higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

MARKING GUIDELINE

NATIONAL CERTIFICATE (VOCATIONAL)

PRINCIPLES OF CRIMINAL JUSTICE
NQF LEVEL 2

24 November 2023

This marking guideline consists of 6 pages.

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SECTION A

QUESTION 1

1.1 B
1.2 B
1.3 A
1.4 A
1.5 D
1.6 D
1.7 C
1.8 C
1.9 C
1.10 A

(10 × 1) **[10]**

QUESTION 2

2.1 G
2.2 E
2.3 B
2.4 I
2.5 H
2.6 J
2.7 F
2.8 C
2.9 A
2.10 D

(10 × 1) **[10]**

QUESTION 3

3.1 True
3.2 True
3.3 True
3.4 False
3.5 True

(5 × 1) **[5]**

QUESTION 4

4.1 Dock
4.2 SPCA
4.3 Jurisdiction
4.4 Soup kitchen
4.5 First responder

(5 × 1) **[5]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 5

5.1 5.1.1 **Note to Assessor: Allow for student's own interpretation. Any five (5) marks for a maximum of five (5) marks.**

- Protect the rights of the accused.✓ Courts are responsible for overseeing the actions of the police and the prosecutor before the court.✓ The court must ensure that their actions do not violate the rights of the offender.✓
- Decide whether a person is guilty of a crime.✓ This can only be done if all the evidence is placed before the court.
- Give a proper sentence to those convicted of a crime.✓ The court have the responsibility to look at the background of the accused✓ and the circumstances of the crime✓ before the accused can be sentenced.✓
- Protect society.✓ After the accused have been found guilty and after consideration of all factors, the court must decide if the offender should be removed from society and put in prison to protect the safety of life and property.✓
- Prevent and reduce criminal behaviour.✓ The punishment of the court must be of such a nature that it will serve as a deterrent to potential criminals.✓

5.1.2 **Note to Assessor: Allow for student's own interpretation. Any five (5) marks for a maximum of five (5) marks.**

- Courts play an independent role in the judgement of a case.✓
- The court must make sure that when cases are not properly investigated the management of the police is notified and that corrective steps are taken.✓
- The judge or magistrate can dismiss a case if the investigation has not been completely done.✓
- If a witness in a case refuse to give a statement to the police regarding an offence the witness may be summoned to appear in court to supply the necessary information to the investigating officer.✓
- The court can order an investigating into affairs of someone who is suspected of fraud for example.✓
- The court can grant permission to the police to search property and to seize items and documents that can be used as evidence in a case.✓

(2 × 5) (10)

5.2 A formal judgement✓ on a disputed matter.✓ (2)

5.3
- Lower courts
- High courts
- Supreme Court of appeal
- Constitutional courts
- Special courts (5)

5.4 **Note to Assessor: Any three (3) marks for a maximum of three (3) marks.**

- Judges
- Attorneys/Advocates
- Bailiffs
- Clerks
- Assessors
- Interpreters
- Court orderly
- Master
- Family Advocate
- Rules Board of the Court
- Registrar
- Sheriff
- Interpreter
- Legal practitioners (3)

[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

6.1 **Note to Marker any of the SIX factors are correct**

Reception
- Refers to a process in which aspects of another legal system are voluntarily added✓ and put into action in an existing legal system.✓

Transplantation
- It is when an entire legal system is voluntarily adopted by a community✓ without a legal system.✓

Imposition
- It describes the unwelcome application✓ and enforcement of a legal✓ system within a community that already has a system in place.✓ (6)

6.2 **Note to Marker: Any six (6) marks for a maximum of six (6) marks.**

- Institute criminal proceedings.✓
- Withdraw charges.✓
- Resolve a case outside normal court proceedings.✓
- Oppose an application for bail or release.✓
- Decide whether or not to accept a plea of guilty by an accused.✓
- Decide which evidence to present at trial.✓
- To decide whether or not to appeal to a higher court or not.✓

(6)

6.3 **Note to Marker: Any three (3) marks for a maximum of three (3) marks.**
- Common Law.
- Statutory Law.
- Judicial Precedents.
- International Law
- Foreign Law
- Indigenous Law
- Writings of legal experts. (3)

6.4 **Note to marker: allow for student's own interpretation**

Practical ways in which a person can volunteer:
- Volunteer at NICRO
- Volunteer at NGO Alliance on Crime Prevention and Criminal Justice
- Volunteer at Business Against Crime
- Volunteer at Child Line
- Volunteer at a Child Welfare Association
- Support the CPF
- Support a Rape Crisis Centre (3)

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6.5 **Note to Marker: accept any applicable example.**

- To give something without expecting something in return.✓
- Ubuntu – to reach out to others.✓
- To know that to receive, you must be able to give.✓
- To care for other people.✓
- To realise that the environment is a very important asset for the community.✓
- To value others and regard them as equals.✓ (6)

6.6 **Note to Marker: Any six (6) marks to a maximum of six (6) marks.)**

- The healing of victims and offenders and the safety of the community.✓
- The assistance is given to the families of victims to forgive offenders and their actions.✓
- The learning of respect for other people.✓
- The giving of hope to participants.✓
- The learning by participants to accept responsibility for their actions.✓
- The assistance was given to offenders, to be honest about their crimes.✓ (6)

[30]

TOTAL SECTION C: 30

SECTION D

QUESTION 7

7.1
- Opening or introduction by the State prosecutor.✓
- State Case.✓
- Defence Case.✓
- Arguments by the state and the defence.✓
- Finding.✓
- Proof of previous convictions.✓
- Arguments.✓
- Sentence.✓
- Appeal.✓
- Review.✓ (10)

7.2 A formal charge or accusation✓ of serious crime.✓ (2)

7.3 7.3.1 This means that an accused person✓ is regarded as innocent until proven guilty by a court of law.✓

7.3.2 Refers to the fact that the state must present enough clear-cut evidence (beyond reasonable doubt)✓ to the court that the accused is guilty of the charge against him.✓

7.3.3 If the court believes that the accused cannot understand the court proceeding or does not understand the fact that their actions constituted a crime, ✓ the court must refer the accused to a mental hospital for observation.✓

7.3.4 It is a basic principle of criminal procedure that the accused must be present at their trial,✓ the accused must be able to see the witnesses when they give evidence against them to be able to observe their conduct, they must give their evidence✓ in the presence of the accused.✓

(4 × 2) (8)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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