higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N970**(E)**(J6)H

NATIONAL CERTIFICATE

LEGAL PRACTICE N5

(13030115)

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09:00–12:00

This question paper consists of 6 pages.

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE
LEGAL PRACTICE N5
TIME: 3 HOURS
MARKS: 200

NOTE: If you answer more than the required number of questions, only the required number will be marked. Clearly cross out ALL work you do NOT want to be marked.

INSTRUCTIONS AND INFORMATION

1. Read ALL the questions carefully.
2. SECTION A is COMPULSORY. Answer ALL question in SECTION A.
3. Answer any FIVE questions in SECTION B.
4. Number answers according to the numbering system used in this question paper.
5. Neatness, style and a systematic exposition of facts are required. Where possible, answer questions by point, but always in full sentences.
6. Write neatly and legibly.

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SECTION A (COMPULSORY)

Answer ALL the questions in this section.

QUESTION 1

1.1 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'true' or 'false' next to the question number (1.1.1–1.1.10) in the ANSWER BOOK.

1.1.1 In the Constitutional Court a matter is decided by 11 judges.

1.1.2 Legal advisers usually have the same qualifications as an attorney and an advocate.

1.1.3 The money for all an attorney's clients are kept in a business account.

1.1.4 Customary law is no longer an important source of South African law.

1.1.5 Parliament is the most important lawmaking authority in the Republic.

1.1.6 The Commissioner is the presiding officer in the Small Claims Court.

1.1.7 Collusive and notarial agreements are similar.

1.1.8 A combined summons is used for illiquid claims.

1.1.9 Special Power of Attorney authorises an attorney to act on behalf of the client to handle a single case.

1.1.10 Only a person over the age of 18 may sign as a witness on a testament.

(10 × 2) (20)

1.2 Complete the following sentences by filling in the missing word(s). Write only the word(s) next to the question number (1.2.1–1.2.5) in the ANSWER BOOK.

1.2.1 The right of the court to hear a particular case is called ...

1.2.2 A … is a list of qualified, practising attorneys.

1.2.3 A criminal act to overthrow the government of the state to which the offender owes allegiance is called ...

1.2.4 All labour disputes between the employer and employee are settled by this tribunal: ...

1.2.5 An ... refers to a court order that prohibits an individual from performing certain actions.

(5 × 2) (10)

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1.3 Choose a term/phrase from COLUMN B that matches a description in COLUMN A. Write only the letter (A–J) next to the question number (1.3.1–1.3.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.3.1	Administer a deceased or insolvent estate under the supervision of the Master	A	ascendants
		B	precedent
1.3.2	The oldest source of law	C	power of attorney
1.3.3	The most important source of law	D	emoluments order
1.3.4	A written authorisation to act on another's behalf in legal matters	E	garnishee order
		F	testator
1.3.5	Parents and grandparents of the deceased	G	descendants
1.3.6	Children of the deceased	H	statutory law
1.3.7	The person who draws up the will	I	customary law
1.3.8	Granted by the court where a debtor has no tangible property, yet he possesses other gains	J	executor
1.3.9	A court order to make monthly deductions upon the debtor's salary		
1.3.10	Different judgments made by courts which form part of the existing law		

(10 × 2) (20)
[50]

TOTAL SECTION A: 50

SECTION B

Answer only FIVE questions from this section.

QUESTION 2

Ashley Young is planning to buy a house in Port Elizabeth and has the property transferred into his name as soon as possible. He contacts an attorney to assist him on all legal aspects concerning the purchase of the house.

2.1 List any SIX typical tasks done by attorneys for their clients. (6 × 2) (12)

2.2 In an attorney's office, all client files must be stored in an orderly, systematic fashion to facilitate easy access.

List any FIVE filling methods. (5 × 2) (10)

2.3 Differentiate between international and national law. (4 × 2) (8)

[30]

QUESTION 3

The magistrates' court is a court of first instance. This means cases may commence in this court and it has no authority to hear appeals.

3.1 List any SIX cases over which the magistrates' court has no jurisdiction. (6 × 2) (12)

3.2 Explain the steps to be followed by an attorney in creating a new folder for a client. (7 × 2) (14)

3.3 A written declaration under oath before a Commissioner is known as a/an ... (2)

3.4 A legal written document in which one determines how one's own assets are to devolve after death is known as a/an ... (2)

[30]

QUESTION 4

4.1 Your Uncle John wishes to open a bottle store in Johannesburg. He is seeking legal advice from you on the following matters: (12)

4.1.1 Requirements that must be met by the applicant

4.1.2 Requirements that must be met by the premises where liquor will be sold (5 × 2) (10)

4.2 The South African law has its origin from four different sources.

Name these FOUR sources. (4 × 2) (8)

[30]

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QUESTION 5

Your friend Ruth wants to file a complaint against her attorney, Mr Kunutu, who has stolen her money.

5.1 Explain the steps Ruth should follow. (4 × 2) (8)

5.2 Exceptions to summons will depend on the court, but there are grounds on which you can enter a 'notice of exception'.

Name these grounds. (6 × 2) (12)

5.3 Explain the differences between a *collusive* and *notarial* agreements. (5 × 2) (10)

[30]

QUESTION 6

6.1 An attorney is responsible for issuing a receipt to a client upon receiving certain fees.

List any SEVEN types of information that should appear on a receipt. (7 × 2) (14)

6.2 In terms of the Wills Act and the Common Law, a valid legal testament must satisfy certain requirements.

Name any SIX of these requirements. (6 × 2) (12)

6.3 If a person dies intestate and leaves no blood relations, what happens to estate of the deceased? (2 × 1) (2)

6.4 A legal right granted by the principal to an attorney to act on his behalf is called … (2 × 1) (2)

[30]

QUESTION 7

John collided with Susan's car because John was careless and driving too fast, not watching where he was going. Consequently, Susan's car was badly damaged. The estimated cost of the damages amounts to R10 000. Susan decided to sue John in the Small Claims Court for damages.

7.1 Explain the procedure to be followed by Susan to sue John in the Small Claims Court. (10 × 2) (20)

7.2 Distinguish between the TWO types of accounts used by a firm of attorneys. (5 × 2) (10)

[30]

TOTAL SECTION B: 150
GRAND TOTAL: 200

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