higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

12 November 2024 (Y-paper)
13:00–16:00

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)
INTRODUCTION TO LAW
NQF LEVEL 2
TIME: 3 HOURS
MARKS: 100

INSTRUCTIONS AND INFORMATION

1. Answer all the questions.
2. Read all the questions carefully.
3. Number the answers according to the numbering system used in this question paper.
4. Use only a black or blue pen.
5. Write neatly and legibly.

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SECTION A

QUESTION 1

Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.1–1.10) in the ANSWER BOOK.

1.1 Indicate which statement is correct.

A The statement 'prohibition on adultery' is an example of a legal norm.
B Legal norms do not determine the rights and duties of people who have a legal relationship.
C Legal norms are moral principles that provide that no person is above the law.
D A legal norm is a set of rules based on generally accepted social behaviour.

1.2 Indicate which statement is incorrect.

A It is not necessary for the state to obey the law
B The state cannot exercise power over anyone unless the law permits it to do so.
C The purpose of the rule of law is to protect basic individual rights.
D The rule of law requires that state institutions act in accordance with the law.

1.3 The … is a law-making organ.

A South African Police Service
B Department of Correctional Services
C Municipal Council
D Department of Education

1.4 The … determines whether a baby was born alive.

A Marriage Act 25 of 1961
B Criminal Procedure Act 51 of 1977
C Constitution of the Republic of South Africa, 1996
D Children's Act 38 of 2005

1.5 Who, in the government, is the upper guardian of all children?

A The High Court
B Minister of Education
C Minister of Welfare
D Constitutional Court

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1.6 Indicate which statement of a public company is incorrect.

A It may be listed on the stock exchange.
B It consists of at least four persons.
C It raises capital from the public.
D Its name ends with 'Limited'.

1.7 Which statement is incorrect regarding fair labour practices?

A A worker has the right to strike.
B Trade unions and employers have the right to collective bargaining.
C Only workers have the right to form and join organisations.
D Workers may form and join trade unions.

1.8 Where is the Constitutional Court situated?

A Bloemfontein
B Durban
C Johannesburg
D Pietermaritzburg

1.9 Which statement is incorrect in respect of the High Court?

A It can impose a fine of more than R300 000.
B A High Court cannot hear a charge of high treason.
C It can try any criminal offence, but it tries serious cases most of the time.
D It can impose a possible sentence of imprisonment of more than 15 years.

1.10 Where is the Supreme Court of Appeal situated?

A Durban
B Pietermaritzburg
C Bloemfontein
D Braamfontein

(10 × 1) **[10]**

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QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.10) in the ANSWER BOOK.

2.1 South African common law is called Roman Dutch law.

2.2 When giving evidence in court, an expert witness may not refer to any textbook.

2.3 The purpose of the rule of law is to protect basic individual rights.

2.4 The law of succession is part of private law.

2.5 The protection of human rights is the concern of individual countries only.

2.6 The law of civil procedure is outlined in the Criminal Procedure Act 51 of 1977.

2.7 In relation to indigenous law, in South Africa, there is a strict separation of the judicial process into civil and criminal proceedings.

2.8 Adultery is no longer a crime in modern South African law.

2.9 The Child Justice Act 75 of 2008 came into effect on 1 April 2010.

2.10 The Constitutional Court makes the final decision as to whether an act or conduct of the President is constitutional.

(10 × 1) **[10]**

QUESTION 3

Choose a description from COLUMN B that matches a term in COLUMN A. Write only the letter (A–G) next to the question number (3.1–3.5) in the ANSWER BOOK.

COLUMN A		COLUMN B	
3.1	En commandite	A	a resolve or determination of the mind
3.2	Intention	B	region or district which limits the jurisdiction of the lower courts
3.3	Jurisdiction	C	not identified by name
3.4	Geographical area	D	the powers and functions of a court or other institution
3.5	Justice	E	a partnership run by one or some of the partners
		F	physical objects that we find on land or in space
		G	valid and fairly implemented laws

(5 × 1) **[5]**

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QUESTION 4

Complete each of the following sentences by choosing an option from the list below. Write only the answer next to the question number (4.1–4.5) in the ANSWER BOOK.

labour courts; law reports; magistrate court; legal rules; jurisdiction; norms; lower courts; uniformity; justice; middle courts; rural courts; urban courts; higher courts

According to the system of judicial precedent, the decisions of (4.1 …) bind (4.2 …).

Judicial precedent ensures legal (4.3 …) and certainty. The meaning and extent of (4.4 …) are found in judicial precedent.

(4.5 …) detail the judgements of High Courts, the Supreme Court of Appeal and the Constitutional Court.

(5 × 1) **[5]**

TOTAL SECTION A: 30

SECTION B

QUESTION 5

5.1 State FIVE characteristics of legal norms. (5)

5.2 What is the difference between the *laws of nature* and the *laws of society*?
(2 × 2) (4)

5.3 The requirements and rules for wills are to be found in the Wills Act 7 of 1953 and Common-Law rules.

State FIVE requirements for a will to be valid. (5)

5.4 There are two types of servitudes in South African Law.

Name the TWO types of servitude and describe each of these servitudes.
(2 × 3) (6)
[20]

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QUESTION 6

Read the following scenario and answer the questions that follow:

The purpose of the rule of law, amongst other things, is to solve social conflict, preserve order and to promote justice. Further to that, the State is required to act in accordance with pre-announced, clear and general rules that impartial courts enforce in accordance with fair procedures.

6.1 State the SIX criteria that a custom must meet in order to become a law. (6)

6.2 State EIGHT of the most important duties of trustees. (8)

6.3 To enable the police to complete an investigation of a case, a warrant must be issued to them.

State SIX powers that the police possess which duly enable them to complete their investigation. (6)

6.4 Define the term *real evidence* and provide two examples of such evidence which would fall into this category. (5)
[25]

TOTAL SECTION B: 45

SECTION C

QUESTION 7

Provide an analysis of the role of indigenous law in South Africa with a specific focus on the following aspects:

7.1 Indigenous law and marriage (5)

7.2 The recognition of indigenous law according to Section 211(3) of the Constitution of the Republic of South Africa, 1996. (6)
[11]

QUESTION 8

8.1 Discuss the court procedure, during a criminal trial, which specifically focuses on the state's case. (10)

8.2 The hierarchy of ordinary courts implies that there are two kinds of ordinary courts: higher courts and lower courts.

Name FOUR special higher courts. (4)
[14]

TOTAL SECTION C: 25
GRAND TOTAL: 100

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