



**PROGRAM** : NATIONAL DEGREE  
*BACC*

**SUBJECT** : **INTRODUCTION TO LAW 100**

**CODE** : **INL 100**

**DATE** : WINTER EXAMINATION  
JUNE 2017

**DURATION** : 14:00 - 16:00

**TOTAL MARKS** : 100

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**EXAMINERS** : MS M PILLAY AND MR G BOUWERS

**MODERATOR** : PROFESSOR DS DE VILLIERS

**NUMBER OF PAGES** : **4 (FOUR)**  
PAGES INCLUDING THE COVER PAGE

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**INSTRUCTIONS** : WRITE LEGIBLY  
NUMBER YOUR ANSWERS CAREFULLY

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**QUESTION 1**

**[18]**

Read the following set of facts and identify the legal object, subjective right and provide a reason for your answer. For example: 1.1 Fact in scenario below- Thing- Real right- X is deprived of her ownership.

Tammy has finished studying her final year at the University of Johannesburg and graduates *cum laude* with her B Acc degree. She is employed at a prestigious company and signs her contract of employment on 1 April 2017. She decides to purchase a new motor vehicle since she needs to get to work safely. She takes delivery of the car 10 days later. Tammy starts a relationship with Zayne, a work colleague, but the relationship quickly sours and the couple break up. Zayne starts spreading rumours about Tammy to all at work, and as a result Tammy loses her job. She decides to institute action against Zayne. Two months after the trial ends, Tammy decides to go on holiday to recover from her ordeal and travels to India and Bali. She decides to write a book about her experiences. A week after returning home four robbers break into Tammy's house and steal all her jewellery.

**QUESTION 2**

**[22]**

Jason and his girlfriend Candy have just broken up. She told him that she needs to concentrate on her career and has no time for a relationship. He decides to go out with a few friends to have some fun and forget about his sadness. They walk into a pub and John sees his ex-girlfriend with her new boyfriend. Jason is extremely upset since he feels that Candy has lied to him. He goes outside into the parking lot and starts breaking Candy's car windows. He finds a metal stick and begins to hit her car causing a lot of damage. Candy is very upset and decides to institute action to claim the damages to her car. Jason feels that he had every right to damage Candy's car while she feels that his behaviour is out of line. Jason is of the opinion that the court will agree with him and that he does not have to pay for the damages.

- 2.1 Identify the parties in this matter. (2)
- 2.2 Identify and discuss the onus of proof that will apply in this scenario. (2)
- 2.3 Identify and fully discuss the pleadings that Jason will have to provide in this matter. (6)
- 2.4 Explain what is meant by the term "absolution from the instance". (4)
- 2.5 Assume that Candy is successful with the claim. Jason decides to ignore the court order. What are the consequences of him not abiding by the court order? Discuss fully. (6)
- 2.6 Explain the difference between appeal and review proceedings. (2)

**QUESTION 3**

**[40]**

The police arrive at the scene of a stabbing, where they see Paul sitting on the pavement, with a bloodied Knife in his hand. A few metres away, they see the deceased, Steve, with a wound to his chest. The police immediately place Paul under arrest, who asserts that he is responsible for the death of Steve. With regard to these facts, answer the following questions:

- 3.1 Discuss whether Paul has fulfilled the first element of a crime. (3)
- 3.2 Paul is arrested on the charge of murder and is brought before court. The case is subsequently postponed to a later date for trial. Must Paul remain in custody until the date of the trial? (Your answer should include the factors that will be taken into account in determining whether he should be kept in custody). (8)
- 3.3 What will the parties involved in this matter be known as? (2)
- 3.4 What are the requirements attached to a plea agreement. (3)
- 3.5 John is apprehensive about disclosing certain facts to you. However, as his legal representative, you explain the various forms of privilege to him. (8)
- 3.6 While discussing the incident with you, Paul explains that the reason for stabbing Steve was the result of a verbal altercation between the two men a week before the incident. Paul asks you whether he has a possible defence. Discuss fully. (5)
- 3.7 Paul's trial commences on the 15 July 2017. In each instance below name the type of evidence that is being tendered and state whether it is generally admissible:
  - 3.7.1 The evidence of witness B who testifies that his friend Jen, told witness B that she had seen Paul walking down the street on the day of the incident with a Knife on his waist. (2)
  - 3.7.2 Witness C testifies that she saw Paul stabbing Steve. (2)
  - 3.7.3 The alleged murder weapon is tendered by the State. (2)
- 3.8 A court finds that Paul acted with direct intention (*dolus directus*) when he knowingly and willingly stabbed Steve. Identify and discuss the other forms of intention? (5)

**QUESTION 4**

**[20]**

Mr Unscrupulous has to defend himself in a number of civil cases that were brought by people who have had business dealings with him. Ricky, an independent contractor, alleges that Mr Unscrupulous owes him R 100 000 for work done. Stacey, a property developer, claims that she entered into an agreement with Mr Unscrupulous for the purpose of renovating his mansion. The cost of the renovations amounted to R 750 000, none of which was ever paid to Stacey. Mr Brown, an ex-business partner and close friend, also alleges that Mr Unscrupulous has not paid him in terms of a business agreement that they had entered into. The amount that Mr Brown claims is R 250 000. Finally, Mark, an acquaintance of Mr

Unscrupulous also wishes to institute action for R12 000 which he claims, Mr Unscrupulous owes him.

- 4.1 Which court will have jurisdiction to hear the matter involving Stacey? (1)
- 4.2 Which court will most likely hear the matter between Mr Brown and Mr Unscrupulous? (1)
- 4.3 In which court will Ricky have to institute action? (1)
- 4.4 Identify the court best suited to deal with Mark's claim, and provide a detailed description of this type of court. (5)
- 4.5 Mr Brown has second thoughts about resolving the dispute through the formal litigation process.
  - 4.5.1 What problems are commonly associated with formal litigation? (6)
  - 4.5.2 Name and briefly distinguish between the most common forms of ADR that Mr Brown may turn to? (6)

**TOTAL:** **[100]**

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