

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

MAIN EXAMINATION PAPER, MAY 2016

TITLE OF PAPER: LEGAL SYSTEMS

COURSE CODE: LAW 102

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER QUESTION 1, (WHICH IS COMPULSORY), AND ANY
THREE (3) OTHER QUESTIONS OF YOUR CHOICE.

TOTAL NUMBER OF QUESTIONS TO BE ANSWERED ARE FOUR

(4)

DO NOT BE OPEN THE QUESTION PAPER UNTIL PERMISSION HAS BEEN GIVEN
BY THE CHIEF INVIGILATOR.

QUESTION ONE [COMPULSORY]

Besides law, there are other normative systems that regulate human conduct. Religion, the morality/ethics of the individual, and the mores of the community, provide examples. There are many similarities between these and law, as there are also many differences.

Using the theoretical knowledge learnt, and case law such as Prince v President of the Law Society, Cape of Good Hope, and others 1998 8 BCLR 976 (c); R v Brown [1993] 2 All ER 75; Shaw V DPP [1962] 2 All ER 446; and R v Betty Motsa 1970-76 SLR 200 (HC), compare and contrast the relationship between law *stricto sensu* with the other normative systems mentioned here.

[25 marks]

QUESTION TWO

By way of a diagram, illustrate the classification or division of law.

[25 marks]

QUESTION THREE

Distinguish/Differentiate the following:

a) International law and National law.

[5 marks]

b) Public law and Private law.

[5 marks]

c) Substantive law and Adjective law.

[5 marks]

d) Civil law and Criminal law.

[5 marks]

e) Contract and Delict.

[5 marks]

[Total marks:25]

QUESTION FOUR

The postulates of justice are the support elements which the law must comply with if it is not to be unjust. Discuss how the five postulates of justice go about in achieving justice.

[25 marks]

QUESTION FIVE

Busisiwe is out doing some shopping in Manzini. She is carrying with her a shopping bag. Because the next shop she wants to go to does not permit customers to bring in shopping bags with them, she decides to leave it at a kiosk, serving as a cloak-room, adjacent to the shop. The attendant of the cloak-room gives her a ticket assigned to the shopping bag. She is to be charged depending on the minutes she has left the shopping bag at the cloak-room. Half an hour later, she returns to be met by a closed door at the kiosk. There is no sight of the attendant nor of her shopping bag with her items. She is distraught and reports the incident to the nearest police.

From the single act of the cloak-room attendant, identify how many legal actions arise. State whether they are under private law or public law and which parties would be involved at their hearing.

[25 marks]

QUESTION SIX

The Latin phrase '*ubi ius ibi remedium*' means that where there is a right there is a remedy. Differently put it amounts to this: the law will not suffer an injury without a remedy.

- a) Making your own facts give a legal example where a right and a duty are created, indicating the classification/division of law under which the right and duty are to be found.

[12 marks]

- b) State how does a party go about enforcing his/her right or obtain a remedy, indicating the classification/division of law under which the seeking of the remedy is to be found.

[13 marks]

[Total marks:25]

END OF QUESTION PAPER.