higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N980**(A)**(M29)H

NATIONAL CERTIFICATE

LEGAL PRACTICE N5

(13030115)

29 May 2019 (X-Paper)
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. SECTION A is COMPULSORY and must be answered by ALL candidates in the ANSWER BOOK.
2. Answer any FIVE questions in SECTION B.
3. Read ALL the questions carefully.
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, present answers in point form, but always in full sentences.
6. Write neatly and legibly.

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SECTION A (COMPULSORY)

QUESTION 1

1.1 Complete the following sentences by using the word(s) in the list below. Write only the word(s) next to the question number (1.1.1–1.1.15) in the ANSWER BOOK.

public defender; my lord; roll; your honour; your worship, the clerk; executor dative; revocation; without prejudice; subpoena; obligatory; illiquid; liquid; public prosecutor; a testament; the Constitution; testator, drafter; sheriff; modus; usufruct; witness

1.1.1 The person who is responsible for the delivery of court documents in the civil court.

1.1.2 The correct way to address the judge.

1.1.3 The most important source of South African law.

1.1.4 When a letter may not be used as evidence in a court case, it is marked with the word(s) … .

1.1.5 A combined summons is used for … claims.

1.1.6 This person appears on behalf of the state in a criminal case.

1.1.7 … is responsible for performing the administrative work in the office of the lower court.

1.1.8 Attorneys who are paid by the state to assist the accused.

1.1.9 A clause in a will that gives a person a right to use and enjoy the benefits of the property.

1.1.10 A clause in a will that postpones the right until certain conditions have been met.

1.1.11 A list of all qualified, practising attorneys.

1.1.12 A person who draws up a will.

1.1.13 When there is no will and the Master has to appoint an executor.

1.1.14 When a sequestration is requested against you, it is known as … sequestration.

1.1.15 … means that you must appear in court as a witness and you may not refuse.

(15 × 2) (30)

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1.2 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the number (1.2.1–1.2.10) in the ANSWER BOOK.

1.2.1 Only an advocate may act as a public prosecutor on behalf of the state.

1.2.2 The duty to act in utmost good faith is also known as *uberrima fides.*

1.2.3 *S v Mabaso* 2016 (2) SA 128 (N) is an example of a civil case.

1.2.4 All closed files must be kept in the attorney's office up to a period of three years.

1.2.5 Customary law is no longer a source of South African law.

1.2.6 In a democratic country like South Africa, the government makes the law.

1.2.7 In the Small Claims Court, no attorney may represent the plaintiff or defendant.

1.2.8 The general rule regarding legal cost is that the winner pays the cost.

1.2.9 Absolution means a claim is dismissed or rejected.

1.2.10 An interdict is a court order that prohibits an individual from performing certain actions.

(10 × 2) (20)
[50]

TOTAL SECTION A: 50

SECTION B: (LONG QUESTIONS)

Answer any FIVE of the six questions from SECTION B.

QUESTION 2

2.1 Due to the complexity and the quantity of work that a large firm of attorneys handles, it helps to divide the firm into departments.

Name and define the FIVE departments in the attorney's practice. (5 × 3) (15)

2.2 The Small Claims Court has been instituted to enable affordable legal help for the man in the street.

2.2.1 What name is given to the presiding officer in the Small Claims Court? (2)

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2.2.2 List examples of claims that can be heard by this court. (8)

2.2.3 List TWO advantages of suing someone in the Small Claims Court. (4)

2.3 A criminal act to overthrow the government of the state to which the offender owes allegiance, is called … . (1)
[30]

QUESTION 3

3.1 As far as South African sources of law are concerned, it is important to realise that there is not only one primary source where the law originates and can be found. South African law has more than one source.

3.1.1 List any FOUR of these sources. (4 × 2) (8)

3.1.2 Explain each of the FOUR sources mentioned in QUESTION 3.1.1. (12)

3.2 When you request a cheque from the bookkeeping department, you must provide certain information.

Name this information. (10)
[30]

QUESTION 4

4.1 In an attorney's office, two types of accounts are used for monetary reasons.

Explain these types of accounts. (10 × 2) (20)

4.2 Explain the term *power of attorney*. In your answer, make a clear distinction between the two types of power of attorney. (5 × 2) (10)
[30]

QUESTION 5

5.1 The Law Society watches over the interests of the public.

Give the steps to be taken should a member of the public wish to institute a complaint against an attorney at the Law Society. (4 × 2) (8)

5.2 Name the requirements a legal testament must satisfy in terms of the Wills Act and the common law. (7 × 2) (14)

5.3 List any FOUR persons who qualify according to their office to act as a Commissioner of Oaths. (4 × 2) (8)
[30]

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QUESTION 6

Cosmo Diale is ONE of the top actors in the Republic. He wants to open a liquor business in Port Elizabeth. He contacts you for advice on the following points.

6.1 List any SIX requirements that must be met by the premises where liquor will be sold. (6 × 2) (12)

6.2 The applicant of a liquor license must be … years or older. (2)

6.3 A liquor licence applicant must be a South African citizen.

Answer YES or NO. (2)

6.4 Explain the steps to be followed by an attorney in creating a folder for a new client. (7 × 2) (14)
[30]

QUESTION 7

7.1 The way you answer a telephone is one of the most important advertisements for the firm.

Explain the telephone manners and techniques that must be followed by the attorney's office. (8 × 2) (16)

7.2 At what age can a person become a legal witness to a valid will? (2)

7.3 To be able to make a valid will, the testator must be … years or older. (2)

7.4 What does it mean to *die intestate*? (2)

7.5 A collusive agreement has no legal effect.

Answer TRUE or FALSE. (2)

7.6 Define a *notarial agreement*. (3 × 2) (6)
[30]

TOTAL SECTION B: 150
GRAND TOTAL: 200

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