

**UNIVERSITY OF FORT HARE  
NELSON MANDELA SCHOOL OF LAW**

**(East London)**

**FAMILY LAW**

**LFM 113L**

**SUPPLEMENTARY DEGREE EXAMINATIONS**

**June/July 2023**

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**Time: 3 HOURS**

**Subject: FAMILY LAW (LFM 113L)**

**Marks: 100**

**This paper consists of (THREE) 3 pages including the  
cover page**

**Internal Examiner: Ms A MBOLAMBI**

**Moderator: Ms R Muvhevi**

**INSTRUCTIONS**

- 1. Answer all questions**
- 2. Do not separate subsections of questions**
- 3. Pay careful attention to marks allocated**
- 4. Refer to relevant case law / legislation, where applicable**

## QUESTION 1

With reference to decided cases and relevant legislation, discuss the various matrimonial property systems available to spouses in South Africa.

**[25 MARKS]**

## QUESTION 2

A young girl (20-year-old), all dressed in white on the steps of East London Magistrate Court, stands sobbing. Her father is shouting into a cellphone, his face contorted with emotions of sorrow, love, anger and shame. He is talking to the parents of his daughter's fiancé. His daughter's fiancé has not appeared at the appointed time and place to go through the civil marriage and make good on his promise to marry her. The daughter is crying not only because of the callous manner in which she has been jilted, but also because she has, in anticipation of the marriage & in reliance on her fiancé's promise, given up her virginity to him during her engagement & she discovered only yesterday that she is pregnant with their child.

The young girl approaches you as an attorney seeking advice on the following aspects;

- (a) Whether there was a valid engagement contract between them?  
**(5 marks)**
- (b) Whether the requirements of a valid engagement were complied with or not?  
**(10 marks)**
- (c) Whether her fiancé breached the contract of engagement or not?  
**(5 marks)**
- (d) Whether she has a legal recourse against her fiancé / claim for damages for breach of contract?  
**(10 marks)**

**[30 MARKS]**

### QUESTION 3

Mr Masipa concluded a marriage with Mrs Masipa. At the time of entering into the marriage, Mr Masipa was aware of the fact that he was sterile but he fraudulently concealed this fact.

(a) What is the legal status of the marriage between Mr Masipa and Mrs Masipa? Refer to applicable case law in your answer.

**(10 Marks)**

(b) What are the consequences of the marriage between Mr Masipa and Mrs Masipa?

**(15 Marks)**

**[25 MARKS]**

### QUESTION 4

Peter a 30-year-old major, a Chartered Accountant (CA) by profession employed as a Deputy Auditor General and his currently based in Pretoria. Peter gets too frustrated with his job as a result he decided to take a leave and go on a vacation in Cape Town, while on vacation he met with Sive a 14-year-old minor who still live with both her parents and both parents are strong believers of Christianity. Peter and Sive have decided to get married and they approached Sive's parents for permission to marry as per Section 24(1) of the Marriage Act 25 of 1961. Sive's parents have refused to grant Sive the requisite permission to marry.

Sive and Peter approach you as a lawyer for advice. Advise them of the requirements of a civil marriage and the possible avenues that they may exhaust when both parents have refused to grant Sive permission to marry. When advising the parties cite relevant authorities.

**[20 MARKS]**

**[TOTAL MARKS: 100]**