



SCHOOL OF LAW

COURSE NAME: Legal Systems I

COURSE NO: LA100

TIME ALLOWED: Three (3) Hours

READING TIME: Ten (10) minutes

NUMBER OF PAGES: Two (2) excluding this page

NUMBER OF QUESTIONS ON PAPER: Seven (7)

NUMBER OF QUESTIONS TO BE ANSWERED: Five (5)

MARK ALLOCATED FOR EACH QUESTION: 10 (Ten)

TOTAL MARKS: Fifty percent (50%)

MATERIALS PERMITTED IN EXAMINATION ROOM:

None

SPECIAL INSTRUCTIONS

Please do not turn over any page until you are told to do so.

*Approved
Thurkin*

LA 100 EXAMINATION QUESTIONS - 2005

Answer only FIVE questions.

Question 1.

Explain with examples what is meant by the following:

- a) Pervasive nature of law;
- b) Case law;
- c) Private international law;
- d) Torts law;
- e) Law of procedure;
- f) Adjectival law;
- g) Substantive law;
- h) Prerogative laws;
- i) Bylaw;
- j) Inconsistent law.

(10 marks)

Question 2.

Trace the development in one country of the USP region of any THREE of the following sources of law:

Custom;
Constituent laws;
Legislation;
Subsidiary legislation;
Common law and equity.

(10 marks)

Question 3.

In your opinion which two out of the five views (positivists, realist, sociological, naturalist, marxist views) of law adequately explains the nature of law? Why?

(10 marks)

Question 4.

What are the grounds to determine the validity of the relationship between a Constitution, legislation and subsidiary legislation in a country of your choice in the USP region? Cite cases to support your discussion.

(10 marks)

Question 5.

How were the principles of common law and equity developed in England and to what extent have they been applied in a country of your choice in the USP region?

(10 marks)

Question 6.

- a) How is custom recognised and applied by courts in two selected countries of your choice in the USP region;
- b) What are the limitations to the application of custom?

(10 marks)

Question 7.

In what circumstances would a law be considered as inconsistent with another law and what is the legal effect of that inconsistency? Give examples and cite cases to illustrate your point.

(10 marks)