

1. Create a mind map of the divisions of SA law. Give brief descriptions of each. (50)
2. Read the following scenario and answer the questions.

Mr Brown's hobby is his garden. He fills it with beautiful flowers and shrubs. He keeps the grass cut and the edges of the lawn neatly trimmed. He is very fussy about his swimming pool and every time he walks through his garden, he takes a net and removes any leaves that may be floating on the water. However, Mr Brown has a problem. The branches from a tree in his neighbour's garden hang over Mr Brown's wall and over his pool. The leaves from these branches fall into the swimming pool get sucked into the pool filter, and as a result of this the filter is constantly being blocked by the leaves. Mr Brown asks his neighbour, Mr Green, to cut down these branches, but Mr Green refuses to do so. Mr Brown approaches Jane Mothibe to find out if the law can help him in any way. During Mr Brown's first short visit to Jane Mothibe's offices, Jane asks him for his personal details: his name, address, et cetera. She also asks him for the facts of the case. She tells Mr Brown that he probably has a case. In other words, there is probably a legal remedy to his problem. She tells him, however, that she will have to do some research, and arranges for him to come and see her the following week.

- a. Which major (main) division of law will Jane have to consult in order to advise Mr Brown? Give a reason for your answer. (3)
 - b. Which division and subdivision of your answer in (1) will Jane have to consult in order to advise Mr Brown? Give a reason for your answer. (3)
3. Read the following scenario. Try to identify the specific divisions and sub-divisions of law that may apply to this situation. (30)

One Saturday morning, Martie van der Merwe's neighbour, Ann Steel, goes to the hairdresser to have her hair done. Her husband, Robin Steel goes with her. Robin watches the hairdresser work on his wife's hair for about half an hour and then gets bored. He decides to go for a walk. He enters a sweetshop owned by Bob Zwane. Robin walks around for a bit, examining the sweets, and then he takes a handful of sweets and puts them in his pocket. He tries to leave without paying. When Bob tries to stop him, Robin gets very angry and hits Bob. Ann hears all the noise and she can hear Robin shouting. She rushes from the hair salon and runs into the sweetshop. She demands an explanation for the fighting and

Bob tells her what happened. When she hears what Robin did she starts to scream at him that she wants a divorce. She beats him round the head with her handbag. Bob becomes a little frightened and tries to calm her down. But she just swears at him and bangs the till with her handbag until the till breaks. Just then, Kgomotso Sebenza, Ann's boss, happens to be passing by. She is amazed to see her employee, who is totally out of control, attacking her husband, Robin, and bashing the till with her handbag. She enters the shop and asks Bob what is happening. Bob tells her the story. When Kgomotso hears that Ann is married to a thief she fires her immediately. By now a curious crowd has gathered outside the shop. Ann is angry and starts shouting out to the crowd that Kgomotso has been stealing money from the government and that she works as a prostitute at night. Ann knows that she is telling lies, but she is so angry about being fired that she wants to ruin Kgomotso's reputation.

4. According to *S v Makwanyane* what is the legal position on the death penalty. (3)
5. Where can we look to find the law? (2)
6. Is SA law codified? Give a reason for your answer. (3)
7. List the main authoritative sources of SA law? (5)
8. What source is the most authoritative source of SA law? (1)
9. What is the Supreme law of SA, and what does it mean to be the Supreme law? (2)
10. Explain what the principle of judicial precedent is and list the requirements for the operation of the precedent system. (3)
11. Where can we find laws/acts that were passed by parliament? (1)
12. What does the following mean? (4)
 - a. Ratio decidendi
 - b. Obiter dictum
13. What does the Common law refer to? (1)
14. Does the Corpus Iuris Civilis still apply as a source of our law? (1)
15. What is a custom and what does it need to fulfil to be recognised as a legal rule? (5)
16. What laws may be taken into account according to the Bill of Rights? (1)
17. Do the views of modern legal writers have authority as sources of law in SA? (1)
18. Read the following scenario and answer the multiple-choice question that follows:

Anne Peterson buys a house from Kevin Smith. In one of the rooms a bar unit is fixed to the floor and there are four loose bar stools in front of the unit. Kevin wants to take the

bar stools with him when he moves out of the house. Anne, who is an attorney, tells Kevin that in a similar case (*Senekal v Roodt* 1983 (2) SA 602 (T)) the High Court decided that the bar stools formed part of the bar unit and may not be removed by the seller when the house is sold.

The decision of the High Court in *Senekal v Roodt* 1983 (2) SA 602 (T) is binding on

- (1) the Supreme Court of Appeal
- (2) the magistrates' courts
- (3) the Constitutional Court
- (4) more than one of the above-mentioned courts

