

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

LEGAL SKILLS  
LEG113E

EXAMINATIONS 2023  
SUPPLEMENTARY EXAMINATION PAPER

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Time: 3 hours  
Subject: LEGAL SKILLS  
Code: LEG113E  
Marks: 100

**EXAMINERS:**

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**Internal Examiners:**  
Dr. Siyabulela Christopher Fobosi

**External Examiner:**

**INSTRUCTIONS**

1. Answer ALL questions.
2. Substantiate your answer by reference to applicable case law and/or legislation.

**QUESTION 1**

Using the Point-of-view, Reason, Evidence and Summary (PRES) formula, answer the following question:

1. Is driving under the influence of alcohol a criminal offence?

**[15 Marks]**

**QUESTION 2**

Define the following three steps in the planning of any type of persuasive writing:

- Step 1 *identify and list your objectives*
- Step 2 *Identify and list your strategy and tactics*
- Step 3 *REPOV – “Recipients of View”*

**[6 Marks]**

**QUESTION 3**

Name six rules to apply to “state what you mean”

**[12 Marks]**

**QUESTION 4**

Match the following types of research:

1.	Exploratory or formulative research	A.	describes accurately the characteristics of a particular individual, situation or a group.
2.	Descriptive research	B.	is intended to gain familiarity with a phenomenon or to achieve new insights into research.

3.	Diagnostic research	C.	includes surveys and fact-finding enquiries. The main characteristic of this method is that the researcher has no control over the variables; he can only report what has happened or what is happening.
4.	Descriptive research	D.	the researcher has to use facts or information already available, and analyse these in order to make a critical evaluation of the material.
5.	Analytical research	E	aims at finding a solution for an immediate problem facing a society or an industrial/business organisation.
6.	Applied research	F	determines the frequency with which something occurs or with which it is associated with something else

[12 Marks]

### QUESTION 5

Define the following types of reasoning:

1. Inductive reasoning
2. Deductive reasoning
3. Conductive reasoning
4. Analogical reasoning

[8 Marks]

### QUESTION 6

Briefly explain the differences between methodology and research methods

[20 Marks]

### QUESTION 7

**Problem-solving**

Monty Roadman was arrested last night in his car. While patrolling, two police officers found Mr Roadman asleep in his car with the hazard lights flashing and the engine on. Mr Roadman's legs and buttocks were on the driver's side of the front seat, but his upper body was slumped over onto the passenger side. The car was located at the edge of the roadway, with three wheels off the tarred road, on the grass at the side of the road, but the back-right tyre was still touching the tarred road.

The car spluttered to a stop just as the police arrived as it had run out of petrol. Because of the smell of alcohol coming from the inside of the car and because the officers could see an open bottle of whiskey on the passenger seat, the police presumed that Mr Roadman had been drinking. They woke him up, required him to take a breathalyser test and found that his breath contained 0,3 milligrams of alcohol per 1 000 millilitres. They thereupon arrested Mr Roadman and took him to the police station where they took a blood sample, approximately 90 minutes after they found him at the side of the road. Mr Roadman was charged under section 65 of the National Road Traffic Act 93 of 1996, set out below.

#### **Section 65 of National Road Traffic Act 93 of 1996:**

**Driving while under the influence of intoxicating liquor or drug having narcotic effect, or with excessive amount of alcohol in blood or breadth.**

- (1) No person shall on a public road –
  - (a) Drive a vehicle; or
  - (b) Occupy the driver's seat of a motor vehicle the engine of which is running, while under the influence of intoxicating liquor or a drug having a narcotic effect.
- (2) No person shall on a public road –
  - (a) Drive a vehicle; or
  - (b) Occupy the driver's seat of a motor vehicle the engine of which is running, while the concentration of alcohol in a specimen of blood taken from any part of his body is not less than 0,05 grams per 100 millilitres.

...

- (5) No person shall on a public road –
  - (a) Drive a vehicle; or
  - (b) Occupy the driver's seat of a motor vehicle the engine of which is running, while the concentration of alcohol in any specimen of breath exhaled by such person is not less than 0,24 milligrams per 1 000 millilitres.

**Rule of law**

1. What does the statute require the state to prove in order to find Mr Roadman guilty of driving while under the influence of intoxicating liquor or a drug having narcotic effect, or with excessive amount of alcohol in blood or breath?

**Application**

2. a. Was Mr Roadman driving a motor vehicle or occupying the driver's seat? Why or Why not?  
b. Was Mr Roadman on a public road? Why or why not?  
c. Was the engine running? Why or why not?  
d. Was Mr Roadman under the influence of alcohol, considering his breath analysis and his blood alcohol level? Why or why not?

Consider each of these aspects from the perspective of both the prosecution and the defence.

**Conclusion and comment**

3. Will Mr Roadman be convicted? Is it "just" for police to prosecute Mr Roadman on the facts of this case?

**[27 Marks]**

**[Total for this paper: 100 marks]**

**-END OF EXAMINATION-**