

THIS PAPER CONSISTS OF FIVE SECTIONS  
HIERDIE VRAESTEL BESTAAN UIT VYF AFDELINGS.

ALL **FIVE** SECTIONS ARE COMPULSORY AND YOUR ANSWERS TO THE QUESTIONS MUST BE WRITTEN DIRECTLY ON THE EXAMINATION PAPER

AL VYF DIE AFDELINGS IS VERPLIGTEND EN U ANTWOORDE OP DIE VRAE MOET DIREK OP DIE VRAESTEL GESKRYF WORD.

SECTION 1 AFDELING 1.	STUDY SKILLS 25 MARKS STUDEERVAARDIGHEDE: 25 PUNTE
SECTION 2 AFDELING 2.	NUMERIC SKILLS 20 MARKS REKENVAARDIGHEDE: 20 PUNTE
SECTION 3 AFDELING 3.	COMMUNICATION SKILLS 20 MARKS KOMMUNIKASIEVAARDIGHEDE: 20 PUNTE
SECTION 4 AFDELING 4:	RESEARCH SKILLS 10 MARKS NAVORSINGSVAARDIGHEDE: 10 PUNTE
SECTION 5 AFDELING 5	READING SKILLS 25 MARKS LEESVAARDIGHEDE. 25 PUNTE

- 1) Consolidation of facts - Doing everything to ensure that you really understand & material
- 2) Summarising facts - Separating & most important from & least important facts into a useful summary
- 3) Memorisation - absorbing or rehearsing & facts

## QUESTION 2 / VRAAG 2

The environment in which we study is often the least valued aspect of the study process. We seldom consider the space around us as a key element of our success in our studies.

**Die omgewing waarbinne jy studeer, is dikwels die mees onderskatte invloed op jou studieproses. Ons beskou ons studie-omgewing selde as 'n sleutel-aspek in die sukses wat ons in ons studies behaal.**

2.1 Explain the difference between the following factors which are parts of the physical space: (i) no distractions and (ii) no interruptions. (1)

2.1 **Verduidelik die verskil tussen die volgende faktore wat deel vorm van die fisiese spasie: (i) geen afleidings en (ii) geen onderbrekings.** (1)

*No distractions - study in a quiet place to get & most out of your study period. Adjust your t/table for quieter times. If your period prefer studying with music, make sure & music is low in & background.*

*No interruptions - You need to have extended study period with NO interruptions. Mastering your social environment will lead to no interruptions, as the people around you will be more supportive. Phones can also cause interruptions, ensure landline off & hook, cell phone switched off.*

2.2 In your own words, explain lighting and ventilation as factors in your study environment. (1)

2.2 **Verduidelik, in jou eie woorde, beligting en ventilasie as faktore in jou studie-omgewing.** (1)

*Lighting - Have a good lamp to ensure you have enough lighting to prevent eyestrain.*

*Ventilation - Ensure that there are ample windows to ensure fresh flow of air. Stuffy rooms not good for long periods.*

**4.1 Deur gebruik te maak van die kennis wat jy opgedoen het uit die Vaardigheidskursus vir Regstudente (SCL1014), gee vir jou vriend, wat gereeld sukkel met die volgende aspekte rakende sy/haar studies, raad oor:**

- sloer met en uitstel van werk
- alleenlik werk wanneer hy/sy onder druk is
- wanbalans met betrekking tot tydsbesteding aan verskeie vakke, aktiwiteite ens. (3)

She needs to manage her time. The key element of this is I ability to prioritise your work activities. This is divided into 2 categories

(i) Prioritising - Determining which activities are more important - Deciding bet I wants & I should do's can be overcome by asking yourself what is important to me? What can I afford to give up.

(ii) Time Planning - Drawing a table can help with prioritisation, working only when under pressure & imbalance

knowing time allocation / Points to consider when drawing up a table

- I'm a morning/evening person
- How much time do I want to spend on family
- How much time do I have to work
- Can I keep my hobbies
- Time for rest & relaxation

#### QUESTION 5 / VRAAG 5

"Working together we can do more" (a political party slogan-South Africa)

"Deur saam te werk kan ons meer doen" ('n politieke party in Suid-Afrika se slagspreuk)

5.1 Without merely reproducing the contents of the Study Guide, list the advantages of a study group (2)

5.1 Sonder om bloot die inhoud van hierdie studiegids weer te gee, lys die voordele van 'n studiegroep. (2)

- A group can serve as a pool of motivation, knowing you are not alone
- Being a member of a small group can give you confidence to participate in discussions
- You will benefit from hearing other people talk about a concept that you have only read.

- Groups provide motivation to others as students can relate to one another
- Participating in a small group builds your confidence levels thereby to participate in discussions. [TURN OVER]
- You learn more from other students who have already studied sections that you have only read. [BLAAI OM]

**“D-Day for ‘Rapist’ ” By Canaan Mdletshe*****Teacher who allegedly molested deaf, dumb orphan still at work***

Police confirmed yesterday that the teacher who allegedly raped a 14-year old disabled orphan at Indaleni School for the Deaf in Richmond, Kwazulu-Natal, is to be arrested soon

“We can confirm that a rape charge has been laid and an arrest is imminent”, police spokesperson Vincent Mdunge said yesterday. A family member said the girl was raped last year. The Grade 7 pupil, who is deaf and dumb, gave up her classes last month and dropped out of school

The orphan’s sister is now pleading with the education authorities to help her. The older sister, who is aged 24, and cannot be named to protect the victim, said the ordeal had caused her sibling “psychological strain”

The two orphans rent a shack at Bhokuzulu township in Vryheid in northern Zululand. They lost their parents between 2003 and 2005. The elder sister said she had only heard of her sister’s ordeal when she tried to commit suicide at the end of last month

“She drank washing powder. When this failed to kill her, she tried to hang herself at school, but fortunately other pupils saved her”, she said

The sister said she went to the school to find out why her sister had tried to commit suicide but was not given any explanation

“One of the teachers later phoned to tell me that she had told the school principal that one of the teachers who stayed in the hostel had raped her in November but that the principal was keeping the matter quiet to protect the teacher. The principal has not told me anything”, she said

She said she confronted the principal but he denied knowing anything. The teacher is still at the school. She said her sister is so traumatised that “I am afraid she might hurt herself as she has not received any counseling. She is always talking about death”, the sister said

She said she had now sought a new school for her sister in Pinetown outside Durban. “The fees at that school are R18000 a year and I cannot afford it”, she said. Education department spokesperson Mbaliso Thusi said they would see to it that the girl continued with her education

“Obviously, from the allegations, it will be difficult for her to continue studying at that school. We will see to it that she enrolls at another school. As for the teacher, we will investigate. If the allegations are true, we will take the necessary steps”, she said



**QUESTION 3 / VRAAG 3**

An attorney pays salaries to three secretaries at R14 500 EACH Calculate his yearly salary cost (1)

'n Prokureur betaal salarisse van R14 500 ELK aan drie sekretarisse. Bereken sy jaarlikse salariskoste. (1)

$$14500 \times 3 \text{ secretaries} = 43500 \times 12 \text{ months}$$

$$= 522000 \checkmark$$

**QUESTION 4 / VRAAG 4**

An attorney arranges an account for his client on the following basis

Every letter received R45, ✓

Every letter written R90, ✓

Drafting of a summons R4 500, ✓

Drafting of an affidavit R50 per page or any part thereof, ✓

Consultation R300 per 30 minutes or any part thereof,

Telephonic consultation R75 per 15 minutes or any part thereof, ✓

Stamps R10 VAT excluded ✓

During the past month the attorney rendered the following services:

Received 20 letters,  $20 \times 45 = 900$

Wrote 10 letters,  $10 \times 90 = 900$

Drafted 2 summons,  $2 \times 4500 = 9000$

Drafted an affidavit consisting of  $3\frac{3}{4}$  pages,  $4 \times 50 = 200$

Consulted telephonically for 26 minutes,  $15 \text{ mins} : R75 = 1125$   $11 \text{ mins} : R75 = 825$   $120$

[TURN OVER]  
[BLAAI OM]



**QUESTION 8 / VRAAG 8**

Faith collides with Thando at an intersection. Faith is found to be 60% negligent. Her car is valued at R160 000. Thando's negligence in the collision is 30%. Her car of R345 000 is a write-off and she receives R15 000 for the wreck. Who should pay damages to the other? (2)

Faith is in 'n botsing met Thando betrokke by 'n kruising. Daar word bevind dat Faith 60% nalatig was. Die waarde van haar kar is op R160 000 bereken. Thando se nalatigheid in die botsing is 30%. Haar motor van R345 000 word afgeskryf en sy ontvang R15 000 vir die wrak. Wie moet skadevergoeding aan wie betaal? (2)

Faith	Thando
60%	30%
val 160 000 x 30%.	345 000
48 000	Salvage 5000
	= 330 000 x 60%
	198 000
Faith must pay Thando	

**TOTAL SECTION 2 [20]**  
**TOTAAL AFDELING 2 [20]**

[TURN OVER]  
[BLAAI OM]



- 1.2. Upon working on the case, in preparation for court, you realise that you need to interview Sebata Kgomo, another teacher at the school. Write an introductory paragraph that would ensure that he cooperates with you and the court in this matter (3)
- 1.2 Terwyl jy aan die saak werk, tydens voorbereiding vir die hof, besef jy dat jy 'n onderhoud met Sebata Kgomo, 'n ander onderwyser by die skool, moet voer. Skryf 'n inleidende paragraaf wat sal verseker dat hy met jou en die hof sal saamwerk in hierdie saak. (3)

We are preparing a court case regarding an alleged rape of a 14 year old deaf & dumb student at the Indaleni School for the deaf in November last year, & would like to get more info from you. We got your details from our client, Mr Moritusi Senokwane who has been charged with an alleged rape; and he has said you are a fellow colleague & you were willing to assist the court in this matter.

- 1.3 Assuming that the matter has finally been brought before court. Write your opening address (3)
- 1.3 Veronderstel die saak gaan uiteindelik hof toe. Skryf jou openingstoespraak. (3)

Your worship, my name is ~~XXX~~  
I act for the defendant. This is a case of alleged rape that occurred last year in Nov<sup>r</sup> at Indaleni School for the deaf. A charge of rape has been laid. I will call Sebata Kgomo a Teacher at the school, as well as Mr Twapileletsoalo the Principal of the school as witnesses.

[TURN OVER]  
[BLAAI OM]

- 1.5 In the circumstances, advise Mosibudi Swele what other steps may be taken in an attempt to ensure that her sister's expenses are covered at the Pinetown school (2)
- 1.5 **Onder die omstandighede, voorsien Mosibudi Swele van raad oor watter ander stappe geneem kan word in 'n poging om te verseker dat haar suster se uitgawes by die Pinetown-skool gedek word. (2)**

**QUESTION 2 / VRAAG 2**

- 2.1 What is the relationship between logic and legal practice? (2)
- 2.1 **Wat is die verhouding tussen logika en regswork? (2)**

Logic has to do with the ability to solve problems by argumentation.  
By using logic you are able to persuade the courts about the validity of your argument.

- 2.2 Using your own examples, distinguish between "deductive reasoning" and "inductive reasoning" (2)
- 2.2 **Met behulp van jou eie voorbeelde, onderskei tussen "deduktiewe redenering" en "induktiewe redenering". (2)**

- A Title
- An abstract
- An introduction
- ~~the~~ arguments
- Conclusion.

3.2. What are the four steps you will take when reading an article? (2)

3.2. Wat is die vier stappe wat jy moet neem wanneer jy 'n artikel lees? (2)

- read the title as well as the abstract
- Skim read ↓ article
- read ↓ article again for detail
- read ↓ article again including ↓ footnotes, as footnotes sometimes contains valuable information.

#### QUESTION 4 / VRAAG 4

What is the significance of books and journal articles in research? (2)

Hoekom is boeke en tydskrifartikels van belang in navorsing? (2)

Books and journal articles are a secondary source of Law and are persuasive in nature.

Books are a permanent & invariable source of info  
Journal articles are concerned with academic study & exhibit ↓ attitudes of a scholar.

well-established meaning which includes the zoning of land and the establishment of townships was endorsed. It held that the powers to consider and approve applications for the rezoning of land and the establishment of townships are elements of 'municipal planning', an exclusive municipal function assigned to municipalities by section 156 (1) of the Constitution read with Part B of Schedule 4. Consequently, Chapters V and VI of the Act were found to be constitutionally invalid as they assign exclusive municipal powers to organs of the provincial sphere of government.

The ruling also dealt with any disruptive effect that an order of invalidity might have on the past and future developments, suspending the order of invalidity for 24 months to allow Parliament to rectify the defects in the Act, or to pass new legislation. Further, the order imposes a condition prohibiting development tribunals from hearing new applications for land developments within the jurisdictions of the City and the eThekweni Municipality, as these municipalities were shown to have the capacity to exercise the contested power. However, the tribunals are entitled to finalize all pending applications in these jurisdictions.

### ***Konstitusionele Hof besluit oor hersoneringsmagte-kwessie***

Die Konstitusionele Hof het 'n dispuut opgeklaar wat daaroor handel of die Grondwet vir die munisipale of provinsiale regeringsfeer, of beide, die reg gee om magte uit te oefen met betrekking tot die hersonering van land en die vestiging van dorpsgebiede, berig *Legalbrief*. Dit het 'n bevel bevestig wat deur die Appèlhof gemaak is, wat verklaar dat Hoofstuk V en VI van die Wet op Ontwikkelingsfasilitering, Wet 67 van 1995, ongrondwetlik en dus ongeldig is. Die saak het gespruit uit 'n dispuut tussen Johannesburg en die Gautengse Ontwikkelingstribunaal, 'n provinsiale instansie wat deur die Wet tot stand gekom het, wat die mag gegee is om aansoeke vir die hersonering van grond en die vestiging van dorpsgebiede goed te keur, terwyl die Stadsbeplanning- en Dorpsgebied-ordonnansie, 15 van 1986, die munisipaliteit bemaagtig om 'n besluit te neem oor dieselfde kwessies. Die Konstitusionele Hof het beslis dat die Grondwet voorsiening maak vir 'n mate van outonomie vir die munisipale sfeer, waar munisipaliteite hul oorspronklike grondwetlike magte uitoefen sonder onbillike inmenging van die ander regeringsfeer. Die Appèlhof se bevinding was dat "beplanning" in die konteks van munisipale sake 'n besondere, goed gevestigde betekenis het, wat die sonering van grond en die vestiging van dorpsgebiede insluit. Dit het bepaal dat die mag om aansoeke om hersonering van land en die vestiging van dorpsgebiede te oorweeg en goed te keur elemente van "munisipale beplanning" behels, 'n eksklusiewe munisipale funksie ingevolge artikel 156(1) van die Grondwet, gelees saam met Deel B van Skedule 4. Gevolglik is Hoofstuk V en VI van die bogenoemde wet ongrondwetlik gevind aangesien dit eksklusiewe munisipale magte aan provinsiale regeringsinstansies bied.

- 1.3 In your own words, formulate the context upon which the Constitutional Court based its ruling (2)
- 1.3 **Beskryf, in jou eie woorde, die konteks waarop die Konstitusionele Hof sy uitspraak gebaseer het. (2)**

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- 1.4 Explain what Parliament should do to remedy the situation? (2)
- 1.4 **Verduidelik wat die Parlement behoort te doen om die situasie te beredder? (2)**

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- 1.5 Write a possible long title for the proposed Act (2)
- 1.5 **Skryf 'n moontlike lang titel vir die voorgestelde Wet. (2)**

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- ii) When was the case published? (1)  
ii) Wanneer is die saak gepubliseer? (1)

2000

- iii) Where was it published? Give full disclosure (1)  
iii) Waar is dit gepubliseer. Beskryf volledig. (1)

Volume 3, South African Law Reports,  
pg 867

- iv) What type of a case is this? Give reasons for your answer (2)  
iv) Watter soort saak was dit? Gee redes vir jou antwoord. (2)

#### QUESTION 4 / VRAAG 4

- 4.1 Explain the following kinds of judgments (3)  
4.1 Verduidelik die volgende tipe uitsprake: (3)

- (i) majority  
(i) meerderheid

majority of judges who have heard a particular case give the same judgment, based on the same reasons. One judge gives the judgment, the other's concurring ratio decidendi of the majority judgment, creates precedent, which is binding to be used in future cases

[TURN OVER]  
[BLAAI OM]

**QUESTION 5 / VRAAG 5**

Define the following legal concepts  
**Definieer die volgende regs-konsepte:**

(i) *Prima facie* (1)

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(ii) *Amicus curiae* (1)

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TOTAL SECTION 5 [25]  
**TOTAAL AFDELING 5: [25]**

TOTAL [100]  
**TOTAAL: [100]**