

COLLEGE OF LAW

SCHOOL OF LAW: DEPARTMENT OF JURISPRUDENCE

INTRODUCTION TO LAW
(ILW1036)

Tutorial Letter 102/2008

Dear Student

In this tutorial letter we want to share the following information with you:

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1 LECTURERS FOR 2008

Your lecturers for 2008 are:

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Please do not hesitate to contact us should you experience any problems in connection with the **contents of the study material for ILW1036**. You can **phone** us during the mornings, **make an appointment to come and see us personally**, write a **letter** or send an **e-mail**.

Make sure that you solve all your problems with regard to the study material before the examination! After the examination it will be too late!

2 STUDY MATERIAL FOR ILW1036

The complete study package for ILW1036 consists of:

- **Tutorial Letter 501/2008** - The "study guide" for ILW1036
- **A DVD** - "The laws of our lives"

- **Tutorial letters**

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| Tutorial Letter 101/2008 | - | General information regarding the University and the module ILW1036; Assignment 01 (compulsory assignment) for ILW1036; Assignment 02 (self-evaluation assignment) for ILW1036 (which you have received) |
| Tutorial Letter 102/2008 | - | Lecturers for 2008; study material for ILW1036; assignments and admission to the examination; the examination; how to complete a mark-reading sheet in the examination (this tutorial letter) |
| Tutorial Letter 103/2008 | - | Lecturers for 2008; study material for ILW1036; commentary on compulsory Assignment 01 (which you will receive after the closing date of Assignment 01) |

PLEASE NOTE: There is **no prescribed textbook for ILW1036**. You do not, therefore, have to buy any additional books. You also need not worry about any further reading material for this module. **You need only study Tutorial Letter 501/2008 (the "study guide" for ILW1036) and the other tutorial letters that you receive.**

ALSO NOTE: The Department of Despatch should supply you with the above-mentioned study material for ILW1036.

3 ASSIGNMENTS AND ADMISSION TO THE EXAMINATION

For the module ILW1036 you have to submit **one compulsory assignment** in order to obtain **admission to the examination** for the **first semester**. The closing date for this assignment is **21 March 2008**. (See Tutorial Letter 101/2008, 7.2-7.5, pp 9-10.) **If you do not submit this compulsory assignment, you do not have admission to the examination.**

The compulsory assignment counts a total of 20 marks. Your mark out of 20 will be adapted to a mark out of 10. This mark out of 10 is your semester mark. Your semester mark will constitute 10% of the final mark for ILW1036. Your semester mark will only be taken into account if you obtain an examination mark of at least 40%.

Once again study Tutorial Letter 101/2008, 8.5-8.7, pages 11 to 13 regarding admission to the examination, your year mark, as well as the supplementary examination and the year mark.

4 EXAMINATION! EXAMINATION! EXAMINATION!

4.1 Date and time of the examination

According to the **provisional examination timetable** the examination for ILW1036 will take place on **20 May 2008** from **14:00 to 16:00** at the different examination centres. **Please check this information** when you receive the **final examination timetable**. The Examination Section will post the final examination timetable to all registered students in April 2008.

Very important: Should you have any enquiries about the examination date, time and examination centre for ILW1036, **please contact the Unisa Contact Centre** at 0861 670 411 (RSA only), or +27 11 670 9000 (international calls).

4.2 Sections in Tutorial Letter 501/2008 that you do not have to study in detail

PLEASE NOTE that you are **not expected to study** and **memorise** the following in **Tutorial Letter 501/2008 in detail**:

- (1) the **contents** of The Choice on Termination of Pregnancy Act 92 of 1996 (in study unit 6)
- (2) the **contents** of the Bill of Rights (in study unit 8)
- (3) the **contents** of any court cases (eg *S v Makwanyane* in study unit 6; and *Naude and Another v Fraser* in study unit 6)
- (4) **full** references of acts and cases

HOWEVER, you are expected to **study** the **activities** and **feedback** that are given on The Choice on Termination of Pregnancy Act 92 of 1996, the Bill of Rights and the court cases.

4.3 Use of language in the examination

Please do not make use of telegram style or *sms* style when you answer the questions in the examination. Please use complete and comprehensible sentences in your answers, as well as punctuation.

4.4 Previous examination papers

Previous examination papers are not available to students. However, in this tutorial letter we provide you with the exact format of the examination paper, as well as examples of the different kinds of questions that you may expect.

You may expect that examination questions will be similar to the questions asked in the activities in Tutorial Letter 501/2008 as well as in the assignments.

4.5 Format of the examination paper

The duration of the examination is **two hours**.

The examination paper carries a weight of **100 marks**.

The paper consists of **two compulsory sections**:

- Section A : 50 marks
- Section B : 50 marks

You must do **both sections**.

Section A of the examination paper will take the form of **fill-in questions**. This means that you will have to answer the questions **on the paper** itself that will be handed to you (instead of in a separate examination book). After completion of the examination, you will thus **hand in** the examination paper.

Section B will take the form of **multiple-choice questions**. These questions must be answered **on the mark-reading sheet** that will be handed to you together with the examination paper. After completion of the examination, make sure that you **hand in both the mark-reading sheet and the examination paper**.

The **Afrikaans version of each question follows** immediately upon the **English version of the question**.

You may expect the following **kinds of questions** in the examination paper:

[After each question we give the answer to the question, as well as the mark allocation (in round brackets) as it would appear in the memorandum which is used by the markers.]

- **Short questions**

Who is the presiding officer in a case in the High Court? (1)

Answer: A judge (1)
[See Study unit 12, p 190.]

- **Short discussion-type questions**

Explain the connection between "law" and "right". (2)

Answer: The connection between "law" and "right" is twofold: First, it is the law (which consists of various legal rules) that determines or prescribes what the content of a right is (in other words, what the powers of a holder of a right are). (1) Secondly, the law prescribes what the limits to the content of a right are. (1)
[See Study unit 2, pp 25-26 and p 29.]

- **Problem-type questions**

John and Karel were involved in an argument. John hit Karel and Karel had to receive medical treatment. He now wants John to pay for his medical expenses. Advise Karel as to the type of action that he can institute, as well as the court where he can institute his action. (5)

Answer: Karel will be able to institute a civil action for his medical expenses. (1) The court in which the action will be instituted, will depend on the amount that Karel claims for his medical expenses. If the amount is not too large (less than R100 000) (1), he will have to institute his claim in a magistrate's court/lower court (1). If it is a large amount (more than R100 000) (1), he will have to institute his claim in the High Court (1). [See Study unit 10, p 168; Tutorial Letter 501/2008, p 38.]

- **"Name" questions**

Name four of the authoritative sources of South African law. (2)

Answer: Any four of the following five sources for (½) mark each = (2):

- 1 Legislation (½)
- 2 Court decisions (½)
- 3 Common law (½)
- 4 Custom (½)
- 5 African indigenous law (½)

[See Study unit 6, p 68.]

- **"Correct/Incorrect" questions**

Indicate whether the following statement is **correct** or **incorrect** and **give a reason** for your answer:

"The defendant is one of the parties in a civil case." (2)

Answer: Correct. In a civil case there are two parties, namely the plaintiff and the defendant. (2)

[See Study unit 11, p 186.]

- **Multiple-choice questions**

Example 1

Zipporah owes Silas a large amount of money. She decides to deliver her horse to Silas as security for her debt. This is an example of ...

- (1) a personal right.
- (2) ownership.
- (3) a real right.
- (4) a right to performance. (2)

Answer: Statement (3) is the correct statement. (2)
[See Study unit 2, pp 22-23.]

Example 2

Sibaniso Burgher is arrested for assaulting his wife, Catherine, and their two children. Sibaniso appears in court to plead. Who will be the parties in this case?

- (1) Catherine and Sibaniso
- (2) Catherine, the two children and Sibaniso
- (3) the state, Catherine and the two children
- (4) the state and Sibaniso (2)

Answer: Statement (4) is the correct statement. (2)

[Note: Our facts deal with a criminal case. Sibaniso is accused of a crime because he assaulted his wife and two children. In a criminal case the parties are the state and the accused. Thus, the state and Sibaniso will be the parties in this case. See Study unit 11, p 186.]

All of the above kinds of questions are covered in the assignments and the activities in Tutorial Letter 501/2008. **When you study for the examination, you must work through all the assignments and the commentaries on the assignments, as well as through all the activities and the feedback in Tutorial Letter 501/2008.** This is an important part of your study package.

Use the following example of the format of the examination paper, and the guidelines for the different questions, when preparing for the examination:

SECTION A**TOTAL: 50**

This section is **compulsory**.

Answer **all** the questions in this section.

Your answers to the questions in this section must be written **directly on the examination paper** in the space provided.

Please use a blue or a black pen when you answer this section.

The questions in this section cover the **entire Tutorial Letter 501/2008 for ILW1036** and the **DVD "The laws of our lives"**.

You may expect the following **kinds of questions** in this section:

- short questions
- short discussion-type questions
- short problem-type questions
- "name" questions
- "correct/incorrect" questions

This section consists of **five questions**. Each question consists of a number of further questions.

QUESTION 1 [10]

- This question deals with **Study unit 1 and 2**.

QUESTION 2 [10]

- This question deals with **Study unit 3 and 4**.

QUESTION 3 [10]

- This question deals with **Study unit 5 and 6**.

QUESTION 4 [10]

- This question deals with **Study unit 7, 8 and 9**.

QUESTION 5 [10]

- This question deals with **Study unit 10, 11 and 12**.

SECTION B**TOTAL: 50****QUESTIONS 1 TO 25: 25 x 2 = 50 marks**

This section is **compulsory**.

Answer **all** the questions in this section.

In this section you will have to answer **25 multiple-choice questions**. Each question counts **two marks**.

The questions in this section cover the **entire Tutorial Letter 501/2008 for ILW1036** and the **DVD "The laws of our lives"**.

Your answers to the questions in this section must be marked **directly on the mark-reading sheet** provided. **Please use an HB pencil when you fill in the mark-reading sheet.**

Please mark the number of the statement that you choose next to the number of the relevant question. **You may choose only ONE statement for each question.**

5 HOW TO COMPLETE A MARK-READING SHEET IN THE EXAMINATION

AS MENTIONED ABOVE, YOU WILL HAVE TO COMPLETE A MARK-READING SHEET FOR SECTION B OF THE EXAMINATION PAPER.

REMEMBER THAT YOU MUST USE AN HB PENCIL TO FILL IN THE MARK-READING SHEET. PLEASE BRING ALONG YOUR OWN HB PENCIL TO THE EXAMINATION CENTRE. PENCILS ARE NOT PROVIDED AT EXAMINATION CENTRES.

PLEASE MAKE SURE THAT YOU KNOW HOW TO FILL IN A MARK-READING SHEET BEFORE YOU ENTER THE EXAMINATION CENTRE. MARK-READING SHEETS THAT ARE FILLED IN INCORRECTLY, WILL NOT BE MARKED!!!!

Please do not hesitate to contact us should you have any questions about the contents of the study material. Should you happen to be in Pretoria, you are most welcome to make an appointment and pay us a visit on the Unisa main campus.

We trust that you enjoy this module and wish you every success in your preparation for the examination.

Yours sincerely

**MRS A JACOBS (MODULE LEADER)
PROF MP FERREIRA-SNYMAN**

PRETORIA