

Tutorial Letter 001/3/2021

Skills Course for Law Students

Semester 1 and 2

Department of Jurisprudence

IMPORTANT INFORMATION

Please register on myUnisa, activate your myLife e-mail account and make sure that you have regular access to the myUnisa module website, SCL1501-2021-S1/S2, as well as your group website

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Dear Student

ASSESSMENT CHANGES for 2021 ACADEMIC YEAR

Due to the ministerial request to extend the 2021 registration dates, Unisa had to amend both the semester dates and the assessment arrangements for the 2021 academic year.

During 2021 we will have only one semester and only one tuition and assessment period.

The purpose of this TL001 is to inform you of the new assessment requirements for module SCL1501 for students registered during 2021 for the one semester period.

1.1 Assignment due dates

Assignment 01: 03 May 2021

Assignment 02: 02 August 2021

PLEASE NOTE THAT unique numbers are no longer required for online submission of assignments.

With online submission of assignments, students are automatically linked to a particular portal which will direct the assignment submission to the correct destination. **Therefore, students are no longer required to fill in the unique number for purposes of online submission of assignments.**

You must submit two assignments for this module, Assignment 01 and Assignment 02.

Both Assignments 01 and 02 will be considered for your year mark. Your year mark constitutes 20% of your final mark. You need to obtain **at least 40% in the examination** before your year mark will be considered

Assignment 01 is a written assignment. 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.

Assignment 02 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.

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.

1.2 The assignments

Please note that assignments may not be submitted by fax or e-mail. For detailed information on assignments, please refer to the *study@Unisa* brochure which you received with your study package.

To submit an assignment via myUnisa:

- Go to myUnisa.
- Log in with your student number and password.
- Select the module.
- Click on “Assignments” in the menu on the left-hand side of the screen.
- Click on the assignment number you wish to submit.
- Follow the instructions.

ASSIGNMENT 01

DUE DATE: 03 MAY 2021

QUESTION 1

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

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

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- 5

QUESTION 3

- 3.1 Read the “Lephepane Village” story on page 10 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)

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TOTAL [40]

ASSIGNMENT 02

DUE DATE: 02 AUGUST 2021

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]

1.3 Other Assessments

There are no other assessment methods for SCL1501.

1.4 The Examination

The examination will be multiple choice questions.

For all other information regarding SCL1501, you should still refer to Tutorial Letter 101.

Regards

Ms PAN Nyawo (Module Leader)