

**UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER (2009)**

**TITLE OF PAPER : LEGAL SYSTEM & METHODS**

**COURSE CODE : DL-011**

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

**INSTRUCTIONS :**

- 1. ANSWER ANY 4 QUESTIONS, OF YOUR CHOICE.**
- 2. MARKS FOR QUESTIONS ARE INDICATED IN BRACKETS.**

**THIS PAPER MUST NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE PROCTOR.**



## **Question 1**

John Magagula, is a reclusive farmer who owns a large estate with a variety of livestock. He is charged with the offence of Bestiality (unlawful sexual intercourse with an animal). The evidence submitted by the prosecution in support thereof, is that his distant neighbour, would occasionally hear the seemingly odd and painful cries of a goat in the middle of the night while passing near his farm to get to her ranch. One day, her curiosity got the better of her, and she calls the police who then stage a surprise raid on Magagula's farm. On entering one of the barns, they are shocked to discover John on top of his goat caught up in the throes of passion.

At the trial, his attorney argues, *inter alia*, that the conduct of Magagula posed no threat to, nor injured, any one, and that in any event the goat was his and he could do as he wished with it as the owner.

Referring closely to relevant authorities and/or illustrations, present the arguments of both the prosecution and the defence in this matter. You are required to proceed on the basis of what the law "ought to be."

(25 Marks)

## **QUESTION 2**

Discuss the four primary sources of law in Swaziland.

(25 Marks)

## **QUESTION 3**

Write short notes on the following:

- (a) *Stare decisis*
- (b) Difference between an attorney and an advocate
- (c) Methods of Judge selection/appointment
- (d) Difference between application/motion and action proceedings
- (e) Stages in the choice of law

(25 Marks)

**QUESTION 4**

What is meant by delegated legislation? Why is it necessary? What important requirements must delegated legislation comply with in order to be valid?

(25 Marks)

**QUESTION 5**

Discuss the historical reception of Roman-Dutch Common Law in Swaziland.

(25 Marks)