

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

TITLE OF PAPER : CRIMINAL LAW

COURSE CODE : DL 013

TIME ALLOWED : THREE (2) HOURS

INSTRUCTIONS :

- 1. QUESTION (1) COMPULSORY**
- 2. AFTER ANSWERING QUESTION ONE CHOOSE ANY OTHER TWO (2) NUMBER OF QUESTIONS ANSWERED TO THREE**
- 3. EACH QUESTION CARRIES A TOTAL OF (25 MARKS)**

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QUESTION 1

Strict liability has been referred to as a “penological monstrosity. Is the description justifiable? Explain.

[25 marks]

QUESTION 2

- (a) Highlight and explain the differences between the plea and provocation in Swaziland and the same plea in South Africa. (10 marks)
- (b) Briefly examine the concept of an “ordinary person of the same class of the community” under the Homicide Act 44, 1959. (15 marks)

[25 marks]

QUESTION 3

“No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under natural or international law, at the time when it was committed, not shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed”.

Article (2) of the Universal Declaration of Human Rights”.

Discuss the above statement with particular reference to the principle of legality. [25 marks]

QUESTION 4

Referring to decided cases, discuss the defenses that vitiate unlawfulness. [25 marks]

QUESTION 5

- (a) How is the Criminal liability of a corporation determined? [15 marks]
- (b) How is the Criminal liability of a partnership determined? [10 marks]

[25 marks]