



**UNIVERSITY OF ESWATINI  
INSTITUTE OF DISTANCE EDUCATION  
BACHELOR OF LAWS/DIPLOMA IN LAW  
FINAL EXAMINATION PAPER APRIL 2021**

**TITLE OF PAPER:       LEGAL SYSTEMS**

**COURSE CODE   :       IDE –LAW101**

**TIME ALLOCATION:  THREE (3) HOURS**

**INSTRUCTION: ANSWER QUESTION 1 (COMPULSORY) AND THREE  
OTHER QUESTIONS**

**TOTAL MARKS: 100**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION IS GIVEN BY THE  
INVIGILATOR.**

### QUESTION 1

According to the Wolfenden Report, the question of enforcing morals through the law should be resolved by distinguishing immoralities that relate to public interests from immoralities that are merely private. Drawing from the case of **R v Brown** critically discuss the above statement.

[25 marks]

### QUESTION 2

- (a) With the use of case law, critically discuss the three canons of interpretation, the Literal Rule, Golden Rule and Mischief Rule.

15 marks

- (b) Unless the contrary can be proved, judges will occasionally turn to presumptions in their interpretation of statutes. With the aid of case law discuss extensively.

10 marks

[25 marks]

### QUESTION 3

- a) The criminal law is not just for the protection of individuals but also for the protection of society. Drawing from the Hart-Devlin debate, give a comprehensive discussion of the subject matter to which the statement refers.

20 marks

- b) Differentiate Procedural law from Substantive law.

5 marks

[25 marks]

### QUESTION 4

Render brief discussions of the following maxims:

- (a) *Expression unius est exclusio alterius*

5 marks

- (b) *Ejusdem Generis*

5 marks

- (c) *Pari materia*

5 marks

- (d) *Inter alia*

5 marks

- (e) Difference between the *expressio unius* and *ejusdem generis maxims*

5 marks

[25 marks]

## QUESTION 5

Alternative Dispute Resolution is premised on three methods. Mention and give a detailed discussion of these methods, detailing the stages of each where applicable. [25 marks]