

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2006

TITLE OF PAPER : LEGAL SYSTEM AND METHOD

COURSE CODE : DL 011

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : ANSWER ANY FOUR QUESTIONS OF YOUR CHOICE.

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

- a) Explain the difference between Application Proceedings and Action Proceedings in civil matters. (10 marks)
 - b) Discuss the disadvantages of using litigation in resolving disputes. (15 marks)
- [25 MARKS]

QUESTION 2

Write notes on the following:

- a) Original and Appellate Jurisdiction of the High Court. (5 marks)
 - b) Certainty and Reasonableness as Postulates of Justice. (10 marks)
 - c) The difference between law and morality. (10 marks)
- [25 MARKS]

QUESTION 3

- (a) Using examples, critically discuss the concept of delegated legislation. (10 marks)
 - (b) With the use of case law, critically discuss any three (3) presumptions that may be used in interpreting ambiguous statutes. (15 marks)
- [25 MARKS]

QUESTION 4

- (a) Clearly discuss the advantages and disadvantages of Judicial Precedent. (10 marks)
 - (b) What is meant by the following phrases:
 - i. a Prima Facie case (5 marks)
 - ii. obiter dictum. (10 marks)
- [25 MARKS]

QUESTION 5

Give a full discussion of the sources of law in Swaziland. [25 MARKS]