

**FACULTY OF SOCIAL SCIENCE**

**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2012**

**TITLE OF PAPER: THE LAW OF PERSONS & THE FAMILY**

**COURSE CODE: L203**

**TIME ALLOWED: 3 HOURS**

**INSTRUCTIONS: (1) ANSWER ALL QUESTIONS**

**(4) MARKS FOR QUESTIONS OR PARTS  
THEREOF ARE INDICATED IN BRACKETS**

**THIS PAPER MAY BE OPENED UNTIL PERMISSION HAS BEEN  
GRANTED BY THE INVIGILATOR**

### **QUESTION 1**

Legal subjectivity begins at birth. Marumo bequeathed a motor vehicle to Nosimilo, her daughter subject to the condition that she must within a year after his death, give birth to a child. Nosimilo did indeed give birth to a child within the stated period but the child died during the birth process. Will Nosimilo successfully claim her motor vehicle from the Executor of Marumo's estate?

### **QUESTION 2**

In the case of *Ex Parte Dorward 1933 NPD 17*, a thirty eight year old dentist on holiday on the south coast of Natal did not return after taking an early morning swim. Two months after her disappearance, an application for her presumption of death was launched at the High Court. What was the ruling of the case and on what considerations was it based?

[25 marks]

### **QUESTION 3**

- (a) What is meant by the term "invariable consequences of marriage"?

[5 marks]

- (b) Discuss the consequences emanating from the meaning of this phrase.

[20 marks]

TOTAL: [25 marks]

**QUESTION 4**

Discuss the factors that constitute a voidable marriage.

[25 marks]