higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

12 November 2024

This marking guideline consists of 5 pages.

Copyright reserved

SECTION A

QUESTION 1

1.1 D
1.2 A
1.3 C
1.4 B
1.5 A
1,6 B
1.7 C
1.8 C
1.9 B
1.10 C

(10 × 1) **[10]**

QUESTION 2

2.1 True
2.2 False
2.3 True
2.4 True
2.5 False
2.6 False
2.7 False
2.8 True
2.9 True
2.10 True

(10 × 1) **[10]**

QUESTION 3

3.1 E
3.2 A
3.3 D
3.4 B
3.5 G

(5 × 1) **[5]**

QUESTION 4

4.1 higher courts
4.2 lower courts
4.3 uniformity
4.4 legal rules
4.5 law reports

(5 × 1) **[5]**

TOTAL SECTION A: 30

Copyright reserved

SECTION B

Note to the Assessor: Use the answers given as a guide when awarding marks.

QUESTION 5

5.1
- The government passes them.✓
- They are binding rules of conduct.✓
- They regulate social relations.✓
- They determine the rights and duties of people who have legal relationships.✓
- State agencies enforce them.✓ (5 × 1) (5)

5.2 The laws of nature are physical, natural and scientific laws✓ that exist in the absence of human intervention.✓
The laws of society are human-made✓ and constitute codes of conduct✓
(2 × 2) (4)

5.3
- The will must be in writing.✓
- The person making the will must sign it.✓
- Two competent witnesses✓ present at the same time must sign it.✓
- The person making the will (the testator) must sign all the pages.✓ (5 × 1) (5)

5.4
- Predial servitude✓ A burden on land✓ in favour of another piece of land,✓ e.g. one piece of land gets water from an adjacent piece of land.
- Personal servitude:✓ Can be over land✓ or movable property and is in favour of a particular person,✓ e.g. a person gets the right to stay on the land in a house and can use the fruits of the land. (2 × 3) (6)

[20]

QUESTION 6

6.1
- The custom must be reasonable.✓
- The customs must have existed for a long time.✓
- A community must recognise and observe the custom.✓
- The contents of the custom must be certain and clear.✓
- The custom must be a settled practice.✓
- Most people in a community must feel bound by the custom.✓ (6 × 1) (6)

6.2
- Collect and safeguard the assets of the estates.✓
- Report to the creditors on the affairs of the insolvents.✓
- Convene meetings with the creditors to prove claims.✓
- Examine proven claims.✓
- Question the insolvents and others.✓
- Realise assets in accordance with instructions of the creditors.✓
- Collect outstanding debts owing to the estates.✓
- Draw up accounts for confirmation by the Master before paying creditors.✓
(8 × 1) (8)

Copyright reserved

6.3
- Enter premises✓
- Question people✓
- Search person✓
- and premises✓
- Seize articles✓
- Arrest persons✓ (6 × 1) (6)

6.4
- Real evidence: is evidence in the form of an object or thing✓
- which is brought before the court✓
- where the court can view it for itself.✓

(A maximum of three marks for defining 'real evidence')

- Real evidence usually comprises exhibits shown in court✓
- It could be a firearm ✓used in murder or
- stolen goods ✓or a
- DNA analysis✓, fingerprints ✓etc.

(A maximum of two marks for the examples of 'real evidence', allow for any suitable example)

(5 × 1) (5)
[25]

TOTAL SECTION B: 45

SECTION C

Note to the Assessor: Use the answers given as a guide when awarding marks.

QUESTION 7

7.1
- The central indigenous law that governs family relationships, is the law that relates to the institution of marriage.✓
- An important feature of the institution is that the groups of the bride and husband are central.✓
- Marriage comes about with the transfer of the bride from her group to her husband's group.✓
- The consent of both family groups is necessary.✓
- Although the bride becomes a member of her husband's group, she retains membership of her group.✓ (5 × 1) (5)

7.2
- All courts must recognise and apply indigenous law.✓
- The recognition and application of indigenous law are subject to the Bill of Rights.✓
- The recognition and application of indigenous law are subject to legislation that specifically deals with this.✓
- This implies that only legislation that aims to amend indigenous law is relevant and not legislation in general.✓
- The courts determine when indigenous law is applicable.✓
- Therefore, the courts decide whether indigenous law applies to a particular case. ✓ (6 × 1) (6)

[11]

QUESTION 8

8.1
- The prosecutor must prove beyond reasonable doubt that the offenders have committed the offences.✓
- The state first calls witnesses to testify and prove the state's case.✓
- Before the witnesses may testify✓
- the court must swear them in.✓
- The defence, which comprises the legal representatives of the accused,✓
- may then cross-examine the witnesses of the state.✓
- If the defence lawyers believe that the state could not prove its case beyond reasonable doubt,✓
- they may apply for the discharge of the accused in terms of section 174 of the Criminal Procedures Act of 1977.✓
- If the court believes that there is enough evidence to find the accused guilty,✓
- the defence lawyers must start with their case.✓ (10 × 1) (10)

8.2
- Labour Court✓
- Labour Appeal Court✓
- Court for Income Tax Appeals✓
- Commercial courts✓
- Land Claims Court✓ (Any 4 × 1) (4)

[14]

TOTAL SECTION C: 25
GRAND TOTAL: 100

Copyright reserved