

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER JULY 2016**

**TITLE OF PAPER : CIVIL PROCEDURE**  
**COURSE CODE : DL 032**  
**TIME ALLOWED : THREE (3) HOURS**  
**INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS**  
**2. ALL QUESTIONS CARRY EQUAL MARKS**

**TOTAL MARKS : 100**

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR**

**QUESTION 1**

- (a) Discuss what is meant by the term “*locus standi*”? [5 Marks]
- (b) Identify and briefly discuss the people who lack *locus standi* [10 Marks]
- (c) Notice of intention to defend [5 Marks]
- (d) Submission to jurisdiction [5 Marks]

[25 Marks]

**QUESTION 2**

- (a) Outline the difference between Civil Procedure and Criminal Procedure [10 Marks]
- (b) What is the test for applying the difference between action and application procedure [5 Marks]
- (c) When does a ‘dispute of fact’ arise?(Give 3 instances) [5 Marks]
- (d) Explain “Pleadings”. [5 Marks]

[25 Marks]

**QUESTION 3**

- (a) Draw a distinction between an appeal and a review [10 Marks]
- (b) When are appeal proceedings the proper course to follow? [5 Marks]
- (c) When are review proceedings the proper course to follow? [5 Marks]
- (d) Appeals from magistrate court decisions [5 Marks]

**Total Marks [25 Marks]**

**QUESTION 4**

There are certain rules every litigant must follow when drafting pleadings. Discuss these rules in detail. **[25 Marks]**

**QUESTION 5**

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

How are the two methods different from each other?

**[25 Marks]**