

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
DEPARTMENT OF LAW  
FINAL EXAMINATION PAPER, DECEMBER, 2017

TITLE OF PAPER : LEGAL SYSTEMS  
COURSE CODE : IDE LAW 101 (IDE-LLB & DIP. LAW)  
TIME ALLOCATION : THREE (3) HOURS  
INSTRUCTION : ANSWER QUESTION 1 AND  
THREE OTHER QUESTIONS  
TOTAL MARKS : 100

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## QUESTION 1

The Mfabantfu Community has a recurring problem during their ploughing session. Every year when it is this session it so happens that some members of the community have not removed their herd of cattle from the ploughing fields. They have approached the Chief of the area at the Umphakatsi and through his Libandla the Chief has advised them of a need to have proper legislation to address this recurring problem. The Community has approached you to advise them on how they can be able to achieve their wish to have a law passed through Parliament that would solve their problem.

Advise the Community concerning what should happen up until the law is promulgated.

[25 marks]

## QUESTION 2

- a) Using the normative system of morality discuss how law can be distinguished from other normative systems which also prescribe and proscribe certain conduct.

[20 marks]

- b) List the primary sources of law in Swaziland.

[5 marks]

[TOTAL MARKS 25]

## QUESTION 3

- a) Discuss the nature of law. [10 marks]

- b) State five factors that may discourage a litigant from resolving his dispute through litigation. [10 marks]

- c) List three principal methods of alternative dispute resolution. [3 marks]

- d) List the two (2) distinct forms of litigation proceedings. [2 marks]

[TOTAL MARKS 25]

#### QUESTION 4

- a) Discuss the requirements that should be satisfied in order for delegated legislation to be valid. [15 marks]
- b) Discuss what common law may mean to a legal practitioner. [10 marks]

**[TOTAL MARKS 25]**

#### QUESTION 5

- a) What are two remedies that are available to a litigant who is not satisfied with a judgment of a court? [2 marks]
- b) What is meant by the existence of a dispute of fact? [5 marks]
- c) What is meant by administration of justice? [5 marks]
- d) Discuss the uniform stages of negotiation. [10 marks]
- e) What is meant by a non-legal source of law? [3 marks]

**[TOTAL MARKS 25]**

#### QUESTION 6

With reference to English law decided cases discuss whether the law should be used to enforce morals.

**[25 marks]**