



PROGRAM : NATIONAL DIPLOMA
TOWN AND REGIONAL PLANNING

SUBJECT : **LEGAL PRINCIPLES I**

CODE : **LPT111**

DATE : SSA EXAMINATION, 2019

DURATION : 3 HOURS

WEIGHT : 50 : 50

TOTAL MARKS : 100

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MODERATOR : MR L MOKONE

NUMBER OF PAGES : 5 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:

The Constitution of the Republic of South Africa, 1996 provides for three spheres of government, as well as certain functions to be executed in each of these spheres.

- 1.1 Name the three authorities found in each sphere, and describe their respective duties. (6)
- 1.2 Referring to the national sphere, answer the following: (8)
 - 1.2.1 Indicate the components of the 'Parliament' in detail.
 - 1.2.2 What administrative institutions are there?
- 1.3 Referring to the provincial sphere, answer the following: (6)
 - 1.3.1 Who 'heads' the provincial legislature?
 - 1.3.2 Indicate the composition of the provincial legislature.
 - 1.3.3 How many provinces are there?
- 1.4 Referring to the municipal (local) sphere, answer the following: (5)
 - 1.4.1 Name and discuss briefly three objects of local government.

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QUESTION 2:

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.

- 2.1 Name six (6) of the seven (7) sources of Planning Law. (6)
- 2.2 Briefly discuss the importance / role of the legislation as a source of Planning Law. (4)

[10]

QUESTION 3:

- 3.1 Define 'Planning Law'. (5)
- 3.2 List the three (3) legs of Planning Law. (3)
- 3.3 What is the main objective of Planning Law? (1)

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QUESTION 4:

- 4.1 What are the general principles relating to servitudes? (7)
- 4.2 Name three features of 'personal servitudes' (3)
- 4.3 Name three types of 'personal servitudes' (3)

4.4 Name three ways how servitudes can be terminated (3) **[16]**

QUESTION 5:

5.1 Name the four categories of limitations on an owner's rights. (4)
5.2 Define 'common law' (2)
5.3 Name four (4) common law restrictions / obligations placed on owners (4) **[10]**

QUESTION 6:

If there are conflicts between land use management plans and conditions of title certain principles are laid down by the courts – name four (4) of these principles. **[8]**

QUESTION 7:

Name, and give a short description of four (4) of the five (5) land use / planning principles contained in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013). **[8]**

QUESTION 8:

In the following questions, indicate the correct answer on the space provided in the exam book for this:

- 8.1 In which case law will you find an indication of what 'municipal planning' is?
A *Provisional Trustees, Alan Doggett Family Trust v Karakondis*
B *City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal*
C *Knop v Johannesburg City Council*
- 8.2 Judicial precedent:
A Is law composed by the President
B Is also referred to as '*stare decisis*'
C Plays no role in Planning Law

- 8.3 In which case law will you find reference to 'Planning Law'.
- A *Provisional Trustees, Alan Doggett Family Trust v Karakondis*
 - B *City of Johannesburg Metropolitan Municipality v Gauteng Development Tribunal*
 - C *Knop v Johannesburg City Council*
- 8.4 *Mora creditoris* refers to:
- A A condition of contract
 - B A manner of breach of contract
 - C A remedy available to a party in breach of contract
- 8.5 'Usufruct' is:
- A An example of a personal servitude
 - B An example of a praedial servitude
 - C In favour of the general public
- 8.6 An example of a 'real security' is:
- A Ownership of property
 - B Mortgage
 - C Servitude
- 8.7 A 'metropolitan municipality' falls within which one of the following categories:
- A Category B
 - B Category A
 - C Category C
- 8.8 The Gauteng Removal of Restrictions Act 3 of 1996 is an example of national legislation delegated to the provincial sphere for the execution thereof:
- A True
 - B False
- 8.9 The following act regulates the planning profession in South Africa:
- A National Environmental Management Act
 - B Planning Profession Act
 - C Spatial Planning and Land Use Management Act
- 8.10 'Land Use Management' refers to:
- A procedures to amend land use
 - B management of development on land
 - C tools used to determine specific types of land uses
- 8.11 In a Town Planning Scheme the third column of the table forming part thereof indicates:
- A the Use Zone
 - B primary land uses
 - C secondary land uses allowed

- 8.12 The document indicating the duties imposed on a developer so that a township can be proclaimed is called a:
- A Zoning certificate
 - B Conditions of establishment
 - C Map 3-document
- 8.13 Foreign law is considered to be a source of Planning Law
- A True
 - B False
- 8.14 The writings of modern writers are
- A A primary source of Planning Law
 - B A secondary source of Planning Law

[14]

TOTAL = 100
