higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

1 March 2018 (X-Paper)
09:00–12:00

This question paper consists of 8 pages.

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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.
2. Answer ALL questions in SECTION A, B and C.
3. Answer only ONE question in SECTION D.
4. Number the answers according to the numbering system used in this question paper.
5. Leave a space and rule of across the page on completion of each question.
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 Indicate which statement is the most correct:

A Legal norms are the rules enforced by the state and they apply to every person in society.
B If these rules are breached, there will be no penalty.
C A legal norm is a set of rules based on generally accepted social behaviour.
D A & C

1.2 Indicate which statement is the most correct:

A To repeal a law is to remove a law from a set of laws.
B An amendment is a change or improvement to an existing law.
C The Constitutional Court is in Bloemfontein
D A & B

1.3 Indicate which statement is the most correct:

A Customary law is the oldest form of law-making.
B Customary law is the law that developed from the habits and traditions of specific communities.
C A & B
D Indigenous people refer to people who seldom inhabited a particular area.

1.4 Indicate which statement is the most correct:

A Legal subjects are people or things that have rights and duties according to the law.
B The rights and duties of legal subjects are called legal capacity.
C There are three kinds of legal subjects.
D B & C.

1.5 Choose the correct answer:
Examples of immovable property are:

A Cars
B Furniture
C Swimming pool
D A & B

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1.6 Indicate which statement is the most correct:
The topic of insurance is covered by insurance law:

A Insurance is a contract of good faith between an insurer and a person.
B The insurer promises to pay the insured a sum of money if a risk happens.
C The insurance company promises to pay the insured monthly premiums before the risk happens.
D A & B

1.7 Indicate which statement is the most correct:

A A tax year for individuals in South Africa stretches from 1 January in to 31 December in the same year.
B A tax year for individuals in South Africa stretches from 1 April in one year to 31 March in the next year.
C A tax year for individuals in South Africa stretches from 1 March in one year to 28 February in the next year.
D A tax year for individuals in South Africa stretches from 1 June in one year to 31 May in the next year.

1.8 Indicate which statement is the most correct:

A The legislative authority makes laws.
B The executive authority interprets the law.
C The judicial authority interprets the law and deals with people who break the law.
D A & C

1.9 Indicate which statement is most correct:

A There is no link between constitutional law and administrative law.
B There are three kinds of administrative acts the executive authority of the government performs, namely legislative acts, judicial acts and pure administrative acts.
C A military tribunal is not an administrative body but it carries out judicial acts.
D B & C

1.10 Indicate which statement is the most correct:

A Procedural law is an example of formal law.
B The law of evidence is an example of formal law.
C A & B
D Private law is an example of formal law.

(10 × 1) **[10]**

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QUESTION 2

Complete the following sentences by using the words provided in the list below. Write only the word(s) next to the question number (2.1–2.5) in the ANSWER BOOK.

contracts; similar; marriages; different; decisions; own; preferences; uncertain; previous; certain; laws

The rule of *stare decisis* is applied in court judgements. The term '*stare decisis*' is a Latin phrase which means to stand by things decided. According to this rule, (2.1) ... taken by the courts must be followed by other courts. This is what judicial precedent means. It stops a presiding officer from making a judgement based on his (2.2) ... personal beliefs or (2.3) ... . In other words, a court case may not be decided in an arbitrary or unfair way. Decisions made previously in similar cases must be followed.

If rulings were arbitrary, the same kind of problem would be solved differently depending on who the presiding officer was. That would make things (2.4) ..., as nobody would know what the law on a particular point is.

To encourage certainty and uniformity, presiding officers decide present and future cases by following (2.5) ... judgements on the same matter or similar set of facts.

(5 × 1) (5)

QUESTION 3

Choose a description from COLUMN B that matches a/an word/item in COLUMN A. Write only the letter (A–E) next to the question number (3.1–3.5) in the ANSWER BOOK.

COLUMN A		COLUMN B
3.1	Partnership	A People who own shares in a company.
3.2	Shareholders	B Made up of members and has a separate legal personality from those members and it is represented by its members in all transactions with third parties
3.3	Private company	
3.4	Close Corporation	C The legal process according to which a natural person is declared insolvent by a court, and a trustee then takes over all the assets
3.5	Sequestration	D Where two or more people agree to create a business and each person makes a contribution and gets a share of the profit
		E Often has just one member and the member holds all the shares

(5 × 1) **[5]**

QUESTION 4

Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (4.1–4.10) in the ANSWER BOOK.

4.1 Statutory laws are made to clarify the functions and roles of the government and to improve people's lives in a country.

4.2 Before a custom may be accepted as law, it must be reasonable and well established.

4.3 In a contract between two people, each person is obliged to (must) carry out his/her performance according to the terms of the contract.

4.4 A contract is a legally binding agreement between two or more people and must be in writing only.

4.5 A delict is the lawful action of a person that causes another person (the victim) to suffer damage or loss.

4.6 Misconduct at a workplace, e.g. drunk on duty, is handled by labour law.

4.7 Immaterial property law is also called as intellectual or industrial property law.

4.8 Procedural law is divided into civil procedure and private law.

4.9 In a civil case, it is up to the plaintiff (person who is bringing the case) to give enough evidence against a defendant to convince a judge or magistrate.

4.10 A witness is a person who is present when a crime takes place and sees and hears what happens.

(10 × 1) **[10]**

TOTAL SECTION A: 30

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SECTION B

QUESTION 5

Legal rules assist a country with its governance. Therefore, all countries have law, morality and justice. The purpose of law is to solve social conflict, to preserve order and to promote justice. Private law addresses matters such as testate succession (if a person dies and leaves a valid will, the way in which the estate should be dealt with).

5.1 Describe what *justice* means. (5)

5.2 Describe *legal rules*. (2)

5.3 Describe the role of *common law*. (3)

5.4 The requirements and rules for wills are to be found in the Wills Act 7 of 1953 and common-law rules. What are the requirements for a will to be valid? (5)

5.5 Explain what *engagement* is in terms of family law. (5)

[20]

TOTAL SECTION B: 20

SECTION C

QUESTION 6

Read the following case study and answer the questions.

South African students recently organised protests for their #Fees-must-fall campaign. One student leader had been arrested and had to appear in court. The parents of some of the students live in deep rural areas and do not approve of their children's behaviour as it does not form part of their culture and beliefs.

6.1 Describe the general characteristics of indigenous law. (5)

6.2 Name the sources of indigenous law. (3)

6.3 Explain briefly what the *Code of Zulu Law* is. (2)

6.4 Name and discuss five lower courts in South Africa. (10)

6.5 (a) Name the elements of a crime and give a short description of each one. (8)

(b) Can a dog commit a crime if it bites a person? Substantiate your answer. (2)

[30]

TOTAL SECTION C: 30

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SECTION D

Answer only ONE question from this section.

QUESTION 7

Indigenous Law developed over a number of years in this country and is still relevant in some communities. It is therefore still applicable in South Africa after the Republic's first democratic elections in 1994.

7.1 Describe the role of indigenous law in South Africa referring to the following aspects:

7.1.1 Indigenous law and succession (3)

7.1.2 Indigenous law and marriage (3)

7.1.3 The person in indigenous law (4)

7.2 Describe the development of indigenous law in a democracy referring to the following aspects:

7.2.1 The recognition of indigenous law (5)

7.2.2 The Constitution of South Africa (5)
[20]

TOTAL SECTION D: 20

OR

QUESTION 8

8.1 Several people, such as judges, magistrates, advocates and prosecutors are involved in the administration of justice in South Africa.

Discuss the role of advocates in this process. (10)

8.2 Discuss the court procedures in a criminal court case referring to the following:

8.2.1 The reading of the charge (5)

8.2.2 The plea to the charge (5)
[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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