higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

INTRODUCTION TO LAW
NQF LEVEL 2

(8021002)

13 November 2019 (Y-Paper)
13:00–16:00

This question paper consists of 7 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. Read ALL the questions carefully.
2. Answer ALL questions in SECTIONS A, B, C and D.
3. Number the answers according to the numbering system used in this question paper.
4. Leave a line open and rule off across the page on completion of each question.
5. 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 Choose the most correct statement:

A Common law is a collection of legal rules that has developed over time.
B Common law is derived from other or older legal systems, such as Roman law.
C Both A and B.
D Common law does not change as parliament passes legislation.

1.1.2 Choose the most correct statement:

A Legislation comprises a law or set of laws made by an authorised person or a legal authority, such as parliament.
B Common law is derived from other or older legal systems, such as Roman–Dutch law.
C Both A and B.
D Common law does not apply to contracts in South Africa.

1.1.3 Indicate which of the following statements is correct:

A A precedent is a judgment of a court of law that becomes a legal rule for decisions to be taken later.
B All crimes in South Africa are common-law crimes.
C Murder, robbery and theft are statutory crimes provided for in Roman-Dutch law.
D Any new law or government action can override the Constitution of South Africa, 1996.

1.1.4 Which statement is incorrect?

A A partnership is formed when two or more people agree to create a business and each person makes a contribution.
B A partnership is formed when two or more people agree to create a business in which each person makes a contribution and gets a share of the profit.
C Close corporations and companies are examples of legal persons.
D When the parties of a partnership agree on the basic elements of the partnership, it should be formalised.

1.1.5 Choose the most correct statement.

These are the essential elements of a partnership:

A The parties must not agree about each partner's contribution to the business.
B The purpose of the business must be to make profit.
C The parties don't have to agree on sharing the profit (and loss) of the business between them.
D Both A and B.

(5 × 1) (5)

1.2 Choose 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	Customary law	A	a law or rule
1.2.2	Indigenous	B	the judgment made by a court
1.2.3	A company	C	people who own shares in a company
1.2.4	Statute	D	people who have always stayed in or belonged to a particular area
1.2.5	Statutory law	E	a bit like a company and a bit like a partnership
1.2.6	Verdict	F	members of a close corporation
1.2.7	Shareholders	G	to run out of money in doing business
1.2.8	Close corporation	H	the Constitution, Acts of parliament, provincial statutes, municipal regulations and all other legislation
1.2.9	Maximum of ten natural persons	I	an organisation which is recognised as a legal person and which does almost any kind of business
1.2.10	Insolvency	J	law that develops from the habits, traditions, culture and usages of specific communities of indigenous people

(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 Legal rules are the rules that a country or state wants the people living in that country or state to follow.

1.3.2 An example of a legal rule: You may not drive a motor vehicle without a valid driver's licence.

1.3.3 Legal capacity is the ability to have rights and duties. Humans, plants and animals have this ability.

1.3.4 Legal status is the total number of rights and duties a legal subject has.

1.3.5 An engagement is an agreement between three people, in which they promise to marry each other in the future.

1.3.6 A marriage is a contract.

1.3.7 The law of things is also called the law of property.

1.3.8 A real right is a claim that one person may have against another person.

1.3.9 The law of succession deals with what happens to a person's property when he/she dies.

1.3.10 An estate is a person's total assets, such as a house, car, money or investments.

(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 A situation in which someone has profited at the expense of another person

1.4.2 When a person acts on behalf of another person to prevent damage

1.4.3 A signed promise in writing to pay a certain sum of money on demand or at a future date

1.4.4 A written instruction by one person to another to pay a certain sum of money to a specified person or the person in possession of it

1.4.5 A contract of good faith between an insurer and an insured, in which the insurer promises to pay the insured a sum of money if a risk occurs

(5 × 1) (5)

[30]

TOTAL SECTION A: 30

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SECTION B

QUESTION 2

Read the extract below and answer the questions.

Administrative law is the part of public law that tells us about the executive authority of government and how it manages the daily running of government.

Differentiate between the following:

2.1 Legislative acts

2.2 Judicial acts

2.3 Pure administrative acts

(5 × 3) **[15]**

QUESTION 3

Aggravating factors are elements that would make a judge pass a heavier sentence.

Provide FIVE examples of these factors. **[5]**

TOTAL SECTION B: 20

SECTION C

QUESTION 4

Read the extract below and answer the questions.

> The Law of Evidence Amendment Act, 1988 (Act 45 of 1988) determines that the court can accept the indigenous law without it having to be proven first. It means that indigenous law is still applicable in South Africa.

Discuss the 'person in indigenous law' with reference to the role of indigenous law in South Africa. **[10]**

QUESTION 5

5.1 Name FIVE lower courts in South Africa. (5)

5.2 Discuss the purpose (functions) of the magistrates' court. (4)

5.3 Briefly explain the court procedures, referring to the following:

5.3.1 The charge (3)

5.3.2 Opening of the docket (3)

5.3.3 The decision to prosecute (2)

5.4 Describe the purpose of the Land Claims Court. (3)

[20]

TOTAL SECTION C: 30

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SECTION D

QUESTION 6

Any country has laws, morality and justice. Examples of legal rules are the law of obligation, law of contract, law of delict, etc.

Describe the following:

6.1 What is *law*?

6.2 What is *justice*?

[20]

OR

QUESTION 7

Some contracts that people sign are not valid or legal. The law of contract will assist any person in ensuring that contracts are valid. Doing any business will result in paying taxes which are grouped as direct and indirect taxes.

7.1 Describe a *contract*. (10)

7.2 Discuss indirect taxes by referring to the following:

A Value-added tax (4)
B Customs and excise duty (3)
C Transfer duties (3)

[20]

TOTAL SECTION D: 20
GRAND TOTAL: 100

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