UNIVERSITY OF FORT HARE
NELSON R MANDELA SCHOOL OF LAW
(East London)

SOCIAL SECURITY LAW
(LES422E)

MAIN DEGREE EXAMINATIONS

OCTOBER/NOVEMBER 2019

Time: 3 hours
Subject: Social security law
Marks: 100

This paper consists of THREE pages including the cover page

Internal Examiner
Dr S Mota Makore

External Examiner
Adv AW Makulana

INSTRUCTIONS

1. Answer ALL questions.
2. Refer to legislative provisions, case law, and/or any relevant authority, where applicable.
3. Pay careful attention to the marks allocated.
4. WRITE LEGIBLY.
QUESTION 1

1.1 The concept of social security can be broadly construed to include various 'strands.' Explain the differences between these social security 'strands' by referring to specific features of each. (25 Marks)

QUESTION 2

2.1 What is meant by the assertion South African Social Security System is based on 'work ethic' (5 Marks).

2.2 Discuss the various types of grants in South Africa, their regulation and the eligibility conditions. (15 Mark)

QUESTION 3

3.1 Mr and Mrs Modecai fled the Republic of Gareza on account of the civil war which began in their homeland after western sponsored militia took down their leader. Subsequently, they have acquired permanent residence status following a series of amnesties and concessions granted by the South African government as exemption to the immigration. Mr and Mrs Modecai have approached the social security office responsible for the administration of social benefits for old age and child support grant. However, they were informed by the grant administrator that they would only qualify for social assistance had they been South African citizens. For that reason, they should return to their homeland country and come back to the social security office once they have acquired South African citizenship.

With reference to South African Constitution, 1996, relevant legislation, and various case law discuss the constitutionality of the decision by the grant administrator. (20 Marks)

3.2 Mr Pearson is employed on part-time basis by the University of Garlaxy as a payroll officer. He was instructed by his human resource director to go and pay the utility bills for the University of Garlaxy at the nearby municipal office. Whilst on his way driving to the municipal offices Mr Pearson decided to stop and grab his favourite pie from a nearby service station. Whilst in the service station a notorious gang of robbers entered into the shop and sprayed bullets randomly at the occupants. Subsequently, the gang of robbers got away from the service station with more than 100 000 rands. Mr Pearson
has sustained serious head and leg injuries which emanated from the shooting which took place.

With reference to the South African Compensation for Occupational Injuries and Diseases (COIDA) discuss whether Mr Pearson can be compensated for injuries he sustained. (20 Marks)

3.2.1 Would your answer be different if Mr Pearson had been injured in a car accident whilst driving his employer’s motor vehicle on the road to pay the employer’s utility bills? (15 Marks)

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