

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

INTRODUCTION TO LAW  
LPI 113L

MAIN EXAMINATION  
JUNE/JULY 2023

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Time: 3 hours  
Subject: INTRODUCTION TO LAW (LPI 113L)  
Marks: 100

This paper consists of 3 pages including the  
cover page

Internal Examiners

Ms R Muvhevi  
Ms V Tatchell

INSTRUCTIONS

1. Answer ALL (3) questions.
2. Do not separate subsections of questions.
3. Refer to legislative provisions, case law, and/or any relevant authority, where applicable.
4. Pay careful attention to marks allocated.
5. WRITE LEGIBLY.

### QUESTION 1

Criminal law is found in both common law and statute. Can the legislature, at any time decide to change or expand common law crimes and convert them to statutory crimes? Refer to relevant case law and legislation. **[25 Marks]**

### QUESTION 2

In a criminal case, in order to convict the criminal offender, the state has to prove all the essential elements of the crime beyond reasonable doubt. One of those elements is unlawful voluntary conduct.

- 2.1 With reference to relevant authority, discuss the characteristics that must be available to meet the requirements for unlawful voluntary conduct. **[25 Marks]**
- 2.2 Discuss the defences excluding unlawful voluntary conduct. Refer to relevant cases and authority **[25 Marks]**

### QUESTION 3

Ms Eve (her name has been withheld as she is a minor) is a grade 11 learner. In her first three years at high school, she was very rebellious and constantly flouted school rules. She recently became very religious and has started wearing a head scarf to school with her existing school uniform. She has been warned verbally by her class teacher and the principal that this is in contravention of the school's strict rules regulating uniforms. On 01 March 2013 her parents receive a letter from the school stating that she is required to comply with the with school uniform rules which provide that only 'school hats may be worn with school uniforms and designated white sport hats with sports uniforms. No other head gear may be worn by learners.' The letter informs Ms Eve's parents that a head scarf is not a school hat and may not therefore be worn at the school. The letter states further that the school's reasons for its approach are:

- a) The school's uniform policy serves the purpose of ensuring that learners are neat and tidy for school. It also ensures that all learners wear appropriate clothing including sun hats when they are outside.
- b) The school is non-denominational, and the school does not want show favouritism towards any one religion; and

- c) They believe that this is simply another of Ms Eve's antics that reflect her defiant attitude towards authority.

Ms Eve and her parent are angry at the school's refusal to accommodate her religious beliefs. Ms Eve feels that she is being treated like a child and that none of her teachers take her religious beliefs seriously which undermine her dignity. Ms Eve and her parents approach you for advice on the following issues:

- i. Has Ms Eve been discriminated against in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000?
- ii. If there is discrimination, would it be unfair?
- iii. If there is a finding of discrimination would the discrimination be unfair in terms of the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000?

**[25 Marks]**

**TOTAL 100 MARKS**