higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE (VOCATIONAL)

CRIMINAL LAW
NQF LEVEL 3

(8021003)

10 December 2020 (Y-paper)
13:00–16:00

This question paper consists of 9 pages.

479Q1N2010

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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 correct answer and write only the letter (A–D) next to the question number (1.1–1.5) in the ANSWER BOOK.

1.1 A person who helps another person after that person has committed a crime is called a(n) ….

A accessory after the fact.
B assistant.
C accomplice.
D perpetrator.

1.2 A person who helps another person to commit a crime is called a(n) …

A accessory after the fact.
B assistant.
C accomplice.
D perpetrator.

1.3 Which of the following is not a form of intention?

A Direct intention
B *Dolus eventualis*
C Indirect intention
D Necessity

1.4 Which of the following is not an element of perjury?

A Making a false statement
B Under oath
C During judicial proceedings
D Defeating the course of justice

1.5 Which of the following constitutes valid consent for penetration in relation to the crime of rape?

A A slightly drunk woman agrees to have sex with a man she met at a party.
B An eleven-year-old girl agrees to have sex with her boyfriend.
C A girl with Down Syndrome agrees to have sex with a man.
D A terrified woman did not protest out loud when a man had sex with her.

(5 × 1) **[5]**

QUESTION 2

Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (2.1–2.10) in the ANSWER BOOK.

2.1 A person who unlawfully and intentionally acts in a way that attacks or disobeys the dignity, reputation or authority of a judicial body or judicial officer commits perjury.

2.2 A legal norm is a rule drawn up by a legal authority that is based on an accepted standard of social behaviour.

2.3 Defeating the course of justice differs from obstructing the course of justice.

2.4 Consent can be offered as a ground of justification for murder if the victim consented to be killed.

2.5 Any of the following three types of intention would be sufficient to find someone guilty of murder: direct intention, indirect intention or *Dolus Eventualis.*

2.6 Robbery can be committed by threatening the victim with violence.

2.7 The unlawful and intentional sexual penetration of a man by another man without consent is rape.

2.8 The South African criminal law recognises three types of intention, namely voluntary intention, direct intention and indirect intention.

2.9 In terms of the crime of theft, the appropriation of property means the legal owner is deprived of the property and the offender acts as if he/she is the owner of the property.

2.10 Judicial precedent dictates that a decision that is applied in one situation must be applied to all other similar situations.

(10 × 1) **[10]**

QUESTION 3

Choose a term from COLUMN B that matches a description in COLUMN A. Write only the letter (A–K) next to the question number (3.1–3.8) in the ANSWER BOOK.

COLUMN A		COLUMN B	
3.1	Unlawfully and intentionally preventing the law from working in its usual and normal way	A	perjury
		B	assault
3.2	*Mens rea*	C	defeating or obstructing the course of justice
3.3	Unlawfully and intentionally exposing sexual organs, anus or breasts	D	robbery
3.4	Making another person believe that force is about to be used against him/her	E	malicious injury to property
		F	intention and negligence
3.5	Unlawfully and intentionally cause the death of another human being	G	euthanasia
3.6	Assisting another person to commit suicide	H	arson
3.7	Unlawfully and intentionally damaging of property that belongs to another person	I	public indecency
		J	murder
3.8	Unlawfully and negligently cause the death of another human being	K	culpable homicide

(8 × 1) **[8]**

QUESTION 4

Choose a term regarding a person's act or conduct as an element of crime from COLUMN B that matches a description in COLUMN A. Write only the letter (A–F) next to the question number (4.1–4.4) in the ANSWER BOOK.

COLUMN A		COLUMN B	
4.1	The conduct or behaviour of the accused resulted in the prohibited outcome.	A	human act/conduct
4.2	Failure to conduct in a required way or to perform a required act	B	omission
4.3	Making your body to obey your will/mind	C	causation
4.4	Setting a vicious dog on someone to kill that person	D	voluntary act/conduct
		E	legal duty
		F	unlawfulness

(4 × 1) **[4]**

QUESTION 5

Complete the following sentences by writing down the missing words next to the question number (5.1–5.3) in the ANSWER BOOK.

5.1 Anyone who committed a crime and has been convicted for it, is a …

5.2 An act that is forbidden by statute or common law and which is punishable by law is called a …

5.3 Unlawfully and intentionally damaging your own insured property in order to claim the insured value is called …

(3 × 1) **[3]**

TOTAL SECTION A: 30

SECTION B

QUESTION 6

6.1 Name the elements of the crime of assault. (5)

6.2 Name ONE way in which crimen injuria can be committed and give a practical example. (3)
[8]

QUESTION 7

7.1 Select TWO of the following rules of legality and briefly discuss how it assists to make our legal system fair:
- *ius acceptum* (recognised in law)
- *ius praevium* (former law)
- *ius certum* (definite law)
- *ius strictum* (narrow law)
- *nulla poena* (no penalty) (4)

7.2 Name TWO possible reasons for the high crime rate in South Africa. (2)

7.3 Give an example of an act by an animal or inanimate object would be regarded as punishable by the law. (1)

7.4 How does *conspiracy* differ from *incitement*? (3)

7.5 Explain briefly under which THREE conditions will a person be regarded as having diminished criminal capacity / criminal responsibility: (5)
[15]

QUESTION 8

Select TWO of the following norms in society and briefly discuss how they may influence the writing of laws:
- Religion
- Individual morality
- A community's social mores **[4]**

QUESTION 9

9.1 Explain what is meant by *necessity as a ground for justification*. (2)

9.2 Provide THREE requirements for necessity to be offered as a ground for justification and give an appropriate example of each requirement. (6)
[8]

TOTAL SECTION B: 35

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SECTION C

QUESTION 10

Read the following scenario and answer the question below:

Y stole money from A and B.
A and B both decides to murder Y and plan to lure him into a dark alley and stab him with a knife.
They recruited C to drink with Y and then lead him into the alley under the pretence that she wants to have sex with him.
C lured Y into the alley where A grabbed and restrained him so that B could stab him.
X walks past and saw the attack. X also wants to kill Y because Y previously attempted to rape his girlfriend.
X joins in the attack after Y was already lethally wounded, but before Y dies. X hit Y over the head with a baseball bat.
Y dies from the stab wounds.
A and B fled to the nearby house of their friend D, who assisted them to clean their bloody clothes and hide the knife.

Identify the following from the scenario and substantiate your answer with reference to common purpose where necessary:

10.1 Perpetrator (4)

10.2 Joiner-in (3)

10.3 Accomplice (3)

10.4 Accessory after the fact (3)
[13]

QUESTION 11

Discuss the following elements of the statutory offence of *driving under the influence*:



11.1	Drive/Driver	(2)
11.2	Motor vehicle	(1)
11.3	Sit in the driver's seat of a motor vehicle when the engine is running	(2)
11.4	Public road	(2)
11.5	While under the influence of liquor or drugs	(3)
		[10]

QUESTION 12

Name and explain the FOUR types of *attempt* and give an example of each. **[12]**

TOTAL SECTION C: 35
GRAND TOTAL: 100

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