higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE

LEGAL PRACTICE N5

(13030115)

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09:00–12:00

This question paper consists of 7 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. All work you do not want to be marked must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. SECTION A is COMPOUSORY.
2. Answer any FIVE questions from SECTION B.
3. Read ALL the questions carefully.
4. Number the answers according to the numbering system used in this question paper.
5. Start each question on a NEW page.
6. Write neatly and legibly.

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SECTION A (COMPULSORY)

QUESTION 1

1.1 Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (1.1.1–1.1.15) in the ANSWER BOOK.

1.1.1 The legal system is the foundation of a disordered society.

1.1.2 A registrar does the administrative work in the office of the high court.

1.1.3 Paralegals have the capacity to represent an accused before a court of law.

1.1.4 Legal advisers usually have the same qualifications as an attorney or an advocate.

1.1.5 Practising attorneys belong to the Law Society at their own discretion.

1.1.6 International law is the law enforced in a specific country.

1.1.7 Customary law is the most important source of South African law.

1.1.8 Default judgment is given in favour of the defendant.

1.1.9 A short summons is issued for a liquidated claim.

1.1.10 A person can be imprisoned for long-term unpaid debts.

1.1.11 Revocation means all previous wills have been terminated.

1.1.12 A witness to a will must be 18 years or older.

1.1.13 *Executor* refers to a person who draws up a will.

1.1.14 Adopted children have a legal right to inherit from their biological parents.

1.1.15 Collaterals are persons related to the deceased through at least one common ancestor, like brothers and sisters.

(15 × 2) (30)

1.2 Choose a term from COLUMN B that matches a description in COLUMN A. Write only the letter (A–M) next to the question number (1.2.1–1.2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.2.1	Right of a court to hear a particular case	A	summary judgement
1.2.2	Most superior court in South Africa	B	commissioner
1.2.3	Oral evidence in a court of law	C	jurisdiction
1.2.4	Presiding officer in a small claims court	D	agreement
1.2.5	Prescribed time limit to give notice of intention to defend	E	liquid
1.2.6	Criminal act to overthrow the government of the state to which offender owes allegiance	F	constitutional court
1.2.7	Judgement in favour of plaintiff without hearing	G	agreement
1.2.8	Statement made under oath in which a person declares that everything is the truth	H	affidavit
1.2.9	Act that binds two individuals	I	viva voce
1.2.10	Exact amount of debt acknowledged in writing	J	dies iduciae
		K	agreement
		L	illiquid
		M	treason

(10 × 2) (20)
[50]

TOTAL SECTION A: 50

SECTION B

Answer any FIVE of the six questions from SECTION B.

QUESTION 2

2.1 List SIX responsibilities executed by attorneys in South Africa. (6 × 2) (12)

2.2 Name FOUR staff members who may be employed in an attorney's practice. (4 × 2) (8)

2.3 Explain FIVE duties of an executor to a client who has no knowledge of administering an estate. (5 × 2) (10)
[30]

AND/OR

QUESTION 3

In South Africa there is more than one primary source from where the law originates and can be found.

3.1 Name FOUR of those sources. (4 × 2) (8)

3.2 Explain each of the FOUR sources named in QUESTION 3.1 and give examples to substantiate the answer where necessary. (4 × 4) (12)

3.3 List FIVE filing methods used in an attorney's practice to store client's files. (10)
[30]

AND/OR

QUESTION 4

4.1 Name the TWO accounts used in an attorney's office. (2 × 2) (4)

4.2 Explain each of the TWO accounts named in QUESTION 4.1 and give examples to substantiate the answer where necessary. (8 × 2) (16)

4.3 Name TWO types of agreement. (2 × 2) (4)

4.4 Name THREE pieces of information which appear in the heading of an agreement. (3 × 2) (6)
[30]

AND/OR

QUESTION 5

A code of ethics is a set of principles in an organisation guiding decision making and behaviour regarding conduct at work.

5.1 Give TWO examples of a code of ethics in the legal profession. (2 × 2) (4)

5.2 List FIVE of the eight subsections of which a complete executor's liquidation and distribution account consists as per regulations. (5 × 2) (10)

5.3 Define *power of attorney*. (2)

5.4 Explain TWO types of power of attorney. (8)

5.5 Write short notes on a notarial agreement. (3 × 2) (6)
[30]

AND/OR

QUESTION 6

A magistrate's court is the lowest court in South Africa and therefore the court of first instance for most cases.

6.1 Name FIVE cases over which a magistrate's court has jurisdiction. (5 × 2) (10)

6.2 Give THREE examples of claims a landlord can successfully have against a lessee. (3 × 2) (6)

6.3 Explain a letter of demand to a new client who wants to send one to a defendant. (7 × 2) (14)
[30]

AND/OR

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QUESTION 7

7.1 Explain how the secretary of an attorney must go about to create a file for a new client. (7 × 2) (14)

7.2 An affidavit is a written statement declared under oath as the truth and signed in front of a commissioner of oaths.

Name FIVE pieces of information which appears in an affidavit. (5 × 2) (10)

7.3 Give TWO examples of where affidavits can be used. (2 × 2) (4)

7.4 A person who has given a sworn affidavit is called a … (2)

[30]

TOTAL SECTION B: 120
GRAND TOTAL: 150

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