

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2005

TITLE OF PAPER : **LEGAL SYSTEM AND METHOD**

COURSE CODE : **DL011**

TIME ALLOWED : **THREE (3) HOURS**

INSTRUCTIONS : **ANSWER ANY FOUR QUESTIONS OF YOUR CHOICE.**

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

- (a) State three (3) differences between law and morality. [15 marks]
- (b) Explain the concept of formal justice and substantial justice. [10 marks]
- [TOTAL MARKS = 25]

QUESTION 2

Write short notes on the following:

- (a) Arbitration as a dispute resolution mechanism. [5 marks]
- (b) The difference between onus of proof and standard of proof. [5 marks]
- (c) The difference between public law and private law. [10 marks]
- (d) The meaning of the phrase "*obiter dictum*". [5 marks]
- [TOTAL MARKS = 25]

QUESTION 3

Critically discuss the meaning of the following rules of statutory interpretation:

- (a) Golden Rule
- (b) Mischief Rule
- (c) Literal Rule [TOTAL MARKS = 25]

QUESTION 4

Using case law, critically discuss any five (5) presumptions that may be used in interpreting ambiguous statutes. [25 MARKS]

QUESTION 5

- (a) Briefly discuss three (3) ways in which the execution of judgement may be carried out. [15 marks]
- (b) Explain the difference between an appeal and a review. [10 marks]
- [TOTAL MARKS = 25]