

UNIVERSITY OF SWAZILAND  
FACULTY OF SOCIAL SCIENCE  
DEPARTMENT OF LAW

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MAIN EXAMINATION PAPER, NOVEMBER 2013

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TITLE OF PAPER : LEGAL SYSTEMS AND LEGAL METHODS

COURSE CODE : L101

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(S).

QUESTION 1

Discuss what law is. In your discussion state the differences between scientific laws and the “lawyers’ law” or law *stricto-sensu*.

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(Marks: 25)

QUESTION 2

Considering that the Constitution is the supreme law in Swaziland, state how it affects the other sources of law, namely the Roman-Dutch Common law, Swazi law and custom, and statute.

(Marks; 25)

QUESTION 3

In section 151 of the Constitution is set out the jurisdictional authority of the High Court. State the instances where the jurisdiction of the High Court is excluded, with particular emphasis on whether it is the original, appellate or revisional jurisdictions that are so excluded.

(Marks: 25)

QUESTION 4

Write short notes on the following:-

- a) *Stare Decisis* (Marks:5)
- b) *Ratio Decidendi* (Marks:5)
- c) *Ubi Ius Ibi Remedium* (Marks:5)
- d) *Audi Alteram Partem* (Marks:5)
- e) *Obiter Dicta* (Marks:5)

QUESTION 5

Discuss the postulates of justice

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(Marks: 25)

QUESTION 6

Outline the structure of courts in Swaziland.

(Marks: 25)