

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY, 2016

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| TITLE OF PAPER | : | LEGAL SYSTEMS AND METHOD |
| COURSE CODE | : | IDE – DL011 |
| TIME ALLOCATION | : | THREE (3) HOURS |
| INSTRUCTIONS | : | ANSWER ANY FOUR QUESTIONS |
| TOTAL MARKS | : | 100 |

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

QUESTION 1

Mr. Gumedze from Siphofaneni inkhundla within the Lubombo region aspires to have legislation that will regulate the movement of cattle in areas that are near public roads. He wishes that the law would help in reducing the occurrence of road accidents in public roads. He has requested a Member of Parliament from Siphofaneni to ensure that the law comes into existence. Mr. Gamedze wants to know all the steps that should take place to have this law come into existence.

With reference to proper legal authorities advise Mr. Gamedze on what is going to happen to have the law come to existence. [25 marks]

QUESTION 2

- a) Sipho is a police officer based at the Lukhozi unit at Manzini city. He has been instructed by his superiors to research the legal position on issues of fraud that happens in a work place. Advise Sipho by listing the recognized primary sources of law in Swaziland starting with the most important. [8 marks]
- b) In all legal proceedings whether criminal or civil a litigant has remedies that are available to challenge a decision that has been made by a subordinate court in Swaziland. State the two remedies that the litigant can take to challenge the decision of a subordinate court. [2 marks]
- c) Discuss the test that the courts use to recognize a custom. [15 marks]

QUESTION 3

- a) List the recognized rules of statutory interpretation. [10 marks]
- b) How can judges avoid judicial precedents? [15 marks]

QUESTION 4

- a) List three examples of normative systems or social control mechanisms. [6 marks]
- b) List three qualities that a lawyer should possess. [3 marks]

- c) What is the supreme law in Swaziland? [2 marks]
- d) Common law according to a lawyer may mean one of three things. Name the three meanings of common law. [6 marks]
- e) List five disadvantages of litigation. [8 marks]

[TOTAL MARKS 25]

QUESTION 5

- a) Name three methods of appointing judges. [3 marks]
- b) Which method of appointing judges is used in Swaziland? [2 marks]
- c) Discuss three alternative dispute resolution methods. [20 marks]

[TOTAL MARKS 25]

QUESTION 6

- a) What is meant by Roman – Dutch law in relation to the Kingdom of Swaziland? [5 marks]
- b) List the four primary functions of the law and the two secondary functions of the law. [12 marks]
- c) When does a statute cease to exist? [3 marks]
- d) What is meant by a secondary source of law. [4 marks]

[TOTAL MARKS 25]