higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

12 November 2018 (X-Paper)
09:00–12:00

This question paper consists of 8 pages.

NCV

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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. Read ALL the questions carefully.
2. Answer ALL questions in SECTION A, B and C.
3. Answer ONE question in SECTION D.
4. Number the questions according to the numbering system used in this question paper.
5. Leave a space and rule off across the page on completion of each question.
6. Write neatly and legibly.

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SECTION A

QUESTION 1

1.1 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 (1.1.1–1.1.5) in the ANSWER BOOK.

1.1.1 Indicate which one of the following statements is correct:

A Legislation describes what remedies or solutions to apply to legal problems.
B There are no common law remedies for legal problems.
C All crimes are covered in laws passed by Parliament.
D Common law is never used to interpret legislation.

1.1.2 Choose the most correct statement:

A Customs are cultural practices in accordance with which animals live.
B For a custom to be regarded as law, it must be reasonable and its content and meaning must be certain and clear.
C In South Africa, many communities live according to indigenous law, which can be regarded as unwritten customary law.
D B & C.

1.1.3 Indicate which of the following statements is incorrect. The law of things is concerned with real rights that are rights to things. Things mean the following:

A An independent object, for instance air in a cylinder.
B Corporeal object, for instance a dog.
C Something internal to man, for instance emotions.
D An object which is of use and value to man, for instance a CD cover.

1.1.4 Which statement is NOT correct? For a will to be valid, the following requirements must be met:

A It must be in writing
B It must be signed by the inheritor
C Two witnesses must co-sign the will in front of the testator and in front of each other
D A and C.

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1.1.5 Choose the most correct statement:

A Family law is the part of private law that governs the relationship between a husband and wife.
B Family law is the part of private law that governs the relationship between a boyfriend and girlfriend.
C Family law is the part of private law that governs the relationship between a parent and grandchild.
D A and B.

(5 × 1) (5)

1.2 Choose a/an item/word from COLUMN A that matches a description in COLUMN B. Write only the letter (A–J) next to the question number (1.2.1–1.2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.2.1	Legal norm	A	what you owe, debts
1.2.2	Enforce a law	B	judgements of the court
1.2.3	Legal rules	C	person who makes a will
1.2.4	Charge	D	someone is accused of committing a crime
1.2.5	Judicial precedent	E	a person's total assets, such as a house, car or money
1.2.6	Estate	F	the rules that a country or state wants the people there to follow
1.2.7	Liabilities	G	to make sure that a law is followed
1.2.8	Testator	H	controls all aspects of state administration and the different state institutions
1.2.9	Constitutional law	I	confirms the important human rights of every citizen of South Africa
1.2.10	Bill of rights	J	a set of rules based on generally accepted social behaviour, made by a person or part of the government that has the authority or power to make legal rules

(10 × 1) (10)

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1.3 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the question number (1.3.1–1.3.10) in the ANSWER BOOK.

1.3.1 There is a relationship between common law, the courts, crimes, remedies, legislation and the Constitution.

1.3.2 Certain crimes are common law crimes.

1.3.3 Brothers and sisters may marry one another.

1.3.4 In a partnership, a minimum of five people agree to create a business to which each person makes a donation and gets a share of the profits.

1.3.5 A custom plays an important role in the development of law; it could become a law (and recognised by the Constitution) when the following happens:

- if the custom becomes a settled practice
- if the majority of people in a society have a sense of obligation, a feeling of being bound to the custom.

1.3.6 There are three main types of rules that determine or control our behaviour, namely legal rules, internal rules and moral and ethical rules.

1.3.7 When we speak of judicial precedent, we speak about running for the presidency of the court.

1.3.8 A custom which is followed by a single family is considered as customary law.

1.3.9 A tribunal is an administrative body that can prosecute certain crimes.

1.3.10 An administrative act is one that has to do only with the function and purpose of the government, for instance a fishing licence.

(10 × 1) (10)

1.4 Give ONE word/term for each of the following descriptions. Write only the word/term next to the question number (1.4.1–1.4.5) in the ANSWER BOOK.

1.4.1 An unlawful act by one person that causes injury or loss to another person

1.4.2 The contract of letting and hiring between a landlord and tenant, in which the landlord agrees to give control and enjoyment of the property to the tenant for a specified period and for a specific rental amount

1.4.3 A legal proceeding in which you ask a court to order someone to act in a particular way (either doing or not doing something) so that your rights are not interfered with

1.4.4 An organisation, which is recognised as a legal person, and which does almost any kind of business

1.4.5 Small parts of a company that people can own

(5 × 1) (5)
[30]

TOTAL SECTION A: 30

SECTION B

QUESTION 2

Read the extract below and answer the questions.

The purpose of law is to solve social conflict, to preserve order and to promote justice. Legal rules are used to assist a country with its governance. Any country has law, morality and justice. Examples of legal rules are law of obligations, law of contract, law of delict, et cetera.

Differentiate between the following:

2.1 Law (5)

2.2 Morality (3)

2.3 Justice (4)
[12]

QUESTION 3

Who and what is considered a legal subject (person) within the law of persons? **[8]**

TOTAL SECTION B: 20

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SECTION C

QUESTION 4

Read the extract below and answer the questions.

For the past couple of years, most countries in the world have been experiencing a recession. It was also forecasted that South Africa would experience a recession soon. As a result of this, some companies may be declared insolvent.

What is meant by 'Insolvency' in terms of the Insolvency Act, 1936 (Act 24 of 1936)?

[10]

QUESTION 5

5.1 Define criminal law. (5)

5.2 Name the elements of a crime. (4)

5.3 Briefly explain what the following crimes are:

5.3.1 Crimes against another person

5.3.2 Crimes against the property of another

5.3.3 Crimes against the interest of the state

(3 × 2) (6)

5.4 Describe what law of evidence is. (5)

[20]

TOTAL SECTION C: 30

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SECTION D: Answer only ONE question in this section.

QUESTION 6

Indigenous law is still applicable in South Africa after the Republic's first democratic elections in 1994. The Law of Evidence Amendment Act, 1988 (Act 45 of 1988) states that the court can take judicial notice of indigenous law. This means that the court can accept the law without it having to be proved first. The only requirement is that the law is not against public police or against the principles of natural justice.

Discuss is the role of indigenous law in South Africa in terms of the following aspects:

6.1 The person in indigenous law (7)

6.2 Indigenous law and succession (5)

6.3 Indigenous law and marriage (8)
[20]

OR

QUESTION 7

Name and discuss TEN lower courts in South Africa. **[20]**

TOTAL SECTION D: 20
GRAND TOTAL: 100

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