



## SCL1501

 October/November 2011  
 Oktober/November 2011

### SKILLS COURSE FOR LAW STUDENTS VAARDIGHEDE VIR REGSTUDENTE

 Duration 2 Hours  
 Tydsduur 2 Uur

 100 Marks  
 100 Punte

**EXAMINERS / EKSAMINATORE**

 FIRST / EERSTE MR/MNR MD LETSOALO  
 SECOND / TWEEDE MR/MNR FM MAHLOBOGWANE

 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.**

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**Hierdie vraestel bly die eiendom van die Universiteit van Suid-Afrika en  
 mag nie uit die eksamenlokaal verwyder word nie.**
**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. (2)

Learning involves that the pupil actively, as a subjective being, gets involved and participates 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? (2)

## 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 voorbeelde**

**gebruik te maak.** External motivation stems from outside (2) of individual. Eg Jaafar Forcing me to study.  
Ext motivation is weaker than Internal motivation.  
Sometimes students achieve better by external forces.

Internal motivation - stems from inside individual.  
One motivates 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 your commitments you have & pushes you to study to achieve your goals.

- 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 (2)
- 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. (2)

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 (2)
- 6.1 Adviseer u mede-studente rakende wat u dink hulle in ag moet neem wanneer hulle 'n teks opsom. (2)

- 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 toilet papier 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 kopie 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 ondersoek tans die saak", sê die spreekbuis Tipten Terblanche.

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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 aandagtig 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 interseksie 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 onekonomies 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? (1)

1.1. Indien Ngidi sy spoed met 15% verminder het, teen watter spoed sou hy gery het? (1)

$$\begin{aligned} & \text{Ngidi was travelling at } 140 \text{ km/h} \\ & \underline{140 \text{ km/h} - 15\%} \\ & = 119 \text{ km/h} \quad \checkmark \text{ correct} \end{aligned}$$

**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)

## Comprehensive Statement of Account

Item/service	Fees (vat excl)	Disbursements (vat incl)
Letters Received 3 x 35	105.00	
Letters Written 6 x 65	390.00	
Stamps letters posted		6 x 3,50 = 21,00 + 14% = 23,94
Summons 2 x 650	1300.00	
Affidavits	1045.00	
Telephone C. Consultation	1625.00	
3000.00		
Medico legal report		4900 x 14% = 5586
Advocate fees		1115,80 x 14% = 1272.01
	7465	6581,95
	7465 x 14%	
	= 8510,1	
	= R15392.05	

✓  
Correct

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



- 1) Can you give me a short outline of what happened?
- 2) Can you please start ↓ story from ↓ beginning again (check for inconsistencies)

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.

(2)

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

(2)

pg 102  
italics

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

High Court  
"my word"

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

(2)

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

(2)

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

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 pray that the court finds Trident steel liable  
for personal injuries caused to my client  
wherefore I pray that defendant pay my  
client 27000 regards to medical expenses  
she incurred & costs of this suite.

## 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 case  
You should use Non Verbal C to give credibility to your appearance in court, Eg: Clothes - You need to dress professionally, people expect their attorneys or attorneys to look like an advocate or attorney.  
Eg: Body language - Act with confidence never lie on your backside during a consultation or interview or in court. Don't chew bubble gum in court etc, stand up straight & pull shoulders back.

Eye contact

Don't look @ the judge/mag directly  
In eye when making submissions

TURN OVER]  
[BLAAI OM]

**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 (2)

**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. (2)**

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 no per year.

**QUESTION 2 / VRAAG 2**

Why is legal research important? (2)

**Waarom is regsnavorsing van belang? (2)**

To keep in line with any new legislation published  
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? (2)

**Waarom maak ons gebruik van tydskrifartikels in regsnavorsing? (2)**

SECTION 5  
AFDELING 5

## QUESTION 1 / VRAAG 1

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

- Legislation is ↓ law laid down by an organ of 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 ↓ 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)**

TURN OVER]  
 [BLAAI OM]

## 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 and 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)

"A 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 (3)  
 Noem drie eienskappe van 'n aansoekprosedure (3)

- can be used in a civil case
- 1 words ("Ex parte" - in 1 application) appear before 1 applicants name
- procedure is started by way of notice of motion
- This procedure is used when there is no fundamental difference bet 1 parties as far as 1 facts of 1 case are concerned.
- Usually one party i.e. 1 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

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

TOTAL [100]  
 TOTAAL: [100]