

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW**

RE-SIT EXAMINATION PAPER, JULY 2017

TITLE OF PAPER: LEGAL SYSTEMS

COURSE CODE: LAW 102

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS OF YOUR CHOICE.

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

QUESTION ONE

Distinguish substantive law from adjective law. In your answer, give three examples in each case.

[25 marks]

QUESTION TWO

Using the technique of reading a court cases, give a summarized version of the case of *R v Brown & Others [1992] 2 All ER 552*. You have to follow the format that will provide the facts, the legal issue, and the *ratio decidendi*.

[25 marks]

QUESTION THREE

As a direct result of the reception of Roman-Dutch law, Swaziland ended up with a dual legal system and a dual structure of courts. Discuss how the dual legal system and dual structure of courts apply in the country.

[25 marks]

QUESTION FOUR

Briefly discuss the following:

- a) Ratio decidendi. [5 marks]
- b) Obiter dictum. [5 marks]
- c) Legal capacity. [5 marks]
- d) Artificial personality. [5 marks]
- e) Jurisdiction. [5 marks]

[Total marks:25]

QUESTION FIVE

Draw a diagram depicting the duality of the Swaziland court structure.

[25 marks]