higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

7 November 2022 (Y-paper)
13:00–16:00

This question paper consists of 8 pages.

095Q1N2207

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TIME: 3 HOURS
MARKS: 100

NOTE: If you answer more than the required number of questions, only the required number of questions will be marked. All work you do not want to be marked, must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. Answer ALL the questions in SECTION A, B and C.
2. Answer either QUESTION 7 or QUESTION 8 in SECTION D.
3. Read all the questions carefully.
4. Number the answers according to the numbering system used in this question paper.
5. Start each question on a new page.
6. Use only a blue or black pen.
7. 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 The reason for the influence of English law in our law is …

A English judges found the Dutch language difficult to read and understand
B Dutch law sources were difficult to obtain
C The English law is easier to follow
D A and B

1.2 Which ONE of the following is not an element of a delict?

A Wrongfulness
B Punishment
C Fault
D Causation

1.3 Which ONE of the following was not a reason for creating close corporations?

A It was less expensive and a simpler legal form of business.
B There was a general need to replace existing companies.
C Company law was too complex.
D Businesses needed alternative structures.

1.4 In the criminal law, self-defence is an example of …

A Deterrence
B A ground of justification
C Mens rea
D Negligence

1.5 Which ONE of the following statements about indigenous law and private law is incorrect?

A Few of the members share in the rights of the group.
B The emphasis is on the group rather than the individual.
C Factors like age, sex, and rank affect rights.
D The extent of each member's share in the rights of the group is equal to their status.

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1.6 Khumalo and others v Holomisa 2002(5) SA 401 CC captured the concept of the interests of justice by stating that such interests are determined by …

A The importance of the determination of the constitutional issues
B The applicant's prospects of success on appeal
C Whether an applicant can appeal the matter to a High Court and/or the Supreme Court of Appeal
D A, B and C.

1.7 Which ONE of the following statements about indigenous law is incorrect?

A It is mainly unwritten.
B There is one indigenous law for South Africa.
C It is customary.
D It is bound by tradition.

1.8 The ground of justification where a police official breaks down a door to arrest a dangerous criminal is called …

A official capacity
B necessity
C spontaneous agency
D self-defence

1.9 Which ONE of the following statements is incorrect?

A Human rights are recognised all over the world.
B Human rights also have an international dimension.
C The protection of human rights is the concern of individual countries only.
D Human rights have become part of international law.

1.10 Which ONE of the following statements is incorrect?

A Parliament makes new legislation and amends old legislation.
B Parliament elects the president.
C Parliament checks that the executive enforces the laws.
D Parliament consists of the National Assembly and the National Council of Municipalities.

(10 × 1) **[10]**

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QUESTION 2

Choose a word from COLUMN A that matches a description in COLUMN B. Write only the letter (A–M) next to the question number (2.1–2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
2.1	Prohibitive	A	found not guilty
2.2	Annex	B	when a particular court is the only court with the competence to hear a specific case
2.3	Acquitted	C	advanced and original
2.4	Succession	D	an official responsible for keeping official records
2.5	Redress	E	inheriting, or having the right to inherit
2.6	Innovative	F	debts of an estate
2.7	Exclusive jurisdiction	G	the reason for which a person may be excused for committing an act that would normally be considered a crime
2.8	Intestate	H	found guilty
2.9	Registrar	I	preventing someone from doing something
2.10	Grounds of justification	J	remedy or compensation for a wrong or grievance
		K	the actions that the state takes in a criminal court to prosecute and punish a person who has committed a crime
		L	to add to one's own territory
		M	not having made a will before one dies

(10 × 1) **[10]**

QUESTION 3

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the question number (3.1–3.5) in the ANSWER BOOK.

3.1 The law is a set of legal rules that the Court determines and uses to regulate behaviour.

3.2 A child is legitimate if its parents were legally married at the time of its conception or birth.

3.3 Some of the branches of mercantile law are nothing more than specialised areas of private law.

3.4 Accused people have the right to representation by legal representatives of their choice.

3.5 We call South African common law American-Dutch law because it is a mixture of American law and Dutch law.

(5 × 1) **[5]**

QUESTION 4

Complete the following sentences by filling in the missing words. Write only the word or words next to the question number (4.1.1–4.2.5) in the ANSWER BOOK.

prosecutor; rules; delivery; norms; ownership; registering; interaction; moveable; consciences; immovable; regulate; children

4.1 Social life involves (4.1.1 …) that control human (4.1.2 …). People use social (4.1.3 …) and their own (4.1.4 …) to some extent, to (4.1.5 …) their interactions with other people. (5)

4.2 Derived methods of (4.2.1 …) include transferring (4.2.2 …) property by (4.2.3 …) of the property and transferring (4.2.4 …) property by (4.2.5 …) a deed of transfer. (5)

[10]

TOTAL SECTION A: 35

SECTION B

QUESTION 5

5.1 Mental capacity refers to a person's ability to make reasonable and rational decisions. Any mental incapacity that affects the intellect and judgement of people will affect their status. The law recognises three types of mental deficiency.

List and explain the THREE types of mental deficiency. (3 × 2) (6)

5.2 After a court has sequestered the estates of debtors, the Master of the High Court follows a process in which he or she appoints trustees to deal with the estates.

List SEVEN duties of the appointed trustees. (7)

5.3 Section 12 of the Constitution, 1996, states that everyone has the right to freedom and security.

Discuss the rights of a person according to Section 12 of the Constitution, 1996. (7)

[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

Read the following scenario and answer the questions.

A High Court is a court of first instance and has certain jurisdiction.

6.1 Discuss the jurisdiction of district courts. (12)

6.2 Explain indigenous law in South Africa. (5)

6.3 Explain separation of powers in government authority. (3)

6.4 Explain the meaning of the word *lobolo.* (2)

6.5 List THREE special lower courts. (3)

[25]

TOTAL SECTION C: 25

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SECTION D

Answer any ONE of the following questions in this section.

QUESTION 7

7.1 Explain the system of judicial precedent. (5)

7.2 Discuss the hierarchy of courts in applying judicial precedent. (10)

7.3 List the structuring of South African courts. (5)
[20]

OR

QUESTION 8

8.1 The Constitutional Court has exclusive jurisdiction.

Discuss the jurisdiction of the High Court. (5)

8.2 The laws of nature are statements of the way the world is, while the laws of society are codes of conduct.

In table form, explain the difference between laws of nature and laws of society. (10)

8.3 List FIVE criteria for a custom to become a law. (5)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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