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higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

NATIONAL CERTIFICATE

PUBLIC LAW N6

(13030136)

19 November 2019 (X-Paper)
09:00–12:00

This question paper consists of 6 pages.

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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 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the number (1.1.1–1.1.10) in the ANSWER BOOK.

1.1.1 In judicial review, the court will only look at the method in which decision was arrived at.

1.1.2 According to the principle of legality, administrative action must be executed in an arbitrary way.

1.1.3 An internal control relationship is when two government organs within the same power base disagree and oppose each other.

1.1.4 A customary law is a general unwritten law.

1.1.5 Announcement of the date of next coming election by the president is not an example of proclamation.

1.1.6 Legal subject can be defined as an administrative government body or an individual or organisation that enters into contract with a legal subject.

1.1.7 In de-concentration the authority is delegated to an autonomous authority.

1.1.8 Private law regulates relationship between two objects.

1.1.9 British law is also known as foreign law.

1.1.10 Law of personality deals with the relationship between persons with respect to a person's good name and privacy.

(10 × 2) (20)

1.2 Complete the following sentences by filling in the missing word or words. Write only the word or words next to the question number (1.2.1–1.2.9) in the ANSWER BOOK.

1.2.1 Law of succession deals with the person's … after his/her death. (2)

1.2.2 … law regulates relationship amongst members of a family. (2)

1.2.3 Mandamus is an order from a … court to any administrative body to do what that body is obliged under law to do. (2)

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1.2.4 A person can apply for an interdict when he/she wants to stop a … act. (2)

1.2.5 The person who institutes a claim is called the (a) … and the person against whom the action is instituted against is called a (b) … (4)

1.2.6 … are rights with respect to movable and immovable property. (2)

1.2.7 Public law regulates the relationship between the (a) … and its (b) … (4)

1.2.8 Foreign law is also known as (a) … law or the law of (b) … (4)

1.2.9 This … court concerns itself with the care and protection or wellbeing of children. (2)

1.3 Define the following:

1.3.1 Law of intellectual property

1.3.2 Sovereignty

1.3.3 Mandamus

(3 × 2) (6)
[50]

TOTAL SECTION A: 50

SECTION B

QUESTION 2

2.1 The law stipulates specific rules according to which words and sentences must be interpreted to establish judicial meaning of words.

State the fundamental rules of interpretation of law. (5 × 2) (10)

2.2 Discuss the Roman Dutch Law as ONE of the legal systems that contributed to the development of the South African legal system. (5 × 2) (10)

2.3 The public protector was set up in terms of the constitution to receive and investigate complaints from the public.

2.3.1 Who is the current public protector? (2)

2.3.2 Who can the public protector investigate? (4 × 2) (8)

2.3.3 Who is eligible to lay a complaint to the public protector? (2)

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2.4 What is the term of office of the Public Protector? (2)

2.5 State the divisions of private law. (6)
[40]

QUESTION 3

3.1 Give a distinction between FOUR different Subjective rights (SR) that a legal subject (person) can have with respect to recognised legal objects. (4 × 3) (12)

3.2 Briefly explain what is meant by judicial review. (4 × 2) (8)

3.3 List the forms of judicial review found in South Africa. (4)

3.4 Give a comparison between public and private law. (2 × 2) (4)

3.5 Discuss constitutional law as one of the divisions of public law. (5 × 2) (10)

3.6 Who is the minister of justice in the Republic of South Africa? (2)
[40]

QUESTION 4

4.1 To determine whether an administrative body is a government organ, two tests may be performed.

Identify these tests and explain how each one is applied. (9 × 2) (18)

4.2 Identify the tests that Wiechers recommends to determine whether a certain proceeding is a judicial proceeding. (5 × 2) (10)

4.3 List THREE types of delegation. (3)

4.4 Give comparison on the THREE types of delegation you mentioned in QUESTION 4.3. (3 × 3) (9)
[40]

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QUESTION 5

5.1	Mention the fundamental rules of interpretation.	(5 × 2)	(10)
5.2	Discuss the articles of law with relation to civil liability of the state.	(5 × 2)	(10)
5.3	What are the conditions that the state must take into account in an emergency situation before they can take action or declare a war?	(2 × 2)	(4)
5.4	List duties of the clerk of the court.		(2)
5.5	Briefly explain the following internal aids of interpretation of laws.		
	5.5.1 Preamble		
	5.5.2 Addenda		
		(2 × 2)	(4)
			[30]

TOTAL SECTION B: 150
GRAND TOTAL: 200

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