

higher education & training

Department:
Higher Education and Training
REPUBLIC OF SOUTH AFRICA

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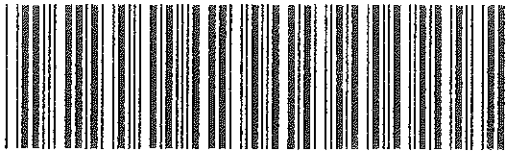
NATIONAL CERTIFICATE

LEGAL PRACTICE N5

(13030115)

29 May 2019 (X-Paper)
09:00–12:00

This question paper consists of 6 pages.



084Q1J1929

DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA
NATIONAL CERTIFICATE
LEGAL PRACTICE N5
TIME: 3 HOURS
MARKS: 200

NOTE: If you answer more than the required number of questions, only the required number will be marked. Clearly cross out ALL work you do NOT want to be marked.

INSTRUCTIONS AND INFORMATION

1. SECTION A is COMPULSORY and must be answered by ALL candidates in the ANSWER BOOK.
 2. Answer any FIVE questions in SECTION B.
 3. Read ALL the questions carefully.
 4. Number answers according to the numbering system used in this question paper.
 5. Neatness, style and a systematic exposition of facts are required. Where possible, present answers in point form, but always in full sentences.
 6. Write neatly and legibly.
-

SECTION A (COMPULSORY)

QUESTION 1

- 1.1 Complete the following sentences by using the word(s) in the list below. Write only the word(s) next to the question number (1.1.1–1.1.15) in the ANSWER BOOK.

public defender; my lord; roll; your honour; your worship, the clerk; executor dative; revocation; without prejudice; subpoena; obligatory; illiquid; liquid; public prosecutor; a testament; the Constitution; testator; drafter; sheriff; modus; usufruct; witness

- 1.1.1 The person who is responsible for the delivery of court documents in the civil court.
- 1.1.2 The correct way to address the judge.
- 1.1.3 The most important source of South African law.
- 1.1.4 When a letter may not be used as evidence in a court case, it is marked with the word(s)
- 1.1.5 A combined summons is used for ... claims.
- 1.1.6 This person appears on behalf of the state in a criminal case.
- 1.1.7 ... is responsible for performing the administrative work in the office of the lower court.
- 1.1.8 Attorneys who are paid by the state to assist the accused.
- 1.1.9 A clause in a will that gives a person a right to use and enjoy the benefits of the property.
- 1.1.10 A clause in a will that postpones the right until certain conditions have been met.
- 1.1.11 A list of all qualified, practising attorneys.
- 1.1.12 A person who draws up a will.
- 1.1.13 When there is no will and the Master has to appoint an executor.
- 1.1.14 When a sequestration is requested against you, it is known as ... sequestration.
- 1.1.15 ... means that you must appear in court as a witness and you may not refuse.

(15 × 2) (30)

1.2 Indicate whether the following statements are TRUE or FALSE. Choose the answer and write only 'True' or 'False' next to the number (1.2.1–1.2.10) in the ANSWER BOOK.

- 1.2.1 Only an advocate may act as a public prosecutor on behalf of the state.
- 1.2.2 The duty to act in utmost good faith is also known as *uberrima fides*.
- 1.2.3 *S v Mabaso* 2016 (2) SA 128 (N) is an example of a civil case.
- 1.2.4 All closed files must be kept in the attorney's office up to a period of three years.
- 1.2.5 Customary law is no longer a source of South African law.
- 1.2.6 In a democratic country like South Africa, the government makes the law.
- 1.2.7 In the Small Claims Court, no attorney may represent the plaintiff or defendant.
- 1.2.8 The general rule regarding legal cost is that the winner pays the cost.
- 1.2.9 Absolution means a claim is dismissed or rejected.
- 1.2.10 An interdict is a court order that prohibits an individual from performing certain actions.

(10 × 2) (20)
[50]

TOTAL SECTION A: 50

SECTION B: (LONG QUESTIONS)

Answer any FIVE of the six questions from SECTION B.

QUESTION 2

2.1 Due to the complexity and the quantity of work that a large firm of attorneys handles, it helps to divide the firm into departments.

Name and define the FIVE departments in the attorney's practice.

*litigation
to attorney
convey (5 x 3)
debt collection
will connection*

(15)

2.2 The Small Claims Court has been instituted to enable affordable legal help for the man in the street.

2.2.1 What name is given to the presiding officer in the Small Claims Court?

(2)

*conveyance
convey*

*admission
administrator*

- 2.2.2 List examples of claims that can be heard by this court. (8)
 - 2.2.3 List TWO advantages of suing someone in the Small Claims Court. (4)
 - 2.3 A criminal act to overthrow the government of the state to which the offender owes allegiance, is called ... (1)
- [30]

QUESTION 3

3.1 As far as South African sources of law are concerned, it is important to realise that there is not only one primary source where the law originates and can be found. South African law has more than one source.

- 3.1.1 List any FOUR of these sources. (4 x 2) (8)
- 3.1.2 Explain each of the FOUR sources mentioned in QUESTION 3.1.1. (12)

3.2 When you request a cheque from the bookkeeping department, you must provide certain information.

Name this information. *- If the money is from trust or business*
- name of a client to whom it must be charged
- reason for cheque
- name of client to whom it made out
- amount and date.

(10)
[30]

QUESTION 4

4.1 In an attorney's office, two types of accounts are used for monetary reasons. Explain these types of accounts. (10 x 2) (20)

4.2 Explain the term *power of attorney*. In your answer, make a clear distinction between the two types of power of attorney. (5 x 2) (10)

Mortgage mortgage mortgage

QUESTION 5

5.1 The Law Society watches over the interests of the public. Give the steps to be taken should a member of the public wish to institute a complaint against an attorney at the Law Society. (4 x 2) (8)

5.2 Name the requirements a legal testament must satisfy in terms of the Wills Act and the common law. (7 x 2) (14)

5.3 List any FOUR persons who qualify according to their office to act as a Commissioner of Oaths. (4 x 2) (8)

right mortgage previous reason

[30]

Mortgage commissioner

Mortgage

QUESTION 6

Cosmo Diale is ONE of the top actors in the Republic. He wants to open a liquor business in Port Elizabeth. He contacts you for advice on the following points.

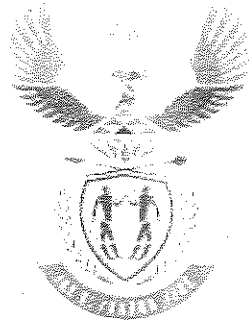
- 6.1 List any SIX requirements that must be met by the premises where liquor will be sold. (6 x 2) (12)
- 6.2 The applicant of a liquor license must be ... years or older. (2)
- 6.3 A liquor licence applicant must be a South African citizen.
Answer YES or NO. (2)
- 6.4 Explain the steps to be followed by an attorney in creating a folder for a new client. (7 x 2) (14)
 - write all inform in the cover of file
 - complete register in order to record all file
 - contact account department
 - attach**[30]**

QUESTION 7

- 7.1 The way you answer a telephone is one of the most important advertisements for the firm.
Explain the telephone manners and techniques that must be followed by the attorney's office. (8 x 2) (16)
- 7.2 At what age can a person become a legal witness to a valid will? (2)
- 7.3 To be able to make a valid will, the testator must be ... years or older. (2)
- 7.4 What does it mean to *die intestate*? (2)
- 7.5 A collusive agreement has no legal effect.
Answer TRUE or FALSE. (2)
- 7.6 Define a *notarial agreement*. (3 x 2) (6)

614
 Attach an account statement inside a file
TOTAL SECTION B: 150
GRAND TOTAL: 200

Attach progress report in the file
 Place all corresponding file in chronological order



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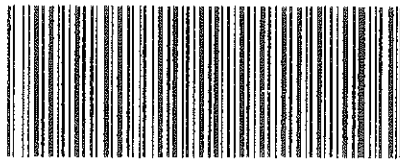
NATIONAL CERTIFICATE

LEGAL PRACTICE N5

(13030115)

18 November 2019 (X-Paper)
09:00–12:00

This question paper consists of 7 pages.



090Q1B1918000981

02029985



**DEPARTMENT OF HIGHER EDUCATION AND TRAINING
REPUBLIC OF SOUTH AFRICA
NATIONAL CERTIFICATE
LEGAL PRACTICE N5
TIME: 3 HOURS
MARKS: 200**

NOTE: If you answer more than the required number of questions only the required number will be marked. All work you do not want to be marked must be clearly crossed out.

INSTRUCTIONS AND INFORMATION

1. SECTION A is COMPOUSORY.
 2. Answer any FIVE questions from SECTION B.
 3. Read ALL the questions carefully.
 4. Number the answers according to the numbering system used in this question paper.
 5. Start each question on a NEW page.
 6. Write neatly and legibly.
-



SECTION A (COMPULSORY)

QUESTION 1

1.1 Indicate whether the following statements are TRUE or FALSE by writing only 'True' or 'False' next to the question number (1.1.1–1.1.15) in the ANSWER BOOK.

- 1.1.1 The legal system is the foundation of a disordered society. *False*
- 1.1.2 A registrar does the administrative work in the office of the high court. *True*
- 1.1.3 Paralegals have the capacity to represent an accused before a court of law. *True*
- 1.1.4 Legal advisers usually have the same qualifications as an attorney or an advocate. *False*
- 1.1.5 Practising attorneys belong to the Law Society at their own discretion. *True*
- 1.1.6 International law is the law enforced in a specific country. *False*
- 1.1.7 Customary law is the most important source of South African law. *False*
- 1.1.8 Default judgment is given in favour of the defendant. *True*
- 1.1.9 A short summons is issued for a liquidated claim. *True*
- 1.1.10 A person can be imprisoned for long-term unpaid debts. *False*
- 1.1.11 Revocation means all previous wills have been terminated. *True*
- 1.1.12 A witness to a will must be 18 years or older. *False*
- 1.1.13 *Executor* refers to a person who draws up a will. *True*
- 1.1.14 Adopted children have a legal right to inherit from their biological parents. *False*
- 1.1.15 Collaterals are persons related to the deceased through at least one common ancestor, like brothers and sisters. *True*

(15 × 2) (30)



1.2 Choose a term from COLUMN B that matches a description in COLUMN A. Write only the letter (A–M) next to the question number (1.2.1–1.2.10) in the ANSWER BOOK.

COLUMN A		COLUMN B	
1.2.1	Right of a court to hear a particular case <i>J I G C</i>	A	summary judgement
1.2.2	Most superior court in South Africa <i>F</i>	B	commissioner
1.2.3	Oral evidence in a court of law <i>I</i>	C	jurisdiction
1.2.4	Presiding officer in a small claims court <i>B</i>	D	agreement
1.2.5	Prescribed time limit to give notice of intention to defend <i>J</i>	E	liquid
1.2.6	Criminal act to overthrow the government of the state to which offender owes allegiance <i>M</i>	F	constitutional court
1.2.7	Judgement in favour of plaintiff without hearing <i>A</i>	G	agreement
1.2.8	Statement made under oath in which a person declares that everything is the truth <i>H</i>	H	affidavit
1.2.9	Act that binds two individuals <i>E</i>	J	viva voce
1.2.10	Exact amount of debt acknowledged in writing <i>D</i>	J	dies iduciae
		K	agreement
		L	illiquid
		M	treason

(10 × 2)

(20)
[50]

TOTAL SECTION A: 50



SECTION B

Answer any FIVE of the six questions from SECTION B.

QUESTION 2

- 2.1 List SIX responsibilities executed by attorneys in South Africa. (6 x 2) (12)
- 2.2 Name FOUR staff members who may be employed in an attorney's practice. (4 x 2) (8)
- 2.3 Explain FIVE duties of an executor to a client who has no knowledge of administering an estate. (5 x 2) (10)

[30]

AND/OR

QUESTION 3

In South Africa there is more than one primary source from where the law originates and can be found.

- 3.1 Name FOUR of those sources. (4 x 2) (8)
- 3.2 Explain each of the FOUR sources named in QUESTION 3.1 and give examples to substantiate the answer where necessary. (4 x 4) (12)
- 3.3 List FIVE filing methods used in an attorney's practice to store client's files. (10)

[30]

AND/OR

QUESTION 4

- 4.1 Name the TWO accounts used in an attorney's office. (2 x 2) (4)
- 4.2 Explain each of the TWO accounts named in QUESTION 4.1 and give examples to substantiate the answer where necessary. (8 x 2) (16)
- 4.3 Name TWO types of agreement. (2 x 2) (4)
- 4.4 Name THREE pieces of information which appear in the heading of an agreement. (3 x 2) (6)

[30]

AND/OR



QUESTION 5

A code of ethics is a set of principles in an organisation guiding decision making and behaviour regarding conduct at work.

- 5.1 Give TWO examples of a code of ethics in the legal profession. (2 × 2) (4)
 - Professionalism
 - PIES code
- 5.2 List FIVE of the eight subsections of which a complete executor's liquidation and distribution account consists as per regulations. (5 × 2) (10)
- 5.3 Define *power of attorney*. (2)
- 5.4 Explain TWO types of power of attorney. (8)
- 5.5 Write short notes on a notarial agreement. (3 × 2) (6)
- [30]**

AND/OR

QUESTION 6

A magistrate's court is the lowest court in South Africa and therefore the court of first instance for most cases.

- 6.1 Name FIVE cases over which a magistrate's court has jurisdiction. (5 × 2) (10)
 - Divorce
 - Road ticket fine
- 6.2 Give THREE examples of claims a landlord can successfully have against a lessee. (3 × 2) (6)
 - Damaged property
 - Late payment
 - Abusing the place (wasting)
- 6.3 Explain a letter of demand to a new client who wants to send one to a defendant. (7 × 2) (14)
- [30]**

AND/OR



QUESTION 7

- 7.1 Explain how the secretary of an attorney must go about to create a file for a new client. (7 × 2) (14)
- 7.2 An affidavit is a written statement declared under oath as the truth and signed in front of a commissioner of oaths.
Name FIVE pieces of information which appears in an affidavit. (5 × 2) (10)
- 7.3 Give TWO examples of where affidavits can be used. (2 × 2) (4)
- 7.4 A person who has given a sworn affidavit is called a ... (2) [30]

TOTAL SECTION B: 120
 GRAND TOTAL: 150



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