COURSE: **LAW OF CIVIL PROCEDURE**

CODES: **SPR0000/CPR41Y0**

DURATION: **180 MINUTES/3 HOURS**

TOTAL: **80 MARKS**

EXAMINERS: **Ms M du Preez & Mrs Y Joubert**

Please note that this is a **formal assessment**.

As such, students are expected to:

- act **honestly** and with **integrity**, as would be expected from prospective legal practitioners;
- submit their **own work**;
- not obtain **assistance** or **attempt to obtain assistance** from any person during this assessment;
- not consult external **websites** during this assessment;
- complete the assessment in its entirety within the **allocated time period** and submit the assessment before the expiry of the prescribed time period. No late submission will be accepted.

Please note that:

- The duration of this assessment is **3 hours** (12:30 pm to 15:30 pm);
- You will only have 3 hours to complete this assessment, regardless of the time that you log in to blackboard and access this assessment – no extra time will be allowed;
- You will not be able to submit the assignment after 15:30 pm.

Instructions:

- Take note that this assessment consists of a total of **41 (forty one)** questions.
- The assessment consists of 2 parts:
    - **Part 1**: Questions 1 - 40 for which all the answers must be filled in online. This makes up a total of **70 marks**.
    - **Part 2**: Question 41. This is a short essay question and it makes up a total of **10 marks**.
- Please ensure that you complete both parts: **Part 1 AND Part 2** of the paper.

- Please complete Part 1 first, and submit your answers. Thereafter you can move on to Part 2, for which there is a separate link.
- Please **read** all the questions carefully.
- **Plan** your answer before you answer.
- Answer **only** what has been asked.
- Don't **waste time** by providing information/answers which has/have not been asked for.
- Accept that you act as the **attorney of record** where you are required to provide and opinion or advice to a client.
- Please refer to relevant **authority** (case law, legislation and, most importantly, the rules of court) where required.
- Pay attention to grammar, spelling etc (except where you are asked for one or two words only, in which case no full sentences are required).
- Where the answer to a question consists of more than one word, please take care not to add an extra space between words - **there should be one space only between words**.
- Please **do not underline** any of your answers.

Lecturers' information:

In the case of any questions, you can contact the lecturers during this assessment as follows:

Monique du Preez moniquedp@uj.ac.cza

&

Yvette Joubert yjoubert@uj.ac.za

Disclaimer:

By completing this online assessment you acknowledge and agree to abide by the University of Johannesburg's rules and regulations pertaining to tests/exams and you accept that disciplinary action may follow should you breach any of the rules and regulations.

QUESTION 1

Provide the appropriate term (***no more than 1 word to be typed in lower case***) for the following description:

A legal system used in common law countries where the legal representatives present the parties' cases before an impartial presiding officer. It is the task of the presiding officer to act as an independent referee and to ensure that the relevant rules and procedures are complied with.

Answer:

0.5 points

QUESTION 2

Provide the appropriate term (***no more than 1 word typed in lower case***) for the following description:

A form of alternative dispute resolution where an impartial third party assist the parties in their negotiations with the aim of reaching an agreement. The third party is not in a position to take a final and binding decision.

Answer:

0.5 points

QUESTION 3

Provide the appropriate terms/name (***no more than 2 words typed in lower case***) for the following description:

The power of the court to prevent abuse of its own procedure.

Answer:

0.5 points

QUESTION 4

Provide the appropriate term (***no more than 1 word typed in lower case***) for the following description:

When the plaintiff's claim exceeds the monetary jurisdiction of the Magistrates' Courts and the plaintiff waives a portion of the claim in order to bring it within the jurisdiction of the court.

Answer:

0.5 points

QUESTION 5

1. **Match** the following positions/roles (left) with the correct description (right).

Sheriff	A. This person's office performs functions relating to deceased and insolvent estates; liquidation of companies and the interests of persons who are not competent to administer their own affairs.
Registrar	B. Officer of the court tasked with the service of documents/process.
Curator *ad litem*	C. Person appointed by the court to protect the interests of someone who is unable/unfit to manage his own affairs during the course of legal proceedings.
Master of the High Court	D. Person who manages insolvent estates
Class representative	

- any action against the estate must be instituted against him/her in a representative capacity.

E. Head of the administrative staff in the District Magistrate's Court.

F. Head of the administrative staff in Regional Magistrate's Court.

G. Person authorised to conduct the action and to represent the group.

H. Person acting in the public interest.

5 points

QUESTION 6

Choose the *correct answer* from the options below.

Only ***one option*** may be selected.

Each option includes a list of documents.

The following are all examples of *pleadings*:

- Particulars of claim; Declaration and Plea.
- Summons; Notice of intention to defend and Plea.
- Founding affidavit, Answering affidavit and Replying affidavit.

- Notice of bar; Notice of intention to defend and Exception.

1 point

QUESTION 7

Below are a number of statements.

Choose the *correct statement* from the options given.

Only ***one option*** may be selected.

- The monetary jurisdiction of the Small Claims Court is R15 000.
- The monetary jurisdiction of the High Court has no upper or lower limit.
- The Supreme Court of appeal does not have jurisdiction in matters where the claim amount is below R400 000.
- Section 28 of the Magistrate's Court Act sets out the monetary jurisdiction of the Magistrates' Courts.

1 point

QUESTION 8

Choose the *correct answer* from the list below.

Only ***one option*** may be selected.

In a *divorce* action, the following court will have jurisdiction on the date that the action is instituted:

- Only the court in whose area the husband is domiciled.
- Only the court in whose area the wife resides.
- The court in whose area the parties own any immovable property.
- The court in whose area one or both parties are domiciled or ordinarily resident.
- The court in the place where the parties got married.

1 point

QUESTION 9

Choose the *correct answer* below.

Only ***one option*** may be selected.

Each option contains a list of entities.

All of the following has *locus standi* and can therefore sue/be sued in his/her/its own name:

- Minors below the age of 7; Trusts; Persons who are mentally ill.
- Companies; Close corporations; Partnerships.
- Trusts; Partnerships and Insolvents.
- Curators; Trusts and Married women.
- Judges but not Magistrates.

1 point

QUESTION 10

Choose the *correct answer* from the list below.

Only ***one option*** may be selected.

In *Room Hire Company v Jeppe Street Mansions* 1949 3 SA 1155 (T) the court confirmed that:

- Where there is no real dispute of fact, there may nevertheless be a need for a trial action and motion proceedings are generally recognised as impermissible under these circumstances.
- Where a dispute of fact is shown to exist, the court has no discretion as to the future course of the proceedings.
- Where no real dispute of fact exists, there is no reason for the incurring of the delay and expense involved in a trial action and motion proceedings are generally recognised as permissible.
- Where a dispute of fact is shown to exist, the court has no choice but to dismiss the application with costs. It is clear that the applicant should have used another procedure, namely the action/trial procedure.
- When and under which circumstances an urgent application may be brought.

1 point

QUESTION 11

Choose the *correct answer* from the list below.

Only ***one option*** may be selected.

Where an application cannot properly be decided on the papers (affidavits) due to the fact that a *dispute of fact* is shown to exist, the court may do the following:

- Dismiss the application OR Allow presentation of oral evidence on a specific factual issue OR refer the matter to trial.
- Only dismiss the application with or without costs.

  The court has no discretion to make any other order.
- Refuse to hear the matter as the applicant is clearly abusing the court procedures OR decide to grant the application without any further steps.
- Dismiss the application if the applicant must reasonably have foreseen that a material dispute of fact will arise at the time the application is brought OR Allow oral evidence where the dispute has a wide scope and is extensive and complicated.
- Step into the shoes of the parties and decide *mero motu* which witnesses should be called and the issues on which they should be questioned.

1 point

QUESTION 12

Fill in the correct words in the blank spaces (the missing spaces have been identified and numbered in square brackets) below.

According to the leading case on how and when an *urgent application* may be brought namely *Luna Meubel Vervaardigers (Edms) Bpk v Makin (t/a Makin's Furniture Manufacturers*) 1977 (4) SA 135:

- High Court Rule 6(12) makes provision for urgent applications and therefore permits practitioners to select any day of the week and any time of the day or night for a hearing. This statement is _____ (Answer **true** or **false**);
- the following four factors, in ascending order of urgency, must be borne in mind:
  - when the matter is too urgent for the respondent to be allowed the normal/usual _____ court days notice period, the application can be set down for hearing on a motion day with a shorter notice period;
  - when the matter is too urgent to wait for the court's weekly motion day, the application can be set down for the next _____ day;

- if the matter is too urgent to wait for the above day, the application can be set down for the next [ ] day or for the same day if the court has not yet adjourned;
- if the court has adjourned for the day, and the matter is too urgent to wait for the next such day at the normal time, the application can be set down for hearing at any reasonably convenient time, in consultation with the [ ].

5 points

QUESTION 13

Consider the following facts and answer the questions that follow by **filling in** the missing word/s in each instance.

The missing words have been identified in square brackets below.

Note that, in some instances, the blank space will require two or three words, rather than just one word.

Facts:

On Monday, 15 June 2020, you consult with your client, Mrs A Jackalope, who resides in Melville, Johannesburg. She intends to institute divorce proceedings against her husband, Mr B Jackalope. She contacted you in your capacity as a family law specialist.

She informs you as follows during the consultation:

The parties met whilst they were students. They were married out of community of property in Durban during 2010 and subsequently moved to Melville, Johannesburg. Mr Jackalope worked as a financial journalist at The Star newspaper in Johannesburg since 2011. Mrs Jackalope is a qualified chartered accountant and has been working at one of the large accounting firms in the Johannesburg for the last few years.

Unfortunately their relationship deteriorated over time. This was as a result of various factors, including that both parties were required to spend long hours at the office in order to be considered for promotion etc.

They have a son, C, aged 6.

The parties no longer live together as husband and wife. Mr Jackalope left the communal home in Melville more than six months ago after an altercation about their son's extra-mural activities and related expenses.

Mrs Jackalope has not had contact with her husband since this altercation and his whereabouts are unknown to her. She has no idea where her husband resides or works. A mutual friend has recently informed your client that her husband apparently moved back to Durban as this is where his family resides.

Despite various attempts to locate her husband and/or to ascertain his address, Mrs Jackalope has been unable to do so. It seems that he has changed his mobile number. He has also not replied to any of the emails sent by your client to his personal email

address. She's also contacted his previous employer but to no avail. His employer informed her that he resigned some time ago and did not provide any new contact details.

As a last resort, Mrs Jackalope instructed a tracing agent on a no trace no fee - basis to locate him, but the agent was unable to do so.

Her husband's family members also don't seem to know much about his whereabouts other than that he is apparently somewhere in KwaZulu-Natal.

Mrs Jackalope wants to proceed with a divorce matter as soon as possible. She is adamant that this will be in the best interest of herself and her minor son. Mrs Jackalope has not made any attempt to contact his son during the last six months.

You are instructed to proceed, as a first step, with an application for leave to serve the divorce summons on the defendant.

Fill in the missing words below.

Mrs Jackalope will have to bring an application for _____.

This application will consists of a _____ and to this will be attached one or more supporting affidavits.

The applicant will be entitled to use the _____ (choose either **short** or **long**) form of the relevant court document in this matter.

This application _____ (choose either **will** or **will not**) be served on the respondent.

Accept, for purposes of the remainder of this question, that Mr Jackalope is no longer physically present within the Republic of SA but that he has travelled to Mozambique, where he now works. In this case the applicant would need to apply for _____ instead. If the application is granted by the court, the plaintiff will issue a summons or _____, the equivalent of a summons, that will be served on the defendant in Mozambique.

6 points

QUESTION 14

Choose in each instance which is the *most appropriate court* that has jurisdiction (Question 14 - 18).

You should accept that your client wants to keep legal costs to a minimum.

You may only select one option in each instance.

Abbreviations for the names of the various courts will be used from this question onwards.

Question

Mr A intends to proceed with a divorce action. He is married in community of property with no minor children.

His owns a substantial number of properties around the country and overseas.

- Divorce Court
- Supreme Court of Appeal (SCA)
- Regional Magistrates' Court (RMC)
- District Magistrates' Court (DMC)
- Small Claims Court (SCC)

1 point

QUESTION 15

Mr A intends to sue for damages in the amount of R202 000, following a motor vehicle collision in Brixton, Johannesburg. He did not sustain any serious personal injuries but his vehicle was damaged to the extent that various body parts will need to be replaced.

The most appropriate court with jurisdiction is:

- RMC
- DMC (provided that abandonment takes place).
- DMC (provided that set off takes place).
- HC
- SCC

1 point

QUESTION 16

A dispute between the Office of the Public Protector and the SA Human Rights Commission with regard to the Covid-19 regulations in South Africa.

The most appropriate court with jurisdiction is:

- SCA
- HC (provided that the claim amount exceeds R400 000).

- RMC
- DMC
- CC

1 point

QUESTION 17

Mr A brings an action for the court to determine a right of way, This relates to a right of passage across his neighbour's farm in the Free State.

The value of this right is estimated to be R1 500 000.

The most appropriate court with jurisdiction is:

- HC
- SCA
- MC
- CC
- SCA

1 point

QUESTION 18

Mr A intends to bring an application for the liquidation of Corona CC following a business transaction.

Mr A rendered a variety of services to the close corporation and is owed a total amount of R900 000, which amount the corporation has failed to pay.

This close corporation owns assets to the value of R3 000 000. However, its total liabilities exceed R4 000 000. There seems to be a large number of creditors insisting on payment.

The most appropriate court with jurisdiction is:

- HC

- DMC
- HC
- SCC
- CC

1 point

QUESTION 19

Identify the *relevant document* in each of the following instances (Question 19 and 20).

This is the initial communication sent by the attorney to his/her client, following the first consultation.

It is not sent to the opponent and does not form part of the court file.

- Power of attorney
- Letter of demand
- Mandate letter
- Notice of withdrawal
- Notice of enrolment
- Notice of motion

1 point

QUESTION 20

This is delivered by the attorney of record as proof that he/she is duly authorised to proceed with an appeal matter on behalf of the client.

It is compulsory to file this document in terms of the rules of court.

- Mandate letter
- Letter of demand
- Heads of argument
- Special power of attorney
- Affidavit signed by client

- General power of attorney

1 point

QUESTION 21

Indicate whether this statement is *true/false*:

The Financial Intelligence Centre Act (FICA) regulates the fees that attorneys are entitled to charge their clients for professional services rendered.

- True
- False

1 point

QUESTION 22

Refer to the calendar below:

MARCH 2020						
MONDAY	**TUESDAY**	**WEDNESDAY**	**THURSDAY**	**FRIDAY**	**SATURDAY**	**SUNDAY**
2	**3** **(SERVICE)**	**4**	**5**	**6**	**7**	**8**
9 **(PUBLIC HOLIDAY)**	**10**	**11**	**12**	**13**	**14**	**15**

16	**17**	**18**	**19**	**20**	**21**	**22**
23	**24**	**25**	**26**	**27**	**28**	**29**
30	**31**					

Accept that the summons has been issued out of the High Court in KwaZulu-Natal.

In terms of the rules of court, a defendant has *10 days* to enter an appearance to defend a matter.

The sheriff served the summons on the defendant personally at his home in Durban on **Tuesday, 3 March 2020**.

Indicate what the *last day* is for the defendant to deliver an appearance to defend the matter?

Please write out your answer in full ie:

31 March 2020

Answer:

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1 point

QUESTION 23

The following explains the *procedure* for purposes of an o*pposed bilateral application* in the High Court:

You are required to complete the sentences by **filling in** *only* the missing words:

The blank spaces have been identified in square brackets below.

Mr Abe Zupta intends applying to the High Court in Pretoria for an order precluding the Bank of Corona from closing his four bank accounts held with it. This follows a series of notices

by the bank to Mr Zupta in which the bank gave notice that it intends terminating the bank-client relationship with Mr Zupta as a result of reputational damage. This relates to serious allegations of unlawful conduct, including corruption and money-laundering against Mr Zupta and his companies.

In the notice of motion the applicant has to appoint an address within _____ kilometres of the office of the registrar of the court, at which address he will applicant will accept _____.

The notice of motion must inform the respondent that, in order to oppose the application, a notification must be made to the applicant's attorney in writing before a certain date, which must be at least _____ court days after service of the application to the respondent.

Following the notice of intention to oppose, the next step is for the bank to deliver an answering affidavit.

In the answering affidavit, the respondent must do two things, namely respond to the allegations of _____ in the founding affidavit and set out additional facts making up its _____.

A replying affidavit must then be furnished by Mr Zupta within _____ court days from date of delivery of the answering affidavit. However, this affidavit is only necessary if he wishes to place the following before the court: a further _____ and not, for example, to raise a new cause of action for the first time.

The respondent's intention to oppose must be served by the Sheriff. **Agree** / **Disagree** - choose one. _____

8 points

QUESTION 24

The following questions deal with *interdicts*:

To succeed with an application for a final interdict, the applicant must prove a reasonable apprehension of harm would occur if the interdict is not granted. _____ Answer **true** or **false**.

Once the applicant has complied with the requirements of an interim interdict, the court _____ discretion to grant the interdict. Answer **has a** or **has no**.

In order to comply with the *audi alteram partem* principle, the court will grant an order known as a _____ in an application for an interim interdict.

A magistrate can, generally speaking, grant a _____ interdict without an alternative claim for damages. Answer **prohibitory** or **mandatory**.

2 points

QUESTION 25

You are required to match the *ratio decidendi* with the correct case citation/name.

	Unnecessarily prolix and repetitive material in court papers must not be included. The idea that more is better and that it is wiser "to put everything before the judge" belongs to the lazy and the insecure. Litigants must not deluge a court with a welter of irrelevant and unnecessary material.	A. *Venmop v Cleverlad Projects* B. *Mthembu v Venter* C. *Hotz v UCT* D. *Mokhambi v MEC for Health* E. *Giant Concerts v Minister of Local Government, Housing* F. *Plascon-Evans Paints v Van Riebeeck Paints*
	Practitioners, in the conduct of cases, play a very important part in the administration of justice. The practitioner who drafted the papers either resorted to cutting and pasting or was totally remiss as to the content of the papers that were being drawn. The applicant's founding affidavit does not disclose a cause of action.	

The requirements for a final interdict are a clear right, infringement of rights actual or apprehended and an absence of similar protection by any other remedy. Once the applicant has established the three requisite elements for the grant of an interdict the scope, if any, for refusing relief is limited. There is no general discretion to refuse relief.

The requirements for an application for interim relief are: a prima facie right although open to some doubt, that he will suffer irremediable prejudice and that the balance of convenience favours him. In this case the applicant's right was open to more than just some doubt as there was materially conflicting averments made.

4 points

QUESTION 26

In each of the questions below, you are required to answer either **true** or **false.**

You don't need to provide any motivation/reason for your answer.

The online court filing system operational in Gauteng is known as Casefiles. ☐

The online court filing system in Gauteng is based on the system operating in the Western Cape. ☐

Parties may file all their documents online, but in court the judge will require them to hand up hard copies of their filed documents. ☐

3 points

QUESTION 27

Please refer to the sheriff's *return of service* below:

IN THE HIGH COURT OF SOUTH AFRICA

Case no: 2 / 2020

In the matter between :

Boyes,
Peter Plaintiff

and

Boyes,
Carrol Defendant

RETURN OF SERVICE

This is to certify that on this Sunday, the 14th day of June 2020, at the Defendant's place of employment in Bloemfontein, I displayed the original document to Mrs Kate Smith, the cleaner at the Defendant's place of employment, and handed a copy of the document to Mrs Smith (cleaner).

DATED at Johannesburg on this the 15th day of June 2020.

(Signed)

_____

The Sheriff of the High Court

Durban

123 West Street, Durban North, 2351

To: The Clerk of the Court, Johannesburg

And to: Plaintiff's Attorneys

345 South Street

Cape Town

QUESTION:

This document is defective in a number of ways.

For example, it does *not* contain the prescribed averments or allegations.

Indicate in what respects the document is defective by identifying any 5 errors and indicate how these should be rectified/what should have been included in the return of service.

Please keep your answers as short as possible.

Answer:

_____

_____

_____

_____

5 points

QUESTION 28

Briefly explain the following statement. You are required to motivate your answer.

Whilst permissible to plead evidence in an affidavit, pleadings may not contain evidence

Answer:

2 points

QUESTION 29

Provide the complete *citation* of each of the following plaintiffs (Question 29, 30 and 31) , as this will appear in the Particulars of Claim.

Please add your own additional information as may be required to provide a full citation.

Your answer should start as follows:

The plaintiff is ....

You will have a maximum of 6 lines to type your citation in each instance.

Please ensure that your citation is complete and complies with the rules of court.

Question:

Professor P Nuts, who works at the University of Johannesburg. He resides at 11 North Street, Brixton.

Answer:

1 point

QUESTION 30

Provide the *citation* of this plaintiff as it will appear in the Particulars of Claim:

The Smith Family Trust. There is only one trustee, Mr Steve Smith, who is a chartered accountant.

Answer:

1 point

QUESTION 31

Provide the *citation* of this plaintiff as it will appear in the Particulars of Claim:

Matrix (Pty) Ltd.

This is a company that trades from 13 Box street, Braamfontein, Johannesburg.

Answer:

_____

_____

_____

_____

_____

1 point

QUESTION 32

Refer to the letter of demand below and answer the short questions that follow (Questions 32 - 36) below:

AZURE ATTORNEYS

Azure Attorneys
1242 Kingway Avenue
Auckland Park
Johannesburg
2000

Mrs Heather Sonn
13 Helen Joseph Street
Johannesburg
2195

15 June 2020

Dear Madam

SECTION 129 NOTICE

1 We address this letter to you on behalf of our client, Mr Theo Fish.

2 We are instructed that on Saturday, 31 December 2019, a motor vehicle collision occurred between o our client, driving a BMW motor vehicle with registration number HYP153GP and yourself. You were driving a Toyota Hilux motor vehicle with registration number SLOW 17 GP at the time of the collision.

3 We are instructed that the accident was caused by your negligence in that you:

3.1 exceeded the speed limit; and

3.2 were using your cellular phone when colliding with our client's vehicle.

4 We are instructed that our client's vehicle was damaged in the collision. The damages to our client’s motor vehicle amounts to R122 000.

5 We enclose, for your consideration, copies of various witness statements as well as copies of two expert reports relating to the damage to our client's vehicle.

6 We hereby demand that you make payment of the amount of R122 000 into our trust account, the details of which are attached to this letter, by no later than 25 June 2020.

7 If you do not make payment as requested, we are instructed to proceed with a summons to recover this amount without further notification and or to arrange for you to be arrested without further notice.

Yours faithfully

Signed

Mr B Azure

Partner

Azure Attorneys

Question:

Why is it necessary to date a letter of demand?

In other words, what is the relevance of the date?

Answer:

1 point

QUESTION 33

Is the heading in this letter of demand appropriate?

Explain your answer.

Answer:

1 point

QUESTION 34

Refer to paragraph 1 in the letter of demand.

Why is it necessary to include this paragraph in a letter of demand?

Explain your answer.

Answer:

1 point

QUESTION 35

Refer to paragraph 7 of the letter of demand.

Is the content appropriate?

Please explain your answer briefly.

Answer:

1 point

QUESTION 36

Refer to paragraph 5 of the letter of demand.

Is this content appropriate/should it be included in the letter?

Answer:

1 point

QUESTION 37

Consider the following facts and answer the short questions that follow (Questions 37 - 40) in relation thereto:

You have recently completed your mandated vocational training contract ("articles of clerkship") at a law firm in Pretoria.

You have also passed the required attorney's admission examinations.

As the next step, you intend to apply to be admitted as an attorney of the High Court of South Africa.

You have prepared this draft notice of motion:

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 143/2020

In the *ex parte*application of:

Legal Eagle

Identity Number …

For his admission and enrolment as an attorney of the High Court of South Africa

NOTICE OF MOTION

TAKE NOTICE that application will be made to the above Honourable Court on the 11th day of August 2020 at 10h00, or so soon thereafter as Counsel for the Applicant may be heard, for an order in the

following terms –

1. ....

2. ....

TAKE NOTICE FURTHER that the affidavit of the applicant, together with the confirmatory affidavit of his principal, Mr Jacob Dlamini will be used in support of this application.

TAKE NOTICE FURTHER that the Applicant has appointed the address set out below as the address at which he will accept service of all process and notices in these proceedings.

KINDLY PLACE THIS APPLICATION ON THE ROLL FOR HEARING ACCORDINGLY

DATED at Johannesburg on this the 15th day of March 2020.

Signed: Mr Legal Eagle

Applicant

Address

Tel ...

Email ...

TO:

THE REGISTRAR OF THE ABOVE HONOURABLE COURT

THE HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA

High Court Building

Madiba Street

Pretoria

AND TO:

THE GAUTENG PROVINCIAL COUNCIL OF THE LEGAL PRACTICE COUNCIL

Procforum Building

123 Paul Kruger Street

Pretoria

Tel ...

Received a copy hereof together with copies of all supporting affidavits and all annexures thereto, and payment of the fee prescribed under section 30 of the Legal Practice Act, No. 28 of 2014 (as amended) on this the … day of … 2020. Accordingly, I certify that the provisions of the Legal Practice Act, 28 of 2014, as amended, have been complied with and that due notice has been received of the application under sections 24(2)(d) and 95(1)(k) of the said Act.

_____

SECRETARY OF THE GAUTENG PROVINCIAL COUNCIL OF THE LEGAL PRACTICE COUNCIL

Question:

Why do you use the *short form* of the notice of motion for this application?

Answer:

_____

_____

_____

_____

_____

1 point

QUESTION 38

Why do you attach an affidavit to the notice of motion?

Answer:

_____

_____

_____

_____

1 point

QUESTION 39

What is a supporting affidavit?

Answer:

1 point

QUESTION 40

Do you think an applicant in an application to be admitted as an attorney, must include a prayer for costs in the relief claimed? Motivate your answer.

Answer:

2 points

YOU HAVE NOW REACHED THE END OF PART 1 OF THIS ASSESSMENT.

PLEASE SAVE AND SUBMIT YOUR ANSWERS FOR PART 1.

YOU CAN THEN PROCEED TO CLICK ON THE SEPARATE LINK FOR PART 2 - QUESTION 41 (SHORT ESSAY).