SCL1501

SKILLS COURSE FOR LAW STUDENTS
VAARDIGHEDE VIR REGSTUDENTE

Duration: 2 Hours
Tydsduur: 2 Uur

EXAMINERS / EKSAMINATORE
FIRST / EERSTE: MR/MNR MD LETSOALO
SECOND / TWEDEE: MR/MNR FM MAHLOBOGWA

Use of a non-programmable pocket calculator is permissible
Gebruik van 'n nie-programmeerbare sakrekenaar is toelaatbaar

This paper consists of 27 pages
Hierdie vraestel bestaan uit 27 bladsye.

INSTRUCTIONS

1. Answer ALL the questions
2. Read the questions VERY CAREFULLY before answering them
3. Use a BLUE or a BLACK PEN when you answer the questions on the EXAMINATION PAPER PLEASE DO NOT USE A PENCIL WHEN YOU ANSWER THE QUESTIONS

INSTRUKSIES:

1. Beantwoord AL die vrae.
2. Lees die vrae BAIE AANDAGTIG deur voordat u dit beantwoord.
3. Gebruik 'n BLOU of 'n SWART PEN wanneer u die vrae op die EKSAMENVRAESTEL beantwoord. MOET ASSEBLIEF NIE 'N POTLOOD GEBRUIK WANNEER U ANTWOORD NIE.

[TURN OVER]
[BLAAI OM]
SECTION 1
AFDELING 1

Answer ALL the questions. Your answers to the questions in this section must be written DIRECTLY on the examination paper in the space provided.

Beantwoord AL die vrae. Skryf u antwoorde op die vrae in hierdie afdeling DIREK op die eksamenvraestel in die ruimte toegelaat.

QUESTION 1 / VRAAG 1

"There is no way in which we can be satisfied with our activities if our study process or methods do not make us learn"

"'n Mens behoort nie tevrede te wees met aktiwiteite in die studieproses, of met studiemetodes, wat jou nie laat leer nie".

1.1 In your own words, explain the concept "learning". (1)
1.1 In u eie woorde, verduidelik die konteks van "leer". (1)

Learning is an active process that involves a lot of activities

1.2 Describe the role of the learner as a "subjective being" in the learning process. (2)
1.2 Beskryf die rol van die leerder as 'n "subjektiewe wese" in die leerproses.

Learning involves that the pupil actively, as a subjective being, gets involved in the process. Learning brings about a change in the learner.

1.3 What does the "fixation" phase of a study process entail? (2)
1.3. Wat behels die fiksasiefase van 'n studieproses?

TURN OVER
[BLAAI OM]
QUESTION 3 / VRAAG 3

"Motivation is a very significant aspect of studying, especially when you consider the environment in which you study"

"Motivering is 'n baie belangrike aspek van die studieproses, veral as mens jou studie-omgewing in ag neem".

3.1 Using your own examples discuss intrinsic and extrinsic motivation (2)

3.1 Bespreek interne en eksterne motivering deur van u eie voorbeeldige gebruik te maak. External motivation stems from outside (2) of an individual. Eg Jaar tells me to study. External motivation is weaker than internal motivation. Sometimes, students achieve better by external forces.

Internal motivation - stems from inside - an individual. One motives oneself to succeed because they have certain goals they want to achieve.

3.2 What is a learning contract? (1)

3.2 Wat is 'n leerkontrak? (1)

Is an agreement that you undertake with yourself to achieve certain long & short term goals & other commitments, which you attach to your room, wall etc. To remind yourself of your commitments.

3.3 What is the relationship between a learning contract and motivation? (2)

3.3 Wat is die verhouding tussen 'n leerkontrak en motivering? (2)

By constantly reading your learning contract, it reminds you of all commitments you have & pushes you to study to achieve your goals.

TURN OVER]
[BLAAI OM]
5.2 Select a way or model of a group work (study group), and explain why you think it is an effective way of making a group function.

5.2 Kies 'n wyse of model van 'n studiegroep, en verduidelik waarom u dink dit 'n effektiewe wyse kan wees om 'n groep te laat funksioneer.

- Free flow of communication + Chairperson
- Model has 1 biggest success
- Members can freely talk to each other
- Chair person is also available to see that decisions are implemented.

QUESTION 6 / VRAAG 6

"We do summaries so that, in future, we can be able to get what the original text is about without wasting time and going back to the original document."

"Ons maak opsommings sodat ons kan verstaan waaroor die oorspronklike dokument gaan en sodat ons nie in die toekoms terug na die oorspronklike dokumente hoef te keer nie."

6.1 Advise your fellow students on what you think they should bear in mind when summarising a text.

6.1 Adviseer u mede-studente rakende wat u dink hulle in ag moet neem wanneer hulle 'n teks opsom.

- Write in plain language
- Be objective & factual
- Identify keywords
- Don't change content of original text
"Werk se toiletrol het my private dele gebrand, sê werknemer"

Wat 'n normale besoek aan die toilet moes wees het vir 'n vrou in Kathlehong, Ekurhuleni, in 'n nagmerrie ontaard toe die toiletpapier wat sy gebruik het haar private dele "gebrand" het. Die papier was gemerk met spuitverf omdat die maatskappy beweer werknemers steel die toilet papier.

Nosipho Molefe* het op 15 Julie gaan werk by Trident Steel in Roodekop naby Germiston. Later die dag is sy toilet toe.

"Ek is toilet toe. Nadat ek klaar was, het ek toilet papier gebruik om myself skoon te maak. Ek het gesien daar is kleure aan die kant, maar het nie gedink daar is enige iets verkeerd nie", het Molefe gesê.

Sy sê dat haar private dele 'n paar minute later begin "brand" het. "Al die dele waar die toilet papier geraak het, het begin jeuk en brand", het sy vertel.

Sy sê dat sy onmiddelik haar bestuurders in kennis gestel het, want "die pyn was ondraaglik". "Hulle het my nie ernstig opgeneem nie. Ek is toe na 'n dokter daar naby, want myne was ver weg. Die pyn was baie erg".

Molefe sê dat sy later gehoor het dat die toilet papier met spuitverf behandel is omdat die maatskappy beweer werknemers steel dit. Volgens 'n mediese verslag, waarvan Sowetan 'n kопie het, het Molefe gely aan "combined urinary tract infection, intra-abdominal infection, ischemic heart disease and hyperlipidemia".

Molefe is opgeneem in Clinix in Vosloorus, waar sy 10 dae behandeling ontvang het. "Die hospitaalkoste was R26 000 en teen die tyd wat ek ontslaan is was my mediese fonds uitgeput. Ek skuld die hospitaal nog omtrent R1 000. Ek wil hê die maatskappy moet my vergoed want dis hulle skuld", het sy gesê.

Trident Steel het bevestig dat hulle weet van Molefe se klagte. "Die maatskappy beskou die klagte as ernstig en onderzoek tans die saak", sê die spreekbus Tipten Terblanche.
SECTION 2
AFDELING 2

Answer ALL the questions. Your answers in this section must be written DIRECTLY on the examination paper in the space provided.

Beantwoord AL die vrae. Skryf u antwoorde op die vrae in hierdie afdeling DIREK op die eksamenvraestel in die ruimte toegelaat.

All questions in this section are based on the following passage, which you must thoroughly read before answering.

AL die vrae in die afdeling is gebaseer op die volgende paragraaf, u moet dit aandagig deurlees voordat u die vrae probeer beantwoord:

Last week Ngidi, a resident of Lenyenye township, purchased a Hilux Bakkie for R189 000 (VAT incl.). Lenyenye is 60 km from Tzaneen. Today, on his way to Tzaneen, he collides with Mongwe Mathaithai, the owner-driver of a Nissan Navara, at an intersection at Bindzulani near Nkowankowa township. Ngidi is 63% negligent, whereas Mongwe Mathaithai's negligence is 20%. It is reported that Ngidi was travelling at a speed of 140 km/h, whereas Mongwe Mathaithai's speed was 60 km/h. The damage to the bakkie is estimated at R65 000. It is uneconomical to repair the Navara, but its salvage value is R26 000. The pre-accident value of the Navara was R275 000.

Ngidi, 'n inwoner van Lenyenye plakkerskamp het verlede week 'n Hilux Bakkie vir R189 000 (BTW ingesluit) gekoop. Lenyene is ongeveer 60km vanaf Tzaneen. Vandag oppad na Tzaneen toe het hy gebots met Mongwe Mathaithai, die eienaar-bestuurder van 'n Nissan Navara. Die botsing het plaasgevind by 'n interseksei by Bindzulani naby Nkowankowa plakkerskamp. Ngidi is 63% nalatig en Mongwe is slegs 20% nalatig. Daar is gesê dat Ngidi 140 km per uur gery het en Mongwe 60km per uur. Die skade aan die bakkie is bereken as ongeveer R65 000. Dit sal as onekonories beskou word om die Navara te herstel, maar die herwinwaarde van die wrak is R26 000. Die voorongelukswaarde van die Navara was R275 000.

QUESTION 1 / VRAAG 1

1.1 If Ngidi were to travel at 15% less speed, what speed would he be travelling at?

\[ \text{Ngidi was travelling at } \frac{140 \text{ km/h}}{1 - 15\%} = 119 \text{ km/h} \]

\[ \text{(1)} \]

1.1. Indien Ngidi sy spoed met 15% verminder het, teen watter spoed sou hy gery het?

\[ \text{Ngidi was travelling at } \frac{140 \text{ km/h}}{1 - 15\%} = 119 \text{ km/h} \]

\[ \text{(1)} \]
QUESTION 3 / VRAAG 3

Mongwe has approached Hlebi Hlebela, an attorney at law practising in Tzaneen and the Letaba District to further assist him in the matter. He agrees to the following arrangement with the attorney, and the agreed remuneration is as follows:

Every letter written R65
Every letter received R35
Drafting of a summons R 650
Drafting of an affidavit R55 per page or any part thereof
Consultation R500 per 30 minutes or any part thereof
Telephonic consultation R325 per 15 minutes or any part thereof,
Stamps R3,50 VAT excl

During the past month the attorney rendered the following services:

Received 3 letters ✓
Wrote and posted 6 letters ✓
Drafted 2 x summons ✓
Drafted two affidavits 1 consisting of 6 ½ pages, and 1 consisting of 11 ½ pages ✓
Consulted twice telephonically, first for 21 minutes and later 32 minutes
Consultation twice, first for 31 minutes and later for 1 hour and 36 minutes
Instructed an advocate to draft a document. The advocate charged R1115.80 VAT excl.
Client went to consult an orthopedic surgeon at a cost of R 4900 VAT excl

Draft Hlebi Hlebela’s comprehensive statement of account to Mongwe Mathaithai

(13)
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**TOTAL SECTION 2** [20]

**TOTAAL AFDELING 2** [20]
1.3 During the consultation, it emerges that Marula Malatji, one of Nosipho’s colleagues witnessed her ordeal. Write him a five-line paragraph that would ensure that he cooperates with you and the court in this matter.

1.3. Gedurende die konsultasie kom dit na vore dat Marula Malatji, een van Nosipho se kollegas, Noshpido se hele ondervinding waargeneem het. Skryf aan hom ’n paragraaf (ongeveer 5 lynne) wat sal verseker dat hy sy samewerking aan u en die hof sal gee in die saak.

We are preparing a court case regarding Co. Toilet paper that burnt an employee’s private parts on July 15 2010, and would like to get more info from you. We got you details from our client Nosipho Molofe who suffered the burns, and she has said that you witnessed the ordeal. If you were willing to assist in the court matter.

1.4 The matter has now been brought before the magistrate court. Draft what you think will be your opening address.

1.4. Die saak word nou voor die landdroshof gebring. Formuleer wat u as ‘n openingsbetoog sal gebruik.

1. "Your worship"
2. "My name is Nosipho Molohe"
3. "I act for the plaintiff/defendant, Nosipho Molohe"
4. "This is a claim for damages resulting from my client suffering burns to her private parts from use of Co. Toilet paper"
5. "The parties differ on the quantum of my Claim"
6. "I will call Marula Malatji, a colleague of my client as witness"

[BLAAI OM]
I will conduct re-examination to try and lessen or repair damage done during cross-examination.

1.7 Draft a concise paragraph that would constitute your "prayers" (2)

1.7. Stel 'n bondige paragraaf op waarin u u bedes uiteensit. (2)

I prayed the court finds Trident steel safe for personal injury caused to my client wherefore I pray the defendant pays my client 127000 rand for medical expenses and R5000000 for cost of suit.

QUESTION 2 / VRAAG 2

2.1 Use examples to illustrate why non-verbal communication is an important element in a lawyer's work (2)

2.1. Deur gebruik te maak van voorbeelde, verduidelik waarom nie-verbale kommunikasie so 'n belangrike element is in 'n prokureur se beroep. (2)

Non verbal C can make or break a client. Non verbal C to give credibility to your appearance in court. Eg: Clothes. You need to dress professionally because people expect their doctors or attorneys to look like an advocate or attorney. Eg: Body language. Act with confidence. Never sit on your backside during a consultation or interview or in court. Don't chew bubble gum. Court etc. Stand up straight and speak clearly. Don't look at judge/wag directly in eye when making submissions.
SECTION 4
AFDELING 4

QUESTION 1 / VRAAG 1

Frans, a paralegal student at Unisa, needs to find a specific legislation, however, he only has the document number and the year. He asks you to briefly explain how to find that specific legislation.

Frans, 'n pararegsstudent by Unisa, moet spesifieke wetgewing opspoor. Hy het egter net die nommer van die wet en die jaar. Hy vra u om kortliks aan hom te verduidelik hoe om die wetgewing op te spoor.

If you know the year of publication of the legislation, you could use a chronological list for relevant legislation where acts are arranged according to their number per year.

QUESTION 2 / VRAAG 2

Why is legal research important?
Waarom is regsnavorsing van belang?

To keep in line with any new legislation enacted. To make sure you are referring to legislation which has not been repealed by way of an amendment.

QUESTION 3 / VRAAG 3

Why do we use journal articles in legal research?
Waarom maak ons gebruik van tydskrifartikels in regsnavorsing?
SECTION 5
AFDELING 5

QUESTION 1 / VRAAG 1

What is the importance of legislation? (2)
Wat is die belangrikheid van wetgewing? (2)

Legislation is a law laid down by an organized state, which has the power to do so. It is a very powerful source of law as it binds the whole community. It is a primary source of law.

QUESTION 2 / VRAAG 2

What is the short title of an Act, and where do we find it? (2)
Wat is die kort titel van 'n Wet, en waar kan u dit vind? (2)

The short title of an Act is the name of the Act, can be found under transitional provisions section.

QUESTION 3 / VRAAG 3

Susan, your friend who is a social worker, has a copy of Children's Act 20 of 2011 in her possession which she intends to use in her report. She wants to find out if that legislation has been implemented. Advise her on what to do (2)

Susan, u vriendin is 'n maatskaplike werker. Sy het 'n kopie van die Kinderwet 20 van 2011 in haar besit, en sy beoog om dit te gebruik wanneer sy haar verslag skryf. Sy wil graag uitvind of die wetgewing al geïmplementeer is. Gee aan haar advies rakende wat sy moet doen. (2)
QUESTION 6 / VRAAG 6

What does "series of law reports" mean? Give two examples of those (2)
Wat beteken "reeks hofverslae". Verskaf twee voorbeelde (2)

The letters that appear after a date on a volume of a report are an abbreviation of the name of the report. Eg

SACR — SA criminal reports
SA — SA law reports

QUESTION 7 / VRAAG 7

What is the meaning of "the court of first instance" and "the court a quo" in respect of the court where the case was decided? (2)
Wat is die betekenis van "die hof van eerste instansie" en die "Hof a quo" ten opsigte van die hof waarin die saak beslis is. (2)

"The court of first instance" refers to the court in which the case was heard for the 1st time.

"Court a quo" refers to the court where the case was heard before it came to the present court on appeal.

QUESTION 8 / VRAAG 8

Your cousin reads through the case of Molefe v Mahaeng in your SCL1501 Study Guide. He comes across the words "cur adv vult" and "postea". He wants to know the reason behind those words. Explain to him what would have happened if those terms appear in a law report (4)

U neef lees deur die saak van Molefe v Mahaeng in u SCL1501 Studiegids. Terwyl hy lees vang die woorde "cur adv vult" en "postea" sy oog. Hy wil graag weet wat die bogenoemde terme beteken. Verduidelik aan hom wat dit beteken wanneer die terme in regspraak verskyn. (4)
QUESTION 10 / VRAAG 10

Name three characteristics of an application proceeding
Noem drie eienskappe van 'n aansoekprosedure

- can be used in a civil case
- I words ("Ex parte" in I application) appear before I applicants name
- procedure is started by way of notice of motion
- This procedure is used when there is no fundamental difference between parties as far as I facts of I case are concerned. Usually one party i.e. I applicant is involved.

QUESTION 11 / VRAAG 11

In a minority judgment "the judge differs with the majority as far as the judgment is concerned, but has different reasons for his judgement" Is the above statement correct or incorrect? Give a reason for your answer (2)
In 'n minderheidsuitspraak "verskil die regter met die meerderheid ten opsigte van die uitspraak maar hy het ander redes vir sy uitspraak". Is die stelling korrek? Verskaf 'n rede vir u antwoord. (2)

False