

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2013

TITLE OF PAPER : CIVIL PROCEDURE

COURSE CODE : IDE - DL 032

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

1. ANSWER ANY FOUR (4) QUESTIONS
2. CAREFULLY READ AND UNDERSTAND THE QUESTIONS
3. PUT YOUR THOUGHTS IN AN ORGANISED MANNER WITH YOUR ANSWERS

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR

QUESTION 1

- a) What do you understand to be meant when it is said that a court has appellate jurisdiction? (5)
- b) Name a court which has appellate jurisdiction and explain from which court the appeal lies (5)
- c) What do you understand to be meant when it is said a court has revisionary/review jurisdiction? (5)
- d) Name a court that has revisionary jurisdiction and explain under what circumstances a review would be available (5).
- e) What is the jurisdictional authority of the Supreme Court, as laid down in the 2005 Constitution? (5)

(25)

QUESTION 2

List at least five sources of Civil Procedure in Swaziland.

(25)

QUESTION 3

Under what circumstances will a court dispense with, that is to say overlook or ignore, the traditional principles on standing and allow any person, who would otherwise have no loci standi in judicio, to appear in court? (12.5)

What is the reason behind the ignoring of the traditional principles on standing in such circumstances? (12.5)

(25)

QUESTION 4

In the 2005 Constitution there is a section that deals with the jurisdiction or the jurisdictional authority of the High Court of Swaziland. Set out or list the jurisdiction that is provided for the High Court. Do not set out the jurisdiction excluded from the High Court.

(25)

QUESTION 5

What are the two fundamental forms, or different methods, of proceedings that are followed in the High Court and Magistrates' Courts? (10)

How are the two methods different from each other? (15)

(25)

QUESTION 6

Write short explanatory notes on the following:

- a) Ex-parte application.
- b) Rule Nisi.
- c) Interlocutory application.
- d) Urgent application.
- e) Ordinary application.

(25)