higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

16 November 2023 (Y-paper)
13:00–16:00

This question paper consists of 7 pages.

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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. Start each section on a new page.
5. Use only a black or blue pen.
6. 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 Which statement is incorrect?

A Norms are rules that regulate human conduct.
B The word *norm* is derived from the Spanish word *norma*.
C Norms include ethics and customs.
D The original meaning of *norms* is *standards*.

1.2 Which ONE of the following statements is correct?

A Morality is a person's beliefs about what is right and wrong.
B A person's religious beliefs can determine his or her morality.
C A person's environment is the only thing that can determine his or her morality.
D A and B

1.3 Which ONE of the following is not a law-making organ?

A A municipal council
B The Department of Education
C A provincial legislature
D Parliament

1.4 Who is the upper guardian of all children?

A The High Court
B Minister of Child Welfare
C Parliament
D Commissioner of Police

1.5 Which ONE of the following is not an essential requirement for a partnership?

A Each partner must contribute.
B The partnership business must be for the joint benefit of all partners.
C The contributions of each partner need to be equal.
D The object must to be make a profit.

1.6 Which ONE of the following statements is correct?

A It is possible for someone to own the stars.
B If you pick up a ruler that someone has lost, you may keep it.
C An example of a corporeal object is a bicycle.
D You can be the owner of a person.

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1.7 The case of *Green v Fitzgerald* (1914) deals with the following:

A Adultery is no longer a crime.
B Certain crimes prescribe after 40 years.
C One should always pay income tax.
D One should not infringe upon property of another person.

1.8 Which ONE of these functions is not a function of the Constitutional Court?

A To certify provincial constitutions
B To test the constitutionality of any amendment to the Constitution
C To determine whether Parliament has failed to fulfil a constitutional duty
D To trial serious criminal cases

1.9 Which ONE of these statements is correct about the Supreme Court of Appeal?

A The Supreme Court of Appeal functions as a court of first instance.
B It can decide on all criminal and civil cases on appeal.
C It cannot decide appeals on constitutional matters.
D It hears appeals from magistrate's courts.

1.10 Which ONE of the following statements about indigenous law and public law is incorrect?

A There is a strict separation of the judicial process into civil and criminal proceedings.
B Indigenous-law hearings are public.
C There are no formal rules of procedure and evidence in indigenous law.
D The procedure followed in traditional courts is free from technicalities.

(10 × 1) **[10]**

QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.5) in the ANSWER BOOK.

2.1 Companies with share capital are more important than other types of companies.

2.2 A quorum of the Supreme Court of Appeal is usually seven judges for all criminal matters.

2.3 The rule of law is a legal principle that provides that the president is above the law.

2.4 The laws of society are codes of conduct.

2.5 A bill of exchange is a conditional written order that one person addresses to another.

(5 × 1) **[5]**

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QUESTION 3

Choose a term from COLUMN A that matches a description in COLUMN B. Write only the letter (A–L) next to the question number (3.1–3.10) in the ANSWER BOOK.

	COLUMN A		COLUMN B
3.1	Exclusive jurisdiction	A	the weight that a specific piece of evidence carries within the courts
3.2	Jurisdiction	B	found guilty
3.3	Court of first instance	C	part of a civil case heard and determined by a court where the parties agree about the facts of the case
3.4	Probative value	D	when a particular court is the only court with the competence to hear a specific case
3.5	Acquitted	E	the practice of taking someone else's work or idea and passing these off as one's own
3.6	Application proceeding	F	an item of property that has value and is available to pay debts
3.7	Plagiarism	G	the powers and functions of a court or other institutions
3.8	Asset	H	valid and fairly implemented laws
3.9	Actio injuriarum	I	a court in which legal proceedings are begun
3.10	Justice	J	found not guilty
		K	the region or district which limits the jurisdiction of lower courts; these courts only hear cases from a specified geographical area
		L	a remedy for a wrong done to a person's interest or personality

(10 × 1) **[10]**

QUESTION 4

Complete the following sentences by choosing a word or words from the list below. Write only the answer next to the question number (4.1.1–4.2.2) in the ANSWER BOOK.

social conflict; civil law; Chapter 4; justice; Chapter 2; common law; Section 221; Bill of Rights; morality

4.1 Indigenous law, like (4.1.1) …, is subject to the (4.1.2) … which is contained in (4.1.3) …of the Constitution. (3)

4.2 The immediate object of the law is to resolve (4.2.1) ... and eventually to preserve order and promote (4.2.2) … (2)
[5]

TOTAL SECTION A: 30

SECTION B

QUESTION 5

5.1 In table format, illustrate TWO differences between *law*, *morality* and *justice.* (6)

5.2 Laws and their regulations are legal rules. Describe the characteristics of legal rules. (6)

5.3 Describe the criteria that must be met for a custom to become a law. (6)
[18]

QUESTION 6

6.1 Briefly explain the FOUR kinds of capacity that people must have to participate in private-law activities. (8)

6.2 Name FOUR elements that must be present in order for an act to be a delict. (4)

6.3 Provide the meaning of the following partnerships:

6.3.1 Limited partnership

6.3.2 Anonymous partnership

6.3.3 Partnership en commandite

(3 × 2) (6)

6.4 Identify TWO types of negotiable instruments. (2)
[20]

TOTAL SECTION B: 38

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SECTION C

QUESTION 7

7.1 An attempt to commit a crime is punishable. Identify THREE requirements such an attempt must comply with. (3)

7.2 Name TWO grounds of justification that are accepted in South African law and give an example of each. (4)

7.3 Discuss indigenous law in the South African democracy. (10)
[17]

TOTAL SECTION C: 17

SECTION D

QUESTION 8

Answer only ONE of the following questions:

8.1 Discuss the exclusive jurisdiction of the Constitutional Court in South Africa. (15)

OR

8.2 Discuss the jurisdiction of the High Court of South Africa. (15)
[15]

TOTAL SECTION D: 15
GRAND TOTAL: 100

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