

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

LEGAL SKILLS
LEG113L

EXAMINATIONS 2023
MAIN EXAMINATION PAPER

Time: 3 hours
Subject: LEGAL SKILLS
Code: LEG113L
Marks: 100

EXAMINERS:

Internal Examiners:
Mrs. Anel Odendaal

Internal Examiner:
Mr. Pango

INSTRUCTIONS

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

QUESTION 1

1.1 The highest court in South Africa

- A) The Supreme Court of Appeal
- B) The Supreme Court
- C) The Constitutional Court
- D) The High Court

1.2 The Supreme Court of Appeal

- A) Is bound by its own decisions and sits in Johannesburg
- B) Is not bound by its own decisions and sits in Johannesburg
- C) Is bound by its own decisions and sits in Bloemfontein
- D) Is not bound by its own decisions and sits in Bloemfontein

1.3 High courts

- A) Are only bound to Constitutional Court decisions
- B) Are bound to Constitutional and Supreme Court of Appeal decisions only
- C) Are bound to Constitutional and Supreme Court of Appeal decisions and bound by "larger courts" in its High Court area
- D) Are bound to Constitutional, Supreme Court of Appeal decisions and all High Court decisions

1.4 The hierarchy of the courts in South Africa is as follows:

- A) Supreme Court of Appeal, Constitutional Court, High Courts, Magistrates Courts
- B) Constitutional Court, Supreme Court of Appeal, High Courts, Magistrates Courts
- C) Constitutional Court, Supreme Court of Appeal, Magistrate Courts, High Courts
- D) Constitutional Court, Supreme Court of Appeal, Supreme Courts, Magistrates Courts

1.5 A law made by a municipality is called a:

- A) regulation
- B) stipulation
- C) by-law
- D) municipal law

1.6 When you observe a lot of seagulls and see that they are all white, and you conclude that all seagulls are white – it is an example of...

- A) Inductive reasoning
- B) Deductive reasoning
- C) Illogical reasoning
- D) A *non sequitor*

1.7 The tone of your voice and your body language are examples of:

- A) non-verbal cues
- B) saying what you mean
- C) convincing your opponent
- D) effective speaking techniques

1.8 The best way to minimise ambiguity in oral communication is to:

- A) Use abstract words
- B) Use non-verbal cues
- C) Use concrete words
- D) Use words with vague meanings

1.9 The Chief Justice of South Africa

- A) Justice RMM Zondo
- B) Justice MML Maya
- C) Judge YJM Hlope
- D) Judge D Mlambo

1.10 When is it not possible to prove that a premise or inference must be accepted as 100% true, the argument will have to be made using which type of reasoning?

- A) Deductive
- B) Conclusive
- C) Argumentative
- D) Inductive

1/3 [20 Marks]

QUESTION 2

State whether the following is True or False:

2.1 A High Court will usually follow a previous judgment of a High Court of equal size, unless it is satisfied that that judgment was clearly wrong.

2.2 Magistrates courts are always bound by decisions of other Magistrates courts.

2.3 The Constitution is uncodified.

2.4 The Constitution sets out the basic principles according to which the country is governed.

2.5 Common law always prevails over legislation. ✓

2.6 Words such as “surely”, “clearly” and “obviously” are often used as substitutes for real evidence. ✓

2.7 Clear thinking does not require a clear understanding of the meanings of words.

2.8 Quotation marks are also called inverted commas.

2.9 The ellipsis is usually used to introduce a list or to introduce further clarification.

✓ [9 Marks]

QUESTION 3

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

Is driving under the influence of alcohol a criminal offense? (15) *15*

3.2 Name six rules to apply in order to “state what you mean” in writing. (12) *10*

3.3 Match column A with column B:

A	B
1. Deductive Reasoning <i>c</i>	a) Intertwined with the use and study of language
2. Rules of Logic	b) Labels we give the reasons why premises are sometimes incorrectly accepted as true
3. Valid argument <i>e</i>	c) A process of reasoning that attempts to establish conclusive inferences
4. <i>Non Sequitur</i> <i>g</i>	d) Repeating the same arguments in different words
5. Inductive Reasoning <i>f</i>	e) If every inference drawn follows logically from the starting premises or previous inferences
6. Logical fallacies <i>b</i>	f) When trying to prove an argument by relying on different starting premises to show that your argument is probably true
7. Using tautologous arguments <i>d</i>	g) Where the conclusion does not follow from the premises

14 (14)
~~12~~

[41 Marks]

QUESTION 4

Your friend Sive's mother, Mrs. Mbude, owns a ballet school. Sive approaches you and says that his mother needs assistance in getting payment out of one of the parents, Mrs. Smith, who owes R2600.00 in outstanding ballet fees. His mother has asked and pleaded with Mrs. Smith to pay the outstanding fees but to no avail. Sive has heard that you can go to the Small Claims Court if your claim is below a certain amount.

4.1 Advise Sive of when you can approach the Small Claims Court and what the procedure is (5)

4.2 Draw up a letter of demand for Mrs. Mbude to be delivered to Mrs. Smith. (15)

↳ objective
↳ Target
↳ REPOV

[20 Marks]

QUESTION 5

Match column A with column B:

A	B
1. <i>stare decisis</i> e	a) done afterwards, retroactive
2. <i>status quo</i> i	b) a final warning
3. <i>alma mater</i> j	c) word for word
4. <i>sine die</i> d	d) postponement without naming a specific date
5. <i>verbatim</i> c	e) to stand by things decided
6. <i>ultimatum</i> b	f) with reference to
7. <i>re</i> f	g) incidental remark or observation
8. <i>ex post facto</i> a	h) in good faith
9. <i>bona fide</i> h	i) the current position
10. <i>obiter dictum</i> g	j) the school or university attended

10 [10 marks]

[Total for this paper: 100 marks]

-END OF EXAMINATION PAPER-