

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
SUPPLEMENTARY EXAMINATION PAPER, JULY, 2018

TITLE OF PAPER : LEGAL SYSTEMS  
COURSE CODE : IDE – LAW101  
TIME ALLOCATION : THREE (3) HOURS  
INSTRUCTION : **ANSWER QUESTION 1 AND THREE  
OTHER QUESTIONS**  
TOTAL MARKS : 100

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN  
GRANTED BY THE INVIGILATOR

### QUESTION 1

In Matsamo there is a lake called Lake Matsamo. This famous lake is a source where a number of fisherman derive an income from the available species of fish, particularly the famous 'Matsamo fish.' However, there is a specific type of fish that these fisherman are prohibited from fishing being the crayfish. This prohibition is in terms of the Fisheries Ordinance 30 of 1920. Chakijane Chakide, a highly skilled fisherman who is also a celebrity in the Matsamo area has been caught having unlawfully fished the prohibited species of fish. The boat that he used when committing the illegal act was also confiscated when he was arrested. This boat, however, does not belong to Chakide but belongs to a third party who was not a party to the crime. The prosecutor in the case has applied for the forfeiture of the boat. Chakide's legal counsel has argued that the section that relates to forfeiture of the boat was never intended by the legislature to apply to punish individuals not otherwise involved in the illegal act.

Referring to relevant decided cases discuss how the Court must interpret the section relating to forfeiture. [25 marks]

### QUESTION 2

Critically discuss whether the law should be used to enforce morals

[25 marks]

### QUESTION 3

- a) List three examples of alternative dispute resolution methods. [5 marks]
- b) What are the advantages of alternative dispute resolutions methods when compared to litigation? [20 marks]

### QUESTION 4

Discuss the anatomy and making of a statute in Swaziland.

[TOTAL MARKS 25]

### **QUESTION 5**

Discuss what delegated legislation is and what its requirements are. (Ensure that you cite the relevant legal sources.)

[25 marks]

### **QUESTION 6**

According to Hahlo and Kahn, common law means three things to modern lawyers. Discuss.

[TOTAL MARKS 25]