

Tutorial Letter 101/3/2021

Skills Course For Law Students SCL1501

Semesters 1 and 2

Department of Jurisprudence

This tutorial letter contains **important information** about your module. This letter contains the **assignments** for this year, as well as **crucial information on the examination**.

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1 INTRODUCTION

Dear Student

As part of this tutorial letter, we wish to inform you that Unisa has implemented a transformation charter based on five pillars and eight dimensions. In response to this charter, we have also placed curriculum transformation high on the agenda. For your information, curriculum transformation includes the following pillars: student-centred scholarship, the pedagogical renewal of teaching and assessment practices, the scholarship of teaching and learning, and the infusion of African epistemologies and philosophies. These pillars and their principles will be integrated at both the programme and module levels, as a phased-in approach. You will notice the implementation thereof in your modules, and we encourage you to fully embrace these changes during your studies at Unisa.

1.1 Getting started

We are truly excited to welcome you to the module Skills Course for Law Students (SCL1501) offered in the Department of Jurisprudence. We are confident that you will find it both interesting and helpful. Our approach to this module recognizes the importance of blending theory and practice. We will therefore make it as practical as possible so that you can learn and develop the legal skills that are so crucial to a student of law.

However, not all this will be possible if you are not prepared to do the activities that we give you in the various study units in your study material. Above all, you should not be satisfied with merely absorbing the content of the study material. You will realise, as you go through your study material that we encourage you to engage the material so that you can be able to apply whatever skill is taught with confidence!

In this Tutorial Letter 101, you will find the assignments for both semesters, as well as the instructions for the preparation and submission of the assignments.

The Department of Despatch should supply you with the following study material for this module upon registration:

- The Study Guide
- Tutorial Letters 101 and 301

Later in the semester, you will receive the following study material:

- Tutorial Letter 201, which contains feedback on the assignments

Note: Study material that is not available when you register will be posted to you as soon as possible, but will also be **available on the SCL1501 myUnisa site under “Official Study Material” and “Additional Resources”**.

Tutorial Letter 101: This tutorial letter contains important information about **administrative arrangements**, as well as the **assignments** for this module. We urge you to read it carefully and to keep it at hand when working through the study material, completing the assignments, preparing for the examination and addressing questions to your lecturers.

Tutorial Letter 301 (for all LLB students): Please read Tutorial Letter 301 in combination with Tutorial Letter 101 as it provides you with important **general information** on studying at UNISA and, specifically, within the College of Law. That tutorial letter is prepared and distributed by the office of the Director of the School of Law; all queries about this letter should be directed to that office (lawdeanery@unisa.ac.za).

The **Study @ Unisa brochure** will also be posted to you, but is available for downloading from the main myUnisa website on the landing page, before you login to your myUnisa account (see para 5 below). That document contains important information on administrative matters related to your studies. Please read it carefully. The majority of your general enquiries will be addressed in this letter. Once available, we will also upload it on the module's myUnisa page, under Additional Resources.

myUnisa: Remember that myUnisa provides you with additional opportunities to participate in activities and discussions relevant to this module. It also makes it easy to view the status and results of your assignments. For more information on making use of myUnisa for purposes of this module, please also read paragraph 5.3 below. However, you must claim your Unisa login to be able to submit assignments and the portfolio, to gain access to the library functions and various learning resources, to download study material, to chat online to fellow students and the lecturers about your studies and the challenges you encounter, and to participate in online discussion forums. Instructions on how to claim your Unisa login can be found on the myUnisa homepage. Please go to <https://www.unisa.ac.za/>.

We hope that you will enjoy this module and wish you all the best! Please remember that there is no such thing as a silly question and you are always welcome to contact your lecturers when you have a problem with the material covered in the study material.

2 PURPOSE AND OUTCOMES

2.1 Purpose

The module introduces beginner students in the study of law or legal studies, to the concept of law and thereby gives them an overall background to the study of law. Its approach is to assist students develop important skills which are crucial for them to be able to use or apply when they interact with the law from a student point of view. Therefore this module prepares students to study better, and to practically demonstrate their skills in law and be better equipped for the challenges that legal practice will pose to them.

2.2 Outcomes

After successful completion of the module, you will be able to:

- Apply effective study skills and strategies
- Read and interpret primary legal documents
- Apply effective communication and litigation skills
- Outline the different role players in the South African legal system
- Apply basic numeracy skills relevant to legal practice

3 LECTURER(S) AND CONTACT DETAILS

3.1 Lecturer(s)

The module leader responsible for this module is **Ms Pamela Nyawo**.

All **written enquiries about the contents of this module**, in other words enquiries that are not of a purely administrative nature, should be directed to:

The Module Leader (SCL1501)
Department of Jurisprudence
PO Box 392
UNISA
0003

It is, however, much quicker, easier and more reliable to reach your lecturers via *email*.

Your lecturers in this module are:

Ms Pamela Nyawo

Tel: (012) 433 7810
Email: nyawopan@unisa.ac.za
Office: UNISA Brooklyn Campus
337 Veale Street, Brooklyn 0181
Department of Jurisprudence
Room 2-39

Module leader

Prof IJ Kroeze

Tel : 012 433 9528
Email : kroezej@unisa.ac.za
Office: UNISA Brooklyn Campus
337 Veale Street, Brooklyn 0181

Department of Jurisprudence
Room 2-009

Feel welcome to visit our offices to discuss any queries or problems. However, please **make an appointment** to ensure that we are able to assist you. For telephonic enquiries, please have your study material at hand when you contact us about the contents of the module.

Please note that the **core business hours** of the University are between **09:00 and 13:00** on weekdays. It is best to try to reach lecturers telephonically during this time. **The most convenient and reliable way to communicate with lecturers is via email.** We will get back to you as soon as possible and we aim to address all queries within two working days.

Please note that we **do not** respond to emails, nor do we answer our student cell phones, **over weekends**. You may contact lecturers on student cell phones **only between 08:00 and 16:00** on weekdays. This is non-negotiable.

PLEASE NOTE: Lecturers **cannot assist you with general administrative matters**, including those pertaining to registration, submission of assignments, examination dates/venues or examination results. Such matters should be addressed to the relevant administrative department(s). Please see the Study @ Unisa brochure in this regard. Please make use of the following contact details for general enquiries:

Unisa toll-free general enquiries line: 0800 00 1870

General enquiries regarding the College of Law: lawdeanery@unisa.ac.za

Application and registration enquiries: Study-info@unisa.ac.za; jus@unisa.ac.za

Assignment enquiries: assign@unisa.ac.za

Examination enquiries: exam@unisa.ac.za

Sick or aegrotat exam enquiries: aegrotats@unisa.ac.za

Study material enquiries: despatch@unisa.ac.za

Student account enquiries: finan@unisa.ac.za

Assistance with myUnisa: myUnisaHelp@unisa.ac.za

Assistance with myLife email accounts: myLifeHelp@unisa.ac.za

Unisa First-year experience (FYE) queries: FYE@unisa.ac.za

3.2 Department

You can also contact the Department of Jurisprudence on: 012 433 9479 or 012 433 9480

Email: madihmp@unisa.ac.za or mkhomme1@unisa.ac.za

Please note that the Department of Jurisprudence is ***not*** situated on the Muckleneuk (Main) Campus of Unisa.
We are situated at the **UNISA Brooklyn Campus**.

3.3 University

General Unisa contact details may be found in the Study @ Unisa brochure, which you should have received upon registration. You can also download this brochure from the myUnisa homepage at <https://www.unisa.ac.za/sites/myunisa/default/>. Remember to use your student number when you contact the University.

4 RESOURCES

4.1 Prescribed book(s)

There are no prescribed books for this module. This means that you do not need to purchase any additional books. The study material for the module SCL1501 comprises the following:

- The Study Guide: Skills Course for Law Students (Only Study Guide for SCL1501)

There is ONE study guide for this module. You have to go through the Study Guide very carefully, and ensure that you do not only know the content, but are also able to apply the knowledge to relevant practical situations.

- Tutorial Letters: Apart from Tutorial Letter 101 (this tutorial letter), you will receive other tutorial letters for this module (e.g. 102, 103, 201). Tutorial letters are also considered your official study material for this module. They are part of your study material for assignments and examination purposes. Please study them carefully and keep them safe for reference purposes.

4.2 Recommended book(s)

The recommended textbooks for this module are referred to in your Study Guide. We further recommend that, if possible, you follow the references acknowledged in the footnotes in each study unit. Remember that you do NOT have to purchase any of the recommended books.

4.3 Electronic reserves (e-reserves)

There is no prescribed additional reading or e-reserves for this module.

4.4 Library services and resources information

The Unisa Library offers a range of information services and resources:

- For detailed Library information, go to <https://unisa.ac.za/library>
- For research support and services (e.g. personal librarians and literature search services), go to <https://www.unisa.ac.za/sites/corporate/default/Library/Library-services/Research-support>
- The Library has created numerous Library guides: <https://libguides.unisa.ac.za>

Recommended guides:

- Request and download recommended material:
<https://libguides.unisa.ac.za/request>
- Postgraduate information services:
<https://libguides.unisa.ac.za/request/postgrad>
- Finding and using Library resources and tools:
<https://libguides.unisa.ac.za/research-support>
- Frequently asked questions about the Library:
<https://libguides.unisa.ac.za/ask>
- Services to students living with disabilities:
<https://libguides.unisa.ac.za/disability>
- Assistance with technical problems accessing the Unisa Library or resources:
<https://libguides.unisa.ac.za/techsupport>

You may also send an e-mail to Lib-help@unisa.ac.za (please add your student number in the subject line).

5 STUDENT SUPPORT SERVICES

The Study @ Unisa brochure is available on myUnisa: www.unisa.ac.za/brochures/studies

This brochure has all the tips and information you need to succeed at distance learning and, specifically, at Unisa.

5.1 Discussion classes

You will receive tutorial letter 102. This tutorial letter gives important information regarding our visit to some regional centres where as lecturers, we get the opportunity to interact face-to-face with you through these discussion classes. It is important to note that discussion classes are offered by your lecturers. This will however, depend on the COVID-19 provisions relating to travel and the possibility of access to campuses.

5.2 Tutorial classes

The availability of face-to-face tutors will depend on the Covid-19 provisions and the possibility of access to campuses. These guidelines will be communicated by the University. This module, however, did not have face to face tutors in the past two years. Please consult the publication *Study @ Unisa* for more information on tutorial classes in your region. You should further note that the lecturers cannot assist you with information in this regard, but that you should **contact your nearest regional campus** to enquire about the availability of a tutor for this module.

5.3 myUnisa

The myUnisa platform is an extremely useful resource. This is Unisa's online campus that will help you to communicate with your lecturers, other students and the administrative departments of Unisa. All you must do is to register on myUnisa – please note that your lecturers cannot assist you with this process. Please consult the *Study @ Unisa* brochure in this regard (see paragraph 5 above).

How to use myUnisa: To access these functions, go to the main Unisa website at www.unisa.ac.za, and then click on the “MYUNISA” link. This should take you to the myUnisa website. If you log into the myUnisa page for the first time, click on the link “**Claim UNISA login**” and follow the instructions.

Please note that the lecturers for this module are active on the myUnisa discussion forum (click on the link “Discussions”). Important information is communicated via announcements, and complex topics from the study material are explained in the discussions. You are also welcome to post there any questions that you may have on the content of the study guide and the assignments.

We strongly urge you to stay up to date with any arrangements or discussions by accessing the SCL1501 myUnisa site at least once a week in accordance with your own personal schedule.

Please take note of the following important tools available on myUnisa:

The discussions: In this module, the main purpose of the forums is to address students' content-specific enquiries. This means that the lecturers offer virtual discussions and use these to explain complex aspects of the work to students. Students are encouraged to post questions on the work and these are then answered and discussed online. This forum may also be used to contact your fellow students and to form virtual study groups. All the students registered for a particular semester will be able to view and participate in the discussions. These discussions may be accessed at any time during the semester and no time restrictions apply to posting questions or comments. You do not have to be online at a specific time to join in the conversation. Please get involved online, we look forward to meeting you there!

FAQs (frequently-asked questions): Here your lecturers post frequently-asked questions and answers relevant to this module. **It is advisable to go through these questions before contacting your lecturers.** It is likely that the information you require has already been provided there. Important administrative information is also provided there, including general information on the assignments and the examination.

Announcements: From time to time, your lecturers will post important announcements regarding new developments or administrative arrangements. The Announcements forum is the quickest and easiest way for your lecturers to communicate important administrative arrangements that may affect your studies to you. We urge you to keep up to date with any announcements by regularly accessing this forum. Most administrative enquiries that we receive concern matters that have already been addressed/explained in an announcement. Click on the link for “Announcements” to access all announcements posted during the semester.

Additional resources: Here we will upload crucial documents that will guide you and enhance your study experience in this module.

5.4 E-tutors

Please note that e-tutors are available to students of the module SCL1501.

Online tutorials are conducted by qualified e-tutors who are appointed by Unisa and are offered free of charge. All you need to be able to participate in these tutorials is a computer with access to the internet. If you live close to a Unisa regional centre or to a Telecentre contracted by Unisa, please feel free to visit any of these to access the internet. E-tutorials take place on myUnisa. To get the most out of online tutoring, you need to participate in the online discussions that the e-tutor will be facilitating. The e-tutors will assist you with content-related enquiries and with general enquiries regarding the assignments and the portfolio examination. You are not allowed to contact your e-tutor telephonically, per email or via standard mail. The e-tutors are appointed when the registration period for a particular semester has closed and you will be notified by the University once you have been allocated an e-tutor. Any further updates or other important information regarding group allocation or the e-tutors in general will be posted by the lecturers on the Announcements page on this module’s myUnisa website.

You will therefore automatically be allocated an e-tutor once the groups have been created. Once grouped, you will have access to your e-tutor group via an additional tab on myUnisa. If you are registered for the first semester, the tab will look like this:

SCL1501-21-S1-12E

The first part of this tab title refers to the module code; the second and third parts refer to the year and the semester for which you have registered; and the last part, indicated by the letter E, refers to the number of the e-tutor group (in this example, group 12E) that you have been allocated to. Keep in mind that your group could have any number between 1 and 25 and will probably not be 12; your tab will therefore reflect the number of your e-tutor group.

If you are registered for the second semester, the tab will look like this:

SCL1501-21-S2-4E

This tab indicates the SCL1501 e-tutor group 4E for the second semester of 2021.

If you do not see such a tab on your myUnisa page after grouping has been finalised, click on the tab “More Sites” for a full list of tabs available to you.

Keep in mind that your e-tutors communicate regularly with the lecturers. This means that they are able to convey to you all the important information on the content and administration of this module. However, students are encouraged to also make use of the general myUnisa discussion forum to communicate with their fellow students and the lecturers (see para 5.3 above). Please treat your e-tutor with respect; failure to do so could lead to disciplinary action against you. Remember, your e-tutor is there to assist you and to guide you through the module; however, you are still ultimately responsible for passing this module. **This means that you have to study hard and that you must start preparing in advance for the examination.**

5.5 Student @mylife email account

It is important to take note that your official student *mylife* email account is the University's **PRIMARY MODE OF COMMUNICATION** with students. Important information will always be communicated to students via email. In order to access your Unisa student-email account, please go to the myUnisa homepage and follow the link to “**mylife email**”. Please make sure that your inbox is never full to capacity. If your inbox is full, your messages cannot be delivered and you may miss out on important information. If you encounter any difficulties with your email account, please write to myLifeHelp@unisa.ac.za. It is your responsibility to make sure that you can access your email account. If you miss important information shared here, your lecturers are not to blame. Please note that it is possible to forward your mylife emails to your personal email account. This is a good way to ensure that you do receive all emails from Unisa.

Also, please use the “My Admin” page on myUnisa to update your personal and contact details. It is crucial that the university has your correct cell phone number,

5.6 Students with special needs

Please see the following website in this regard:

The *Advocacy and Resource Centre for Students with Disabilities*

<https://www.unisa.ac.za/sites/myunisa/default/Student-Affairs-&-SRC/Support-to-students-with-disabilities>

5.7 The First-year Experience (FYE) Programme @ Unisa

Unisa's first-year experience (FYE) initiative is designed to provide extended support to students entering Unisa and the Open Distance e-Learning (ODEL) environment for the first time by increasing communication between the institution and its students, and by also providing important information during crucial points in the student's journey. FYE is a collective effort to help first-year students to adapt to the ODeL environment. Through the FYE, students will be provided with on-time and helpful information about the services that the institution offers and how they can access the services.

FYE initiatives

- FYE emails – are a tool to help first-year students to stay focused, and motivated.
- FYE broadcasts – various topics related to first-year studies are broadcasted with academic and support staff from different colleges and departments.
- FYE mailbox – to help assist students with queries related to their first year of study.
- FYE website – to help bridge the gap between students and the institution.
- FYE MOOC – to help prepare, orientate and familiarise students with the Unisa environment.

More information

- Visit the website: www.unisa.ac.za/FYE
- Participate in the FYE MOOC: mooc.unisa.ac.za
- Contact the FYE team: fye@unisa.ac.za

6 STUDY PLAN

For information and suggestions regarding general time-management and -planning skills, please consult the Study @ Unisa brochure.

This module is easy to master if you are willing to commit to your studies and to put in some effort. Plan ahead and make sure to continuously work through the Study Guide throughout the semester.

We strongly urge you to make use of the **weekly schedule** when working through the study material. The weekly schedule is available online under "Additional Resources" on the SCL1501 myUnisa site; please access and download it there. The purpose of the weekly schedule is to help you to plan your studies for the semester. It has been structured to allow you sufficient time to work through the study material, and also includes time set aside for revision. The e-tutors also make use of the weekly schedule in their respective groups; this ensures that all the students are working more or less at the same pace.

7 PRACTICAL WORK

There will be no practical sessions or assessments for this module.

8 ASSESSMENT

8.1 Assessment criteria

It is essential that you are able to master all the learning outcomes for this module. These are provided in the Study Guide on the first page of each learning unit.

8.2 Assessment plan

How the assessment system works: Only students who submit the compulsory assignment (Assignment 01) before or on the date of submission will be admitted to the examination. If you do not submit Assignment 01, you will not be admitted to the examination.

Both Assignments 01 and 02 will be taken into account for your year mark. Your year mark constitutes 20% of your final mark.

How will this work in practice?

- Your **YEAR MARK** counts **20%** (Assignment 01 counts 10% and Assignment 02 counts 10%) of your final mark.
- Your **EXAMINATION MARK** counts **80%** of your final mark.
- Your **FINAL MARK** for the module will thus be calculated as follows: **20% (year mark) + 80% (examination mark) = 100% (final mark)**.

PLEASE NOTE

You need to obtain **at least 40% in the examination** before your year mark will be considered. This means that if you obtain a mark of 39% or lower for the examination, your year mark will not count towards your final mark, even if your year mark is 100%!

8.3 Assignment numbers

8.3.1 General assignment numbers

You must submit one compulsory assignment (Assignment 01) for this module. However, we strongly urge you to submit both assignments as it is a good way to test your knowledge, and to prepare for the examination. Both assignments contribute towards your year mark (10% each). Keep in mind that if you are registered for the **first** semester (January to June), you must do the **first semester's assignments**; and if you are registered for the **second** semester (July to December), you must do the **second**

semester's assignments. If you submit the incorrect assignment, your assignment will not be marked and a mark of zero (0%) will be recorded for that assignment.

8.3.2 Unique assignment numbers

In addition to the general assignment number (01 or 02), each assignment has a unique number. These unique numbers appear on the assignments in Addendum A below. Please ensure that the correct unique number is clearly indicated on each assignment that you submit. If you submit your assignments online, please be sure to submit your assignment to the correlating (correct) unique number. **If you submit another module's assignment for this module, you will be awarded a mark of zero (0%).** When submitting online, please read the instructions carefully and make sure that you submit the correct assignment (with the correct unique number) for the correct module.

8.4 Assignment due dates

Please note that ***no assignments will be accepted after the due dates.***

Also, please note that your lecturers **may not** grant any extension for the late submission of assignments. The Unisa Assessment Policy determines this. Please adhere to the due dates. This means that you should consider the submission dates for Assignments 01 and 02 when planning your study schedule.

If you wish to submit an assignment online, please submit it **a few days before** the due date.

If you try to submit the assignment at 23:55 on the due date, the system **will** be overloaded and you **will not** be able to submit in time. ***This is not a valid excuse for not submitting your assessment on time.*** Unisa has hundreds of thousands of students who all make use of the myUnisa portal to submit their assignments. At times, so many students try to access myUnisa simultaneously, that it becomes impossible to upload assignments. For this reason, rather submit a few days BEFORE the due date; this will also give you time to make sure that you indeed uploaded the correct document in the correct format and that it is accessible. Remember that you can always resubmit your assignment until the due date (also see para 8.5 below for more on the "Resubmit" option).

The closing dates for the submission of Assignments 01 and 02 are:

- **First semester**

Assignment 01: 26 March 2021 (unique number: 842282)

Assignment 02: 23 April 2021 (unique number: 725269)

- **Second semester**

Assignment 01: 27 August 2021 (unique number: 821517)

Assignment 02: 23 September 2021 (unique number: 648923)

8.5 Submission of assignments

**The following information is extremely important.
Please read this very carefully:**

You may submit your written assignment (Assignment 01) via post, courier, or electronically by means of myUnisa. For instructions on the format of written assignments, please see the instructions on the assignments in Addendum A below.

A multiple-choice assignment, such as Assignment 02, may be submitted in one of two ways. It may be completed in pencil on a mark-reading sheet and submitted via post or courier. If you submit a multiple-choice assignment via post or courier, please include the cover page provided by the University. Alternatively, these assignments may also be submitted electronically via myUnisa. If you submit electronically, please follow the instructions carefully. Note that no academic-honesty declaration or cover page needs to be submitted with a multiple-choice question assignment.

***We strongly recommend that you submit your assignments online via myUnisa.
This method is the safest and quickest option and will ensure that your assignments arrive on time.***

Note that assignments may not be submitted via fax or email.

For detailed information on assignments, please refer to the Study @ Unisa brochure that you received upon registration (see para 5 above).

Please take note of the following important information:

- If you submit an incorrect assignment (either an assignment intended for another semester or another module), you will be awarded a mark of ZERO (0%) for the assignment.
- If you submit a multiple-choice question assignment in any format other than that prescribed by the University (in this regard see your Study @ Unisa brochure), you will be awarded a mark of ZERO (0%) for the assignment.
- If you submit an assignment electronically via myUnisa and the file format of the document submitted is corrupted or cannot be opened, you will be awarded a mark of ZERO (0%) for the assignment. Once your document is uploaded, please open it and make sure that you have submitted the correct document, that it indeed opens and that your answers are legible. **You** are responsible for checking that you have

submitted the correct document. If you notice that you have submitted the incorrect document, please click on “RESUBMIT” to cancel your existing submission and submit the corrected document.

To submit an assignment via myUnisa:

- Go to myUnisa.
- Login with your student number and password.
- Select the “My Admin” option.
- Select “Assessments” and then “Assessment Info”.
- Select the correct module.
- Click on the assignment number you wish to submit.
- Follow the instructions provided onscreen.

Multiple-choice question assignments are submitted by selecting the correct option onscreen. No additional documentation (cover page, mark-reading sheet, or academic-honesty declaration) is required.

Written assignments must contain all the relevant pages in one PDF document, which will be uploaded as your submission.

- Make sure that you submit the correct document (that is, the correct assignment for the correct module).
- Detailed instructions on how to submit assignments online will be provided on myUnisa. Click on the link for “Additional resources” to access these instructions and videos.
- You should make sure that you write and submit your own individual work. If it is found the work has been plagiarised, you will be awarded a mark of 0% and you may also be subjected to disciplinary proceedings by the University views acts of copyright infringement and plagiarism as a serious offence. Plagiarism is the act of taking words, ideas and thoughts of others and presenting them as your own without acknowledging the owner or source of those ideas. The disciplinary code is found in My Studies Brochure and is being provided to you upon your registration. You should familiarise yourself with the Disciplinary code, particularly chapter 3 (1.19) in conjunction with UNISA’s policy on copyright infringement and plagiarism.

<https://www.unisa.ac.za/sites/myunisa/default/Assignments-&-Examination/Assignments/Plagiarism>

Please note that a written assignment submitted electronically should be a single pdf-format document. Please combine all the pages into one pdf document to ensure that all the pages are marked. **We will only mark what we receive – make sure that you submit a complete**

document.

IMPORTANT:

Once you have uploaded a document as your assignment, please click on the document, open it and confirm that you have in fact submitted the correct document. Please also confirm that the document you have uploaded opens normally and is legible. If a corrupt file is submitted, you will be awarded a mark of ZERO (0%).

The “RESUBMIT” option on myUnisa

Once you have successfully submitted an assignment on myUnisa, a “Resubmit” link becomes available. However, just because the myUnisa system gives you the option to resubmit, does **not** mean that you **have** to make use of it. If you are not satisfied with what you have submitted, you are welcome to cancel your submission and resubmit. But you do not have to do this. This option is only there for when you have made a mistake. If you have submitted the correct document, please ignore this link.

Please note that a resubmission REPLACES your previous submission. You cannot add pages to a previous submission by selecting “Resubmit”. You will have to resubmit by uploading the complete document you wish to submit.

Also note that it is only possible to **submit an assignment a total of three** times. That means that the system will only allow you to **resubmit TWICE** (two times). Once you have submitted three times, it will no longer be possible to replace your document. The third document submitted will be marked. Do not abuse the resubmit function.

8.6 The assignments

Assignment 01 is a compulsory written assignment. **Assignment 02** is a compulsory multiple-choice question assignment

IMPORTANT:

If you are registered for the **first semester** (January to June 2021), you must submit your Assignment 01 on or before 26 March 2021.

If you are registered for the **second semester** (July to November 2021), you must submit Assignment 01 on or before 27 August 2021.

Your lecturers **do not have the authority** to grant extension for submission of assignments. These dates are set by the University and may not be changed. If you do not submit the first assignment on time, you will have to repeat the module.

Tutorial Letter 201, containing the commentary and feedback on both these assignments, will be sent via post by the Department of Despatch to all students, but it will also be available electronically on myUnisa under the link “**Official Study Material**”. The Tutorial Letter 201 will only be made available online **after** the due dates for assignment submission have passed.

As soon as you have received the commentary, please compare your answers to our feedback in Tutorial Letter 201. Doing the assignments, and then carefully studying the commentary on them, constitute an important part of your learning and should help you to be better prepared for the examination.

If you feel that errors have been made in the marking of your written assignment (Assignment 01), please follow these instructions before contacting your lecturers:

Compare your answers to those in Tutorial Letter 201 and identify where mistakes have been made. Then email one of your lecturers a ***marked copy*** of your assignment and state your query. You can save your electronically marked assignment by downloading it from myUnisa. Alternatively, if you have submitted via post, you will have to wait for it to return in the post, after which you can then scan it and save it in pdf format. This is another reason why it is better to submit online via myUnisa, as you will not have to wait for your marked assignment to reach you via post. We will not look at your assignment or remark it if we do not receive your marked assignment. In this regard, we follow the Unisa Assessment Policy and no exceptions will be made. If you complain about a mark, please indicate which question you are referring to and why you feel you deserve more marks.

8.7 Other assessment methods

No other types of assessment are utilised in this module. You have to complete two assignments and one examination.

You must submit your written assignment answers as a single document in PDF-format. The document may not be submitted with security restrictions under the “protect document/secured” option. Security restrictions interfere with the electronic marking program that is used and prevent the electronic marking of assignments. Also, please do not include an electronic signature in the document as this also affects the ability to mark it online. Do not submit a “read-only” document, as this does not allow us to make any changes to the document. This means we cannot mark it.

Please keep a copy of your assignment. Also, follow all the steps required for submission. Your lecturers cannot assist you with any technical problems that you might experience during the online submission process. You have to make sure to submit on time, since you are the student and **you are responsible for your own learning and assessments**.

Remember that it is the student’s responsibility to ensure that he/she submits the correct and complete document in the correct file format before the due date.

All queries regarding problems with myUnisa must be addressed to the Assignment Department or the ICT Department and not to the lecturers. We cannot provide any technical assistance. Please address all complaints and requests for assistance to assign@unisa.ac.za or myUnisaHelp@unisa.ac.za.

8.8 Required information

The cover page of your written assignment must contain your full name(s), student number, module code and unique number.

Please also sign complete and attach your academic-honesty declaration (available below). It is also acceptable to provide your ID number or passport number instead of your signature. Please note that you will lose marks if your answers indicate copying, plagiarism or collaboration with other parties.

8.9 The examination

You will write **one two-hour paper** on the module SCL1501. The examination paper counts **100 marks**.

VERY IMPORTANT: It is YOUR responsibility to check that your examination paper contains all the pages. If your examination paper is not complete and/or contains blank pages, you must report it to the examination invigilator and request a new exam paper **BEFORE** you commence answering the questions. No concessions will be made for students who answer an incomplete paper.

9 FREQUENTLY ASKED QUESTIONS

Please see the module's myUnisa page (go to the link for "FAQs") to access questions and answers related to the examination, examination administration, e-tutors, the assignments and your study material. Please read these questions and answers carefully. Many of your queries about the module will be answered by the information posted there.

10 IN CLOSING

We trust that you will enjoy this module. Please remember that you are welcome to contact us should you have any questions relating to the content of this module. We wish you success with your studies.

Kind regards

Ms PAN NYAWO

Prof IJ KROEZE

11 ADDENDUM

11.1 ADDENDUM A: Assignments for the *FIRST* semester

FIRST SEMESTER: ASSIGNMENT 01

DUE DATE: 26 MARCH 2021

UNIQUE NUMBER: 842282

IMPORTANT: HOW TO SUBMIT THIS ASSIGNMENT

*Before attempting to submit any assignment for this module please read the important information in paragraphs 8.3 and 8.6 above. Failure to comply with any of these instructions could result in a mark or **ZERO (0%)** for this assignment.*

There are several ways in which you may submit this assignment:

1. The **preferred** mode of submission of assignments is electronically via myUnisa. Assignments submitted electronically should be sent in **pdf format**. This means that you must either type out your answers and convert the file into a pdf document, or scan in hand-written or typed answers in order to create a pdf file. If you choose to scan in a document, this pdf submission should consist of **ONE document** – do not scan in and submit each page of your assignment separately. Please make sure that electronically submitted assignments consist of one complete document, containing all the pages you wish to submit. We suggest that students get in the habit of submitting assignments online, since there are modules in the LLB degree that insist on electronic submission. So start practising now. If you choose to submit online, **do not wait** until the last day before the deadline. Plan ahead and submit in time.
2. You may write or type out the answers and post your assignment to: Assignments (SCL1501), Unisa, P.O Box 392, Pretoria 0003. This is not encouraged, since assignments sometimes go missing in the mail. Remember, it is still your responsibility to ensure that the assignment reaches the University **before** the due date.
3. You may make use of the courier service that operates as an affiliate (partner) of Unisa. Assignments may be dropped off at this partner. Please see the Study @ Unisa brochure for more information in this regard.

PLEASE remember to include your **name and student number**, as well as the module code, assignment number and unique number on your assignment submission. Please also complete and include a signed academic-honesty declaration. Note that assignments may **NOT** be submitted via fax or email. For more information, see your Study @ Unisa brochure. Errors made in the submission of assignments (resulting in your assignment never reaching us) may mean that a mark of ZERO (0%) is awarded to you.

QUESTION 1

Explain the concept 'law' and thereby show how it is different from other social rules or norms. (4)

QUESTION 2

2.1 "State" is a non-physical entity, an abstract notion or phenomenon created by citizens through their deemed agreement (i.e. social contract).

(a) In the light of the above statement, explain the concept "state" fully, and say why the agreement by citizens in this regard is said to be "deemed". (4)

2.2 "However, we need to examine our environment, and ask problematic questions such as, "whose law?" Obviously, it's the law of the dominant class in that society (Study Guide, p.7)

Which class does the South African law, including the constitution, serve? Explain fully. (3)

QUESTION 3

3.1 Read the “Lephepane Village” story on page 20 of your Study Guide and use it as an anchor for your explanation of the notion of “praxis”. (5)

3.2 Refer to Kgalema Motlanthe's remarks (see learning unit 2) in your Study Guide and do activity 2.2. (8)

1. _____

2. _____

3. _____

QUESTION 4

- 4.1 Read Text A and Text B (see Activity 4.5) on page 78 of your Study Guide and critique the notion of *argumentum ad hominem*. (3)

- 4.2 With reference to the Attorneys Act 53 of 1979 and the Legal Practice Act 28 of 2014 determine whether a legal practitioner can be both an attorney and an advocate. (3)

QUESTION 5

Thobe Mnguni approaches Nyawo Attorneys, an attorney at law practising in the City of Madikizela-Mandela, to assist him with his claim for damages resulting from his dispute with Mr Mutoko. The agreed remuneration is as follows:

Every letter written R115,50

Every letter received R77, 25

Drafting of summons R1115, 65

Drafting of an affidavit R88,50 per page or any part thereof

Telephonic consultations R129,50 per 10 minutes or any part thereof

Consultation R967,00 per 30 minutes or any part thereof

Stamps R7,25 VAT excl

VAT @ 15%

During the past month the attorney rendered the following services:

Received 12 letters

Wrote and posted 9 letters

Drafted four affidavits: 1 consisting of 1½ pages, 1 consisting of 3½ pages and 2 consisting of 4½ pages each

Consulted thrice telephonically: first for 23 minutes, second for 11½ and later for 36 minutes

Consultation twice: first for 33 minutes and later for 2½ hours

Instructed an advocate to draft a pleading. The Advocate charged R2225, 00 VAT excl

He referred the client to Nomzamo Clinic in the City, to consult a specialist at a cost of R3347, 50 VAT excl.

Draft Nyawo Attorneys' comprehensive statement of account to Thobe Mnguni. (10)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Please complete and include the academic-honesty declaration in your assignment submission. This declaration is available on the next page of this tutorial letter. An electronic copy is also available under Additional Resources on myUnisa. This declaration cannot be submitted separately after your submission has been completed. Note that you will not be penalised for not including the declaration in Assignment 2.

ACADEMIC HONESTY DECLARATION

Declaration

1. I understand what academic dishonesty entails and am aware of Unisa's policies in this regard.
2. I declare that this assignment is my own, original work. Where I have used someone else's work I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
3. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
4. I did not make use of another student's work and submitted it as my own.

NAME:

SIGNATURE / ID NUMBER/ PASSPORT NUMBER:

STUDENT NUMBER:

DATE:

FIRST SEMESTER: ASSIGNMENT 02

DUE DATE: 23 APRIL 2021

UNIQUE NUMBER: 725269

Instructions for submission:

*Before attempting to submit any assignment for this module please read the important information in paragraphs 8.3 and 8.6 above. Failure to comply with any of these instructions could result in a mark or **ZERO (0%)** for this assignment.*

This is a multiple-choice question assignment and consists of 20 questions. It may be submitted in one of the two ways:

- It may be submitted online/electronically via myUnisa. Follow the instructions under the "Assessment Info" tab of your myUnisa page. Please also read paragraph 8.5 of this tutorial letter for more information on how to submit assignments;
- It may be submitted online/electronically via the Unisa App for smart phones. Please follow the instructions provided carefully.

NO other form of submission is allowed for multiple-choice question assignments. Note that assignments may NOT be submitted by fax or email.

Please note that you do not have to submit an honesty declaration with your multiple-choice question assignment. ONLY FOR FIRST SEMESTER STUDENTS

CHOOSE ONLY ONE CORRECT ANSWER:

QUESTION 1

Indicate the **correct** statement

The Skills Course for Law students (SCL1501) deals with:

- (1) The importance of skills in our studies and legal profession
- (2) Effective learning and banking education
- (3) Tasks or activities as more important than knowledge
- (4) Integration of knowledge with theory and cases

QUESTION 2

Consider the following statements before choosing the **correct** option:

- (a) Law is the body of rules that governs only criminals in the society.
- (b) When the law is described as a system of norms, it is known as private law.

Choose your answer from one of the following:

- (1) Statements (a) and (b) are correct
- (2) Statements (a) and (b) are incorrect
- (3) Statement (a) is correct; statement (b) is incorrect
- (4) Statement (a) is incorrect, statement (b) is correct

QUESTION 3

Indicate the **correct** statement

The following holds true for meaningful education:

- (1) No relation exists between *studying* and *learning*
- (2) It is correct for students to easily confuse *studying* and *learning*
- (3) Dialogue is essential for learning
- (4) Learning is a core element of banking education.

QUESTION 4

Indicate the **correct** statement

The following aspect appropriately describes banking education:

- (1) Paulo Freire promotes banking education because it appropriates reasoning capacity
- (2) Questioning or interrogation of information enhances banking education
- (3) Banking education gives a balance between studying and learning
- (4) Banking education undermines the notion of *praxis*

QUESTION 5

Indicate the **incorrect** statement

All of the following are suggestions for improving your listening skills except:

- (1) Sympathising with the speaker
- (2) Paraphrase the speaker
- (3) Empathising with the speaker
- (4) Maintain eye contact with the speaker

QUESTION 6

Indicate the **correct** statement

The reason why non-verbal communication is important is because:

- (1) 35% of one's message is communicated verbally
- (2) 65% of the message is transmitted through it
- (3) Influence and perception are at the centre of legal practice
- (4) A magistrate/judge readily accepts non-verbal messages

QUESTION 7

Indicate the **correct** statement

The following hold true for "examination-in-chief":

- (1) No leading questions are allowed
- (2) All leading questions are allowed
- (3) The lawyer asks his/her own witness questions
- (4) The lawyer punches holes in the witness' testimony

QUESTION 8

Indicate the **correct** statement:

When does an Act of Parliament come into force?

- (1) After it has been signed by the President
- (2) Immediately after it has been passed by the Parliament
- (3) After it has been signed by the President and published in the Government Gazette
- (4) After it has been passed by Parliament and signed by the President

QUESTION 9

Indicate the **correct** statement:

Which one is regarded as a presumption when reading or interpreting legislation?

- (1) Legislation is presumed to contain meaningless sections
- (2) Legislation is presumed to intend to achieve reasonable and justiciable consequences
- (3) Legislation is presumed to change existing law, particularly common law
- (4) Legislation is presumed to apply retrospectively

QUESTION 10

Indicate the **incorrect** statement

- (1) The procedure in action proceedings is started by way of summons
- (2) Action proceeding is used when there are no fundamental disputes on the facts of the case between the parties involved
- (3) The parties in action proceedings are the Plaintiff and the Defendant
- (4) *Ex parte* application is another type of civil case

QUESTION 11

Indicate the **correct** answer

Which of the following court will never be “the court of first instance”?

- (1) The High Court
- (2) The Magistrate’s court
- (3) The Supreme Court of Appeal
- (4) The Constitutional court

QUESTION 12

Indicate the **correct** statement

If a case goes on appeal and the appellant wins, we would say:

- (1) The appeal was dismissed and the decision upheld
- (2) The appeal was dismissed and the decision reversed
- (3) The appeal succeeds and decision upheld
- (4) The appeal succeeds and the decision reversed

QUESTION 13

The trial stage before the cross-examination is referred to as:

- (1) Main examination
- (2) First cross-examination
- (3) Examination-in-chief
- (4) Re-examination

QUESTION 14

Indicate the **incorrect** statement

The following characterises a student as a subjective being:

- (1) Interaction and dialogue with the teacher or lecturer
- (2) Engaging and questioning current affairs
- (3) Memorisation and regurgitation
- (4) Research on the subject matter

QUESTION 15

Indicate the **incorrect** statement

The Act has to undergo the following processes in order to be effective:

- (1) Passed by the Parliament
- (2) Signed by the President
- (3) Signed by the minister
- (4) Published in the Government Gazette

QUESTION 16

Indicate the **correct** statement

When a matter was heard in a Magistrate Court, appealed to the High Court and further appealed to the Supreme Court of Appeal (SCA), the High Court would be regarded as:

- (1) The “court of first instance” to the matter in SCA
- (2) The “court *a quo*” to the matter in Magistrate Court
- (3) The “court *a quo*” to the matter in SCA
- (4) All of the above

QUESTION 17

Indicate the **correct** statement

Argumentum ad hominem

- (1) Is allowed during cross-examination
- (2) Is a form of irrelevance in arguments
- (3) Is irrelevant only in criminal cases
- (4) Is relevant at any stage of the trial

QUESTION 18

Indicate the **correct** statement

An attorney applies numeracy skills when performing the following duties:

- (1) When dealing with the high court matters only
- (2) When calculating damages and making claims on behalf of the clients
- (3) When giving advice on car collision matters only
- (4) All of the above

QUESTION 19

Indicate the **correct** statement

Letsoalo, Raligilia and Mahlobogwane are partners in the firm MGOs (Pty) Ltd. How much will Letsoalo get if they have agreed to share in the firm’s profit of R450 000 on the basis of the ratio 1: 2: 3?

- (1) R150 000,00
- (2) R210 000,00
- (3) R139 999,00
- (4) R75 000,00

QUESTION 20

The salvage value of Boledi Moretsele's Chevrolet Spark is R25 000. How much may he claim from the defendant if it has become uneconomical to repair after an accident? The pre-accident value of the Spark was R130 000.

- (1) R110 000, 00
- (2) R105 000, 00
- (3) R90 000, 00
- (4) R80 000, 00

TOTAL [20]**11.2 ADDENDUM B: Assignments for the *SECOND* semester**

SECOND SEMESTER: ASSIGNMENT 01
DUE DATE: 27 AUGUST 2021
UNIQUE NUMBER: 821517

IMPORTANT: HOW TO SUBMIT THIS ASSIGNMENT

*Before attempting to submit any assignment for this module please read the important information in paragraphs 8.3 and 8.6 above. Failure to comply with any of these instructions could result in a mark or **ZERO (0%)** for this assignment.*

There are several ways in which you may submit this assignment:

1. The **preferred** mode of submission of assignments is electronically via myUnisa. Assignments submitted electronically should be sent in **pdf format**. This means that you must either type out your answers and convert the file into a pdf document, or scan in hand-written or typed answers in order to create a pdf file. If you choose to scan in a document, this pdf submission should consist of **ONE document** – do not scan in and submit each page of your assignment separately. Please make sure that electronically submitted assignments consist of one complete document, containing all the pages you wish to submit. We suggest that students get in the habit of submitting assignments online, since there are modules in the LLB degree that insist on electronic submission. So start practicing now. If you choose to submit online **do not wait** until the last day before the deadline. Plan ahead and submit in time.
2. You may write or type out the answers and post your assignment to: Assignments (SCL1501), Unisa, P.O Box 392, Pretoria 0003. This is not encouraged, since assignments sometimes go missing in the mail. Remember, it is still your responsibility to ensure that the assignment reaches the University **before** the due date.
3. You may make use of the courier service that operates as an affiliate (partner) of Unisa. Assignments may be dropped off at this partner. Please see the Study @ Unisa brochure for more information in this regard.

PLEASE remember to include your **name and student number**, as well as the module code, assignment number and unique number on your assignment submission. Please also complete

and include a signed academic-honesty declaration. Note that assignments may **NOT** be submitted via fax or email. For more information see your Study @ Unisa brochure. Errors made in the submission of assignments (resulting in your assignment never reaching us) may mean that a mark of ZERO (0%) is awarded to you.

QUESTION 1

1. Discuss the centrality of the law to a stable society or social order. (4)

QUESTION 2

- 2.1 The notion of “state capture”, for instance, has been given a strange perception, especially in the last few years in South Africa.

- (a) Refer to current topical developments in the country and discuss the above statement. (4)

- (b) As a Law student, comment on the expressions “arms of the state” and “arms of government”. (4)

QUESTION 3

- 3.1 “This point therefore tells us that law is part of the political system, and can never be separated from politics and other issues that characterise our society in various ways.” (Study Guide p.7)

Now look out for the document, “Freedom Charter” and go through all the clauses. Thereafter skim through the Preamble, Chapter 1 and Chapter 2 of the Constitution of South Africa, and discuss the connection between the two documents. (4)

- 3.2 What is “banking education”? Further indicate why, in terms thereof, “the student is reduced to the level of an unthinking object with no views, values or capacity to engage with the facts”. (4)

3.3 Read Prince Mashele's remarks in Learning unit 2 of your Study Guide and do Activity 2.3.

(8)

1

2

3

QUESTION 4

4.1 Refer to the text "Divorce Case" (Peta Teanet) on page 84 in Learning unit 4 of your Study Guide and do all questions (i.e. 1,2,3) in Activity 4.7. (8)

1

2

3

- 4.2 Section 179 of the Constitution of South Africa states that “a National Director of Public Prosecutions, who is the head of the prosecuting authority; and is appointed by the President”

Trace the different individuals who served as National Director of Public Prosecutions (NDPP) since 1994 and their relationships with the various Presidents at the time. In this light, discuss the “power” of the office of the NDPP in relation to nepotism, corruption and state capture. (4)

QUESTION 5

Mr Mahlobogwane, an attorney at Mahlobogwane Attorneys Inc, arranges an account for his client, MacBuff Phosa of Buffer Safaris (Pty) Ltd, on the following basis:

Every letter written R277
 Every letter received R123
 Drafting of summons R1044
 Drafting of an affidavit R69, 50 per page or any part thereof
 Telephonic consultations R147,50 per 15 minutes or any part thereof
 Consultation R948,70 per 30 minutes or any part thereof
 Stamps R9.40 VAT excl
 VAT @ 15%

During the past month Mahlobogwane Attorneys rendered the following services:

Received 12 letters
 Wrote and posted 11 letters
 Drafted 3 summonses
 Drafted three affidavits: 1 consisting of 6 pages, 1 consisting of 3½ pages and 1 consisting of 6½ pages
 Consulted twice telephonically: first for 28 minutes and later 19 minutes
 Consultation twice: first for 33 minutes and later for 1 hour and 32 minutes
 Instructed an Advocate, Mac Mafarani, to draft a document. The Advocate charged R3660,50 VAT excl

Client went to Makankane Medi-Clinic in Topanama to consult a doctor, and source out a medico-legal report. The doctor charged R7 780.50 VAT excl.

Draft a comprehensive statement of account for Mahlobogwane Attorneys to MacBuff Phosa.

(10)

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

TOTAL [50]

Please complete and include the academic-honesty declaration in your assignment submission. This declaration is available on the next page of this tutorial letter. An electronic copy is also available under Additional Resources on myUnisa. This declaration cannot be submitted separately after your submission has been completed. Note that you will not be penalised for not including the declaration in Assignment 2.

ACADEMIC HONESTY DECLARATION

Declaration

1. I understand what academic dishonesty entails and am aware of Unisa's policies in this regard.
2. I declare that this assignment is my own, original work. Where I have used someone else's work I have indicated this by using the prescribed style of referencing. Every contribution to, and quotation in, this assignment from the work or works of other people has been referenced according to this style.
3. I have not allowed, and will not allow, anyone to copy my work with the intention of passing it off as his or her own work.
4. I did not make use of another student's work and submitted it as my own.

NAME:

SIGNATURE / ID NUMBER/ PASSPORT NUMBER:

STUDENT NUMBER:

DATE:

SECOND SEMESTER: ASSIGNMENT 02
DUE DATE: 23 SEPTEMBER 2021
UNIQUE NUMBER: 648923

Instructions for submission

*Before attempting to submit any assignment for this module please read the important information in paragraphs 8.3 and 8.6 above. Failure to comply with any of these instructions could result in a mark or **ZERO (0%)** for this assignment.*

This is a multiple-choice question assignment and consists of 20 questions. It may be submitted in one of two ways:

- It may be submitted online/electronically via *myUnisa*. Follow the instructions under the "Assessment Info" tab of your *myUnisa* page. Please also read Para 8.5 of this tutorial letter for more information on how to submit assignments.

- It may be submitted online/electronically via the Unisa App for smart phones. Please follow the instructions provided carefully.

NO other form of submission is allowed for multiple-choice question assignments. Note that assignments may NOT be submitted via fax or email.

Please note that you do not have to submit an honesty declaration with your multiple-choice question assignment.

CHOOSE ONLY ONE CORRECT ANSWER

QUESTION 1

Indicate the **correct** statement:

The purpose of the SCL1501 module is to:

- (1) Make law students excel in the theory of law
- (2) Let students DO most of the work
- (3) Enable students to develop skills relevant to legal studies
- (4) Evaluate the Law Society of South Africa and the General Bar Council of Advocates

QUESTION 2

Indicate the **incorrect** statement

The following are characteristics of the concept "law":

- (1) Law is a system of rules
- (2) Law applies to human beings
- (3) Law applies the force of gravity to peace and order in the society
- (4) The state recognizes rules in order for them to become law

QUESTION 3

Indicate the **correct** statement

Law is always enforced by the state in the society it operates

- (1) This statement is true
- (2) This statement is false
- (3) This statement is true only in relation to constitutional law
- (4) This statement is true only in relation to civil law

QUESTION 4

Indicate the **correct** answer

A learning style through which a skill is acquired when a student learns through experience is called:

- (1) Skills learning development
- (2) Subjective being
- (3) Study process
- (4) Learning by doing

QUESTION 5

Indicate the **correct** statement

Which of the following are not duties of the paralegals?

- (1) Conducting legal research
- (2) Organising evidence to be presented at trial
- (3) Statement (b) with appropriate supervision by a lawyer.
- (4) Statement (a) and (b), with appropriate supervision by a lawyer.

QUESTION 6

Indicate the **incorrect** statement

An advocate carries out the following duties:

- (1) Legal opinion
- (2) Litigation
- (3) Drafts legal documents
- (4) Give briefs to attorneys

QUESTION 7

Indicate the **correct** statement

Which of the following will indicate if a court is hearing a criminal or civil matter?

- (1) The presence or absence of a police officer
- (2) Whether the parties had legal representation
- (3) The standard of proof required
- (4) Whether the case is heard in the High Court

QUESTION 8

Indicate the **correct** statement

Which of the institutions fall under chapter 9 of the Constitution of the Republic of South Africa.?

- (1) The National Prosecuting Authority
- (2) The University of South Africa
- (3) The Department of Justice
- (4) The South African Human Rights Commission

QUESTION 9

Indicate the **correct** statement

Kgagudi hires a motor mechanic to repair his damaged car. The repair work is faulty and causes a major damage to Kgagudi's car. Who must prove negligence in this scenario, and what is the standard of proof?

- (1) The prosecution, beyond reasonable doubt
- (2) The prosecution, on the balance of probabilities
- (3) Kgagudi, on the balance of probabilities
- (4) The motor mechanic, on the balance of probabilities

QUESTION 10

Indicate the **correct** statement

When a court establishes a binding precedent, the reason for its decision, in Latin, is referred to as:

- (1) *Obiter dicta*
- (2) *Res judicata*
- (3) *Ratio decidendi*
- (4) *Postea*

QUESTION 11

Indicate the **correct** statement

- (1) "Headnotes" and "catch phrases" start with the word "held" which indicates the finding of the court and are not important when reading a court case
- (2) Headnotes are compiled by the publishers of the law reports

- (3) Heads of argument refers to the persuasive legal argument made by legal representatives of the parties involved in a dispute and it is backed up by relevant legal sources
- (4) Headnotes contain the summary of the case the editors consider less important

QUESTION 12

Indicate the **correct** statement

- (1) Order as to costs are all expenses of the case incurred by the parties' legal representatives and the presiding officer
- (2) Court rules do not stipulate the amount of legal costs that a party/parties in dispute could be ordered to pay at the end of the case
- (3) There are no orders as to costs in criminal cases, only in civil cases
- (4) Order as to costs are the expenses involved in a case and are given at the beginning of the case

QUESTION 13

Indicate the **incorrect** statement:

Mostly a judgement takes the following form:

- (1) First, the facts of the case are given
- (2) Second, discussion of the relevant legal principles
- (3) Third, application of the law to the facts of the case
- (4) Fourth, an order is given

QUESTION 14

Indicate the **correct** statement:

- (1) The *ratio decidendi* of the majority judgement binds only the smaller courts
- (2) Majority judgement is a judgement of one judge who hands down the judgement
- (3) A minority judgement creates a precedent and it is binding on the lower courts
- (4) Separate judgement is when a judge agrees with the conclusions of the other judges but disagrees with the reasons of their judgements

QUESTION 15

Indicate the **correct** statement

When judgment is given on a different day other than the day on which the case was heard, the words "*cur adv vult*" will appear:

- (1) The words "*cur adv vult*" are always followed by the word "*postea*"
- (2) These words would also appear when the case is appealed to the higher court

- (3) They appear in both criminal and civil cases
- (4) After the words "*postea*" you see the date on which the case was heard in court

QUESTION 16

Indicate the **correct** answer:

Your client, Hlompho Kekana, has purchased a red VW Golf GTI for R360 000 VAT inclusive. What was the price of the VW Golf before VAT was added? Calculate Vat at 15%.

- (1) R307 300, 00
- (2) R313 043, 48
- (3) R328 600, 00
- (4) R359 999, 86

QUESTION 17

Indicate the **correct** statement:

- (1) "Court of first instance" and "court *a quo*" refer to the court which has heard the case for the first time
- (2) The Magistrate court is always a court of first instance for all serious crimes including treason
- (3) The High court would be the court *a quo* in relation to the Constitutional court when the matter is appealed to the Supreme Court of Appeal
- (4) The Constitutional Court would never be the court *a quo*

QUESTION 18

Indicate the **correct** statement:

- (1) An *ex parte* application is the motion application used when there is no dispute of facts
- (2) Action proceedings is another type of motion application and the procedure is started by a notice of motion
- (3) In criminal cases a procedure is started with action proceedings
- (4) The parties in a criminal case are the prosecutor and the defendant

QUESTION 19

Indicate the **correct** statement:

Julima, Andimxi and Floyshi divide the profit of their business, Enhanced Food Factory (EFF) on a *pro rata* basis of 1:2:3. Their profit is R600 000.00. Julima will get:

- (1) R300 000, 00
- (2) R200 000, 00

- (3) R100 000, 00
- (4) R120 000, 00

QUESTION 20

It is uneconomical to repair Trilly Mobogoya's red Isuzu bakkie (van) after it was involved in a road accident collision. However, he is entitled to claim R75 000.00 from the pre-accident value of the motor vehicle, which was estimated at R84 000.00. How much is the salvage value of the wreck?

- (1) R158 000.00
- (2) R9 000.00
- (3) 75 000.00
- (4) R83 000.00

TOTAL: [20]

11.3 ADDENDUM C: PLAGIARISM POLICY OF THE COLLEGE OF LAW

The College of Law is committed to the Unisa ideal of research that is based on integrity, quality and rigour. All work must meet the ideal of academic integrity. Academic integrity can be defined as the meaningful and concerted effort to ensure honesty, trust, fairness, respect and responsibility in research. All research at CLAW, whether a first-year assignment or a doctoral thesis, should be guided by this ideal.

The opposite of academic integrity is academic dishonesty. In line with Unisa's policies, the following activities (amongst others) are forms of academic dishonesty:

- **Copying/cut-and-paste/patch-writing:** This type of dishonesty involves copying someone else's work either word-for-word or changing it slightly without indicating that it is copied by, for example, putting it in inverted commas or brackets.
- **Absence of references:** This involves using someone else's ideas, thoughts, insights or data without acknowledging that they are not your own.
- **Cheating/falsifying information:** This is the manufacturing of data which does not exist or leaving out contradictory evidence, also sometimes called cherry-picking.
- **Padding:** This refers to the practice of referring to sources that were not personally consulted by the student, but which makes the footnotes and/or bibliography seem more impressive.
- **Too many quotes:** This form of dishonesty is one where more than 15% of the work consists of quotes.
- **Incorrect referencing:** Incorrect referencing shows a lack of rigour and of disciplinary expertise.

- **Helping someone cheat:** This might range from the innocuous (allowing someone to copy from you) to the more severe (providing someone with the means to cheat). It is the reason why students are not allowed to hand in the same assignment, even if they worked in a group.