



PROGRAM : NATIONAL DIPLOMA
TOWN AND REGIONAL PLANNING

SUBJECT : **LEGAL PRINCIPLES I**

CODE : **LPT111**

DATE : WINTER EXAMINATION
3 JUNE 2019

DURATION : (SESSION 1) 12:30 – 15:30

WEIGHT : 50: 50

TOTAL MARKS : 150

ASSESSOR : ADV P J STEYN

MODERATOR : MR L MOKONE

NUMBER OF PAGES : 3 PAGES

INSTRUCTIONS : 1. READ THE QUESTIONS CAREFULLY AND ANSWER
ALL QUESTIONS AS INDICATED.
2. WRITE NEATLY AND LEGIBLY.
3. THIS IS **NOT** AN OPEN BOOK EXAM.

QUESTION 1:

[25]

The Constitution of the Republic of South Africa Act, 1996 provides for legislative, governmental and administrative institutions for each of the three spheres of government.

- 1.1 Provide a diagram to show the organisational structure of the national sphere of government. (15)
- 1.2 Provide a diagram to show the organisational structure of the provincial sphere of government. (10)

The following should be clearly visible in your diagrams:

- Legislative functionaries and institutions
- Political executive functionaries and institutions
- Administrative institutions (provide examples)

QUESTION 2:

[12]

Briefly discuss the view of the courts on the principles relating to land development on **any three (3)** of the following as discussed by Jeannie van Wyk.

- 2.1 Restrictive covenants.
- 2.2 Conditions of title (restrictive conditions).
- 2.3 Town planning schemes/land use schemes.
- 2.4 Zoning.

QUESTION 3:

[20]

A source of the law is the place where the legal rules which govern the policies, processes and procedures of that body of law originate and where they can be found. List and briefly discuss the seven sources of Planning Law as referred to by Jeannie van Wyk.

QUESTION 4:

[20]

- 4.1 To be valid, contracts of sale and lease must, in the first place, comply with the requirements relating to the conclusion of contracts in general. List each of these specific requirements and briefly discuss each of them. (14)
- 4.2 Name and discuss two types of breach of contract. (6)

QUESTION 5:

[40]

- 5.1 What are the general principles relating to servitudes? (5)
- 5.2 Indicate, using a table, the differences between praedial servitudes and personal servitudes. (20)

- 5.3 Give at least three (3) examples of praedial servitudes. Briefly discuss each of the examples listed. (9)
- 5.4 Give at least two (2) examples of personal servitudes. Briefly discuss each of the examples listed. (6)
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QUESTION 6: [10]

- 6.1 Name the four (4) categories of limitations on an owner's rights. (4)
- 6.2 Define 'common law'. (2)
- 6.3 Name four (4) common law restrictions / obligations placed on owners. (4)
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QUESTION 7: [9]

Name, and briefly discuss, three (3) of the main components of 'Conditions of Establishment'.

QUESTION 8: [14]

- 8.1 Name two (2) areas where the principles of the Spatial Planning and Land Use Management Act, (Act 16 of 2013), apply. (4)
- 8.2 Name, and briefly discuss, the five (5) principles contained in the Spatial Planning and Land Use Management Act, (Act 16 of 2013). (10)
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TOTAL = 150
