

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2011

TITLE OF PAPER : LEGAL SYSTEMS AND METHOD
COURSE CODE : IDE - DL011
TIME ALLOCATION : THREE (3) HOURS
INSTRUCTIONS : ANSWER ANY FOUR (4) QUESTIONS
TOTAL MARKS : 100

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

QUESTION 1

With reference to decided cases discuss whether the law should be used to enforce morals. [25 marks]

QUESTION 2

- a) List the four postulates of justice. [4 marks]
- b) List three methods of appointing judges. [3 marks]
- c) Discuss what is meant by independence of the judiciary. [18 marks]

QUESTION 3

- a) Distinguish between procedural and substantive law. [5 marks]
- b) Distinguish between onus of proof and standard of proof. [5 marks]
- c) What are the two procedural steps that a litigant can take if he is not satisfied with a decision of a court? [5 marks]
- d) List the five (5) recognized primary sources of law in Swaziland. [10 marks]

QUESTION 4

Discuss the process of the making of a statute in Swaziland. [25 marks]

QUESTION 5

- a) Discuss the mischief rule of statutory interpretation. [15 marks]
- b) List four (4) advantages and two (2) disadvantages of judicial precedent [10 marks]

QUESTION 6

Discuss the reception of Roman – Dutch law in Swaziland and its consequences. [25 marks]