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**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**

**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2014**

<b>TITLE OF PAPER</b>	<b>:</b>	<b>LEGAL SYSTEMS AND METHODS</b>
<b>COURSE CODE</b>	<b>:</b>	<b>IDE – DL011</b>
<b>TIME ALLOCATION</b>	<b>:</b>	<b>THREE (3) HOURS</b>
<b>INSTRUCTIONS</b>	<b>:</b>	<b>ANSWER ANY FOUR QUESTIONS</b>
<b>TOTAL MARKS</b>	<b>:</b>	<b>100</b>

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY  
THE INVIGILATOR**

### QUESTION 1

5

- a) Is the Law necessary? Discuss. [15 marks]
- b) List and briefly discuss three differences between law and morality. [10 marks]

TOTAL MARKS 25

### QUESTION 2

- a) According to Professor Joseph Raz in his book The Authority of Law, all legal systems necessarily perform, with varying degrees of effectiveness, certain social functions. The social functions of law can be divided into primary and secondary functions. List four primary functions of the law and two secondary functions of the law. [12 marks]
- b) What are the two main branches of the law? [3 marks]
- c) List the five disadvantages of litigation. [10 marks]

TOTAL MARKS 25

### QUESTION 3

Identify factors that affect the independence of a judiciary and discuss if such factors affect the independence of the judiciary in Swaziland.

[TOTAL MARKS 25]

#### QUESTION 4

6

- a) Name three alternative dispute resolution methods and briefly discuss one of them. [10 marks]
- b) Distinguish between onus of proof and standard of proof. [5 marks]
- c) List four (4) examples of social control mechanisms? [5 marks]
- d) List the four primary sources of law in Swaziland according to their importance commencing with the most important. [5 marks]

TOTAL MARKS 25

#### QUESTION 5

- a) With reference to legal authorities discuss how a custom must be proved to exist in a court of law. [15 marks]
- b) List seven personal qualities that a lawyer must possess. [7 marks]
- c) Who is the attorney general in Swaziland and what is his or her function? [3 marks]

TOTAL MARKS 25

#### QUESTION 6

With reference to relevant legal authority discuss the making of a statute in Swaziland.

TOTAL MARKS 25