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higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

N1380**(E)**(N18)H
NOVEMBER EXAMINATION

NATIONAL CERTIFICATE

PUBLIC LAW N6

(13030136)

18 November 2016 (X-Paper)
09:00–12:00

This question paper consists of 7 pages.

GENERAL STUDIES

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DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE
PUBLIC LAW N6
TIME: 3 HOURS
MARKS: 200

INSTRUCTIONS AND INFORMATION

1. Answer ALL the questions.
2. Read ALL the questions carefully.
3. Number the answers according to the numbering system used in this question paper.
4. Write neatly and legibly.

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SECTION A

QUESTION 1

1.1 Define the following words:

1.1.1 Private law

1.1.2 Customary law

1.1.3 Interdict

1.1.4 Judicial precedents

1.1.5 International law

(5 × 2) (10)

1.2 Various options are given as possible answers to the following questions. Choose the answer and write only the letter (A–D) next to the question number (1.2.1–1.2.5) in the ANSWER BOOK.

1.2.1 The act of saying something in public or an official statement or announcement made by a person in power or by a government:

A Legal verdicts
B Proclamations
C Mandamus
D Subject

1.2.2 The lawyer that clients see first with their problems:

A Advocate
B Judge
C Assessor
D Attorney

1.2.3 The official who is responsible for the administrative functions in the court:

A Clerk of the court
B Court orderly
C Interpreter
D Magistrate

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1.2.4 It is the customary law of the black community in South Africa:

A Personal law
B Indigenous law
C Personality law
D Property law

1.2.5 It means that in every state there is a higher authority which is not subject to any other authority.

A Principle of legality
B Sovereignty
C Rule of law
D Civil liability

(5 × 2) (10)

1.3 Complete the following sentences by filling in the missing word(s). Write only the word(s) next to the question number (1.3.1–1.3.5) in the ANSWER BOOK.

1.3.1 The academic qualification that is presently recognised for the purpose of admission as an attorney is …

1.3.2 … was brought to South Africa by Jan Van Riebeeck in 1652.

1.3.3 The aim of … is administrative efficiency and control measures, so that no abuse may occur.

1.3.4 Whereas a district court hears both criminal and civil cases, the regional court can only try …

1.3.5 The … can call the magistrate, judge or the court to order during court proceedings.

(5 × 2) (10)

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1.4 Give ONE word/term for each of the following descriptions. Write only the word/term next to the question number (1.4.1–1.4.5) in the ANSWER BOOK.

1.4.1 It means that all the powers of the administration must be authorised by law.

1.4.2 The law that deals with individuals regarding their personality aspects, for example good names.

1.4.3 The doctrine which deals with the separation of power between legislative, executive and judicial authority.

1.4.4 A key to determine the thoughts of the legislators.

1.4.5 These are spiritual or psychological creations of the human mind like artworks, trade mark and words of song.

(5 × 2) (10)
[40]

TOTAL SECTION A: 40

SECTION B

QUESTION 2

2.1 Laws are divided into two types – public and private law.

Name FOUR laws that form part of private law and FOUR laws that form part of public law. (2 × 4) (8)

2.2 Distinguish between the *internal* and *independent* control relationships in government bodies with relevant examples. (2 x 5) (10)

2.3 According to judicial review, the citizens have to ask a court to review administrative action that they do not agree with.

Discuss an application of revision as a form of judiciary control. (5 × 2) (10)

2.4 Explain the objects in an administrative law relationship with relevant examples. (3 × 2) (6)

2.5 Distinguish between the *golden rule of interpretation* and *literal interpretation.* (2 x 3) (6)
[40]

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QUESTION 3

3.1 Give FOUR conditions of claims based on unlawful actions with regard to the civil liability of the state. (4 × 2) (8)

3.2 Show how the judicature can influence our administrative law. (4 × 1) (4)

3.3 Briefly explain the meaning of law in the objective sense. (4 × 2) (8)

3.4 Answer the following questions with regard to administrative law:

3.4.1 What is administrative law? (2)

3.4.2 Is administrative law part of public or private law? Motivate your answer. (4)

3.5 Name ALL internal and external aids in the interpretation of law. (2 × 7) (14)
[40]

QUESTION 4

4.1 Briefly explain what is meant by *delegation of powers.* (4 × 2) (8)

4.2 Briefly show how judicial institutions use the following rules when interpreting the laws:

4.2.1 Interpret the law literally (5 × 1) (5)

4.2.2 The interpreter may not step outside the wording of the law (5 × 1) (5)

4.3 Write explanatory notes on the Constitutional Court with regard to the following:

4.3.1 The composition of the court (5 × 1) (5)

4.3.2 The most important direction of the court (5 × 1) (5)

4.4 The rule of law is not a legal rule but is an important principle which is fully accepted in constitutional law.

Briefly explain this statement. (12)
[40]

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QUESTION 5

5.1	State EIGHT functions of the Registrar of Deeds.		(8 × 1)	(8)
5.2	Discuss the following organs of legislation as a source of administrative law:			
	5.2.1	Parliament	(2 × 2)	(4)
	5.2.2	Provinces	(2 × 2)	(4)
	5.2.3	Constitution	(2 × 2)	(4)
5.3	List the prerequisites with which a custom has to comply before it is recognised as a legal source.		(4 × 1)	(4)
5.4	Discuss purely administrative proceedings in detail.		(16 × 1)	(16)
				[40]

TOTAL SECTION B: 160
GRAND TOTAL: 200

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