

CSL201-M

Jan/Feb 2008

CONSTITUTIONAL LAW SUPPLEMENTARY EXAMINATION

Duration: 2 hours

100 marks

EXAMINERS:

FIRST: PROF ABM MANGU
MS SR BUDHU
MR T MASEKO
SECOND: PROF WB LE ROUX

This paper consists of two (02) pages

INSTRUCTIONS

PLEASE PAY CAREFUL ATTENTION TO THE FOLLOWING INSTRUCTIONS

- ANSWER ALL THE QUESTIONS
- DO NOT SEPARATE THE SUB-SECTIONS OF QUESTIONS (EG 2(A) THEN 1(B) THEN 4(C). IF YOU WOULD LIKE TO RETURN TO A QUESTION LATER, LEAVE ENOUGH SPACE TO ANSWER THE QUESTION
- REFER TO RELEVANT CASE LAW OR OTHER AUTHORITY TO SUPPORT YOUR ANSWERS
- READ THE QUESTIONS THOROUGHLY BEFORE ATTEMPTING TO ANSWER THEM

QUESTION 1**Question 1**

(a) Briefly explain the following constitutional concepts:

- 5/14
5/14
- (i) Constitutionalism (5)
 - (ii) Rule of Law (5)
 - (iii) Separation of Powers according to Carpenter (5)

2/14 (b) Briefly discuss whether SA follows a presidential or parliamentary system of government. Make sure that you identify the essential characteristics of each kind of system (10)

Presi → Head of State
→ Head of Government

(25)

[TURN OVER]

QUESTION 2

- (a) The President is called to give evidence in a civil trial. Critically discuss whether this is conducive to accountable government. Refer to relevant case law in your answer. (15)
- (b) Cooperation between the three spheres of government is indispensable to enhance their capacity and improve their relations with each other. Identify the sections in the Constitution that constitutionally enshrines this principle and discuss them fully. (10)

[25]**QUESTION 3****Question 3**

Local government brings decision-making to grassroot-level. Bearing this in mind, discuss Robertson v City Council of Cape Town. Mention the extent to which it contributes to the above-mentioned object. [25]

QUESTION 4

- (a) List the parliamentary control mechanism that act as a check on executive conduct. (8)
- (b) Briefly discuss what will happen in the event of conflict between national and provincial legislature when dealing with a schedule 4 matter. Mention which law takes precedence and under what circumstances. (17)

[25]**[100 MARKS]**©
UNISA 2007