

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2009

TITLE OF PAPER : **TRIAL PRACTICE**

COURSE CODE : **L 403/L602**

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

INSTRUCTIONS : **ANSWER ALL QUESTIONS.**

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

QUESTION 1

Similo Dlodlo instructs you that on the 6th March 2009 he was assaulted by members of the Swaziland Royal Police at Mbabane. Your client sustained injuries and instructs you this day to institute legal proceedings against the Government of Swaziland to recover damages.

- a) State the basis of the Government liability in this matter, citing relevant authority (3 marks)
- b) State the requirements that must be satisfied before you would institute legal proceedings against the Defendant, citing relevant authority. (3 marks)
- c) What type of summons would you serve on the Defendant and why? (4 marks)
- d) Inventing the necessary particulars, draft the pleading that you would serve on the Defendant. (40 marks)

[Total: 50 marks]

QUESTION 2

Inventing your own particulars, draft charges in respect of the following crimes in respect of one accused person:

- a) Murder; (6 marks)
- b) Culpable Homicide arising from a road traffic accident; (13 marks)
- c) Robbery; (6 marks)

[Total: 25 marks]

QUESTION 3

- a) What information must be contained in a notice requesting the Registrar to allocate a date of hearing in terms of Rule 55 A and what document must be annexed to such notice? (6 marks)
- b) What is the purpose of Discovery, how is it made and what is the time limit to make discovery? (6 marks)
- c) What is the purpose of cross-examination of witnesses during a trial? (3 marks)
- d) State the ground for making an application for absolution from the instance. (3 marks)
- e) Define Notice of Intention to Defend. (3 marks)
- f) Define Plea. (3 marks)

[Total: 25 marks]