

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

MAIN EXAMINATION PAPER, MAY 2018

TITLE OF PAPER: LEGAL DRAFTING

COURSE CODE: LAW 208

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]

Vladimir and Cleopatra are two minor children born of a married couple, Saverious and Elizabeth Bhembhe. One of the parents, the father to the children, is away on study overseas. The mother of the children desires to travel with them to Cape Town, South Africa, to see both the Table Mountain and the Robben Island.

Draft an affidavit, sworn to by the father of the children, in which he consents to the travel, of the children in the company of their mother, and for use through the immigration posts. Be sure to incorporate all the essential requirements that go into an affidavit.

[25 marks]

QUESTION TWO

Legislative enactments, or statutes provide a source of law. Modern-day society has found legislation an increasingly convenient and useful vehicle of the law-making process.

Discuss the advantages of this form of law-making and how it can be improved for the benefit of the audience it is intended for.

[25 marks]

QUESTION THREE

Your principal requires of you to prepare an opinion, in a memorandum format, dealing with the provisions of section 174(4) of the *Criminal Procedure and Evidence Act 67 of 1938*.

Assuming that you are a law clerk or candidate attorney in a law firm, and relying on decided case law to show how courts have given interpretation to the provision, prepare the opinion, as instructed by your principal. In doing so, avoid the temptation of dwelling unduly on the facts of the decided cases. It is the essence of the interpretation of the provision that is of importance.

[25 marks]

QUESTION FOUR

Write short explanatory notes on the following:

a) A Bill.

[5 marks]

b) An Act of Parliament.

[5 marks]

c) Audience.

[5 marks]

d) Deponent.

[5 marks]

e) Commissioner of Oaths.

[5 marks]

[Total marks:25]

QUESTION FIVE

Discuss what legal drafting is and the role it plays in both the private and public law spheres.

[25 marks]

END OF QUESTION PAPER.