* (21 June 2010)
Lees die volgende artikel wat uit *Legalbrief* (21 Junie 2010) kom.

Constitutional Court settles rezoning powers issue

The Constitutional Court cleared up a dispute about whether the Constitution empowers the municipal or the provincial sphere of government, or both, to exercise powers relating to the rezoning of land and the establishment of townships, notes *Legalbrief*. It has confirmed an order made by the SCA, declaring Chapters V and VI of the Development Facilitation Act 67 of 1995 unconstitutional and thus invalid. The matter arose from a dispute between Johannesburg and the Gauteng Development Tribunal, a provincial organ created by the Act, which empowers the Tribunal to approve applications for the rezoning of land and the establishment of townships, whereas the Town Planning and Townships Ordinance 15 of 1986 empowers the City to make a determination on the same subject matter. The Constitutional Court held that the Constitution envisages a degree of autonomy for the municipal sphere, in which municipalities exercise their original constitutional powers free from undue interference from the other spheres of government. The SCA's finding that 'planning' in the context of municipal affairs has assumed a particular,

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well-established meaning which includes the zoning of land and the establishment of townships was endorsed. It held that the powers to consider and approve applications for the rezoning of land and the establishment of townships are elements of 'municipal planning', an exclusive municipal function assigned to municipalities by section 156 (1) of the Constitution read with Part B of Schedule 4. Consequently, Chapters V and VI of the Act were found to be constitutionally invalid as they assign exclusive municipal powers to organs of the provincial sphere of government.

The ruling also dealt with any disruptive effect that an order of invalidity might have on the past and future developments, suspending the order of invalidity for 24 months to allow Parliament to rectify the defects in the Act, or to pass new legislation. Further, the order imposes a condition prohibiting development tribunals from hearing new applications for land developments within the jurisdictions of the City and the eThekweni Municipality, as these municipalities were shown to have the capacity to exercise the contested power. However, the tribunals are entitled to finalize all pending applications in these jurisdictions.

Konstitusionele Hof besluit oor hersoneringmagte-kwessie

Die Konstitusionele Hof het 'n dispuut opgeklaar wat daaroor handel of die Grondwet vir die munisipale of provinsiale regeringsfeer, of beide, die reg gee om magte uit te oefen met betrekking tot die hersonering van land en die vestiging van dorpsgebiede, berig *Legalbrief*. Dit het 'n bevel bevestig wat deur die Appèlhof gemaak is, wat verklaar dat Hoofstuk V en VI van die Wet op Ontwikkelingsfasilitering, Wet 67 van 1995, ongrondwetlik en dus ongeldig is. Die saak het gespruit uit 'n dispuut tussen Johannesburg en die Gautengse Ontwikkelingstribunaal, 'n provinsiale instansie wat deur die Wet tot stand gekom het, wat die mag gegee is om aansoeke vir die hersonering van grond en die vestiging van dorpsgebiede goed te keur, terwyl die Stadsbeplanning- en Dorpsgebied-ordonnansie, 15 van 1986, die munisipaliteit bemaatig om 'n besluit te neem oor dieselfde kwessies. Die Konstitusionele Hof het beslis dat die Grondwet voorsiening maak vir 'n mate van outonomie vir die munisipale sfeer, waar munisipaliteite hul oorspronklike grondwetlike magte uitoefen sonder onbillike inmenging van die ander regeringsfeer. Die Appèlhof se bevinding was dat "beplanning" in die konteks van munisipale sake 'n besondere, goed gevestigde betekenis het, wat die sonering van grond en die vestiging van dorpsgebiede insluit. Dit het bepaal dat die mag om aansoeke om hersonering van land en die vestiging van dorpsgebiede te oorweeg en goed te keur elemente van "munisipale beplanning" behels, 'n eksklusiewe munisipale funksie ingevolge artikel 156(1) van die Grondwet, gelees saam met Deel B van Skedule 4. Gevolglik is Hoofstuk V en VI van die bogenoemde wet ongrondwetlik gevind aangesien dit eksklusiewe munisipale magte aan provinsiale regeringsinstansies bied.

Die beslissing het ook aandag gegee aan enige negatiewe gevolge wat 'n bevel van ongeldigheid mag hê op vorige en toekomstige ontwikkelings, en die bevel van ongeldigheid vir 24 maande opgeskort ten einde die Parlement die geleentheid te gee om die teenstrydighede in die Wet reg te stel, of om nuwe wetgewing uit te vaardig. Die bevel stel ook 'n voorwaarde wat ontwikkelingstribunale verbied om nuwe aansoeke vir grondontwikkelings aan te hoor binne die jurisdiksie van dié munisipaliteit en die eThekweni Munisipaliteit, aangesien hierdie munisipaliteite bewys het dat hulle die kapasiteit het om die betwiste mag uit te oefen. Die tribunale is egter by magte om alle hangende aansoeke in hierdie jurisdiksies te finaliseer.

Answer the following questions

Beantwoord die volgende vrae:

- 1.1 Does the Constitutional Court propose an amendment or repeal of the Development Facilitation Act 67 of 1995? Substantiate your answer

(2)

- 1.1 Stel die Konstitusionele Hof 'n wysiging of herroeping van die Wet op Ontwikkelingsfasilitering, Wet 67 van 1995, voor? Staaf jou antwoord.

(2)

- 1.2 When interpreting an Act, what presumptions should be taken into consideration as per the Interpretation Act 33 of 1957?

(2)

- 1.2 Wanneer jy 'n Wet interpreteer, watter vermoedens moet in gedagte gehou word volgens die Wet op Interpretasie, Wet 33 van 1957?

(2)

1 3 In your own words, formulate the context upon which the Constitutional Court based its ruling (2)

1.3 **Beskryf, in jou eie woorde, die konteks waarvop die Konstitusionele Hof sy uitspraak gebaseer het.** (2)

1.4 Explain what Parliament should do to remedy the situation? (2)

1.4 **Verduidelik wat die Parlement behoort te doen om die situasie te beredder?** (2)

1 5 Write a possible long title for the proposed Act (2)

1.5 **Skryf 'n moontlike lang titel vir die voorgestelde Wet.** (2)

An Act of Parliament consists of certain parts. Describe any two. (2)

'n Parlementêre Wet bestaan uit sekere dele. Beskryf enige twee. (2)

[illegible]

Mthembu v Letsela and Another 2000 (3) SA 867 (SCA)

- i) In which court was this case decided? (1)
 i) In watter hof is daar oor hierdie saak beslis? (1)

[TURN OVER]
[BLAAI OM]

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- ii) When was the case published? (1)
ii) **Wanneer is die saak gepubliseer?** (1)
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- iii) Where was it published? Give full disclosure (1)
iii) **Waar is dit gepubliseer. Beskryf volledig.** (1)
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- iv) What type of a case is this? Give reasons for your answer (2)
iv) **Watter soort saak was dit? Gee redes vir jou antwoord.** (2)
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QUESTION 4 / VRAAG 4

- 4 1 Explain the following kinds of judgments (3)
4.1 **Verduidelik die volgende tipe uitsprake:** (3)

- (i) majority
(i) **meerderheid**
-
-
-
-

[illegible]

QUESTION 5 / VRAAG 5

Define the following legal concepts

Definieer die volgende regsconsepte:(i) *Prima facie* (1)

(ii) *Amicus curiae* (1)

TOTAL SECTION 5 [25]
TOTAAL AFDELING 5: [25]TOTAL [100]
TOTAAL: [100]