

GAUTENG DEPARTMENT OF EDUCATION



SENIOR CERTIFICATE EXAMINATION

OCTOBER / NOVEMBER

2006

STATUTE LAW

SG

904-2/0E

9 pages



**STATUTE LAW
STANDARD GRADE**

SENIOR CERTIFICATE EXAMINATION

NOVEMBER 2006

TIME: 3 HOURS

MARKS: 300

INSTRUCTION TO CANDIDATES:

Answer all the questions.

QUESTION 1

- 1.1 Define "produce" as set out in Section 1 of the Stock Theft Act, 1959 (Act 57/1959).
(8x2=16)
[16]
- 1.2 Define "stock" as set out in Section 1 of the Stock Theft Act, 1959 (Act 57/1959).
(16)
[32]

QUESTION 2

Define "liquor" according to the Liquor Act, 1989 (Act 27/1989).

(9x2=18)
[18]

QUESTION 3

Write **only** the **number** of the correct statement e.g. 3.16 – A. No marks will be awarded for any discussion or a statement that is written out.

- 3.1 A "closed day" in terms of the Liquor Act, 1989 (Act 27/1989) is ...
- A Sunday, Christmas Day, New Years Day.
B New Years Day, Christmas Day, Good Friday.
C Sunday, Good Friday, Christmas Day.
- 3.2 In terms of Section 143 of the Liquor Act, 1989 (Act 27/1989), the police may search a licensed premises ...
- A any time of day or night.
B during the hours when the licensee is authorised to sell liquor.
C between the hours of dawn and sunset.
D any time except Sundays.
- 3.3 In terms of Section 154 of the Liquor Act, 1989 (Act 27/1989), the following is an offence :
- A To be drunk in your dwelling
B To consume liquor on a private premises without consent of the owner
C To sell liquor on a licensed premises to a person under 21 years of age

- 3.4 In terms of Section 1 of the Dangerous Weapons Act, 1968 (Act 71/1968), the following is regarded as a “dangerous weapon”:
- A An A.K. 47 assault rifle
 - B A dog
 - C A screwdriver
 - D The barrel of a gun
 - E Both (A) and (D)
- 3.5 Section 9(1) of the Explosives Act, 1956 (Act 26/1956), stipulates that nobody may use explosives unless ...
- A he is in possession of a permit issued by an inspector.
 - B he is in possession of a permit issued by the National Commissioner of the SA Police Service.
 - C he is not in possession of a permit, but knows how to use explosives and was authorised by the company which employs him.
- 3.6 In terms of Section 3 of the Inquests Act, 1959 (Act 58/1959), the following persons may be present at the post mortem examination without authorisation of the medical practitioner or magistrate:
- A A Police official
 - B Any of the parents of the deceased
 - C The legal representative of the deceased’s family
 - D A prosecutor
- 3.7 In terms of Section 4 of the Inquests Act, 1959 (Act 58/1959), the police official investigating the circumstances of a person’s death, must report to ...
- A the magistrate.
 - B the district surgeon.
 - C the prosecutor.
 - D both (A) and (B).
- 3.8 In terms of Section 1 of the Stock Theft Act, 1959 (Act 57/1959), the following is regarded as “produce”:
- A Ostrich feathers
 - B Chicken feathers
 - C Hoofs of stock
 - D None of the above.

- 3.9 In terms of Section 1 of the Animals Protection Act, 1962 (Act 71/1962), the following is included in the definition of “animal”:
- A Kudu
 - B Lion
 - C Ostrich
 - D Goldfish
 - E None of the above.
- 3.10 In terms of Section 1 of the Correctional Services Act, 1959 (Act 8/1959), a “prisoner” is ...
- A a person on bail.
 - B the corpse of a person who was serving a sentence.
 - C a person who received a suspended jail sentence.
- 3.11 The following persons may be present at the proceedings in the Children’s Court in terms of Section 8 of the Child Care Act, 1983 (Act 74/1983):
- A The brothers and sisters of the child
 - B The child’s school principal
 - C The grandparents of the child
 - D The attorney of the child’s parents
- 3.12 In terms of Section 18 of the Road Traffic Act, 1989 (Act 29/1989), a person is unfit to obtain a learner driver’s licence for a light motor vehicle, if he ...
- A is under 18 years of age.
 - B drives a motor vehicle without a person in possession of a valid driver’s licence as passenger.
 - C was involved in a motor vehicle accident.
 - D suffers from uncontrolled diabetes mellitus.
- 3.13 In terms of Section 14 of the Mental Health Act, 1973 (Act 18/1973), a police official must take a mentally ill person wandering-at-large into custody and apply for a reception order at ...
- A a prosecutor.
 - B a district surgeon.
 - C a magistrate.
- 3.14 The following is defined as “liquor” in terms of the Liquor Act, 1989 (Act 27/1989):
- A Methylated spirits
 - B Medicine containing alcohol
 - C Sorghum beer
 - D None of the above.

- 3.15 A “Children’s home” in the Child Care Act, 1983 (Act 74/1983), as any residence maintained for the reception, protection, care and bringing up of more than ...

- A 4 children.
- B 6 children.
- C 10 children.

(15x2=30)
[30]

QUESTION 4

- 4.1 Discuss the provisions of Section 22 of the Fencing Act, 1963 (Act 31/1963), with regard to leaving gates open. (12)
- 4.2 Give an exposition of the provisions of Section 23 of the Fencing Act, 1963 (Act 31/1963), regarding climbing or crawling through fences. (14)
[26]

QUESTION 5

- Give an exposition of the powers granted to a police official in terms of Section 143 of the Liquor Act, 1989 (Act 27/1989), regarding search and inspection. (30)
[30]

QUESTION 6

SEXUAL OFFENCES ACT NO. 23 OF 1957

Define the following in terms of the above-mentioned act:

- 6.1 “Brothel” (4)
 - 6.2 “A place” (5)
 - 6.3 “Unlawful carnal intercourse” (1)
- (10x2=20)
[20]

QUESTION 7

ROAD TRAFFIC ACT NO. 29 OF 1989

Name **FIFTEEN** instances in which a person is disqualified from obtaining or holding a learner's or driver's licence.

(15x2=30)
[30]

QUESTION 8

LIQUOR ACT NO. 27 OF 1989 (SECTION 154)

Quote any **TWELVE** offences stipulated in section 154 of the Liquor Act.

(12x2=24)
[24]

QUESTION 9

FENCING ACT NO. 31 OF 1963 (SECTION 27)

Discuss the provisions of Section 27 of the Fencing Act, 1963 (Act 31 of 1963) regarding the failure to give a name after damaging a fence.

(7x2=14)
[14]

QUESTION 10

PROHIBITION OF DISGUISES, 1969 (ACT 16 OF 1969)

Give an exposition of the Act on the Prohibition of Disguises, 1969 (Act 16/1969) which declares the disguise of a person an offence. The provisions regarding the onus of proof are not required.

(9x2=18)
[18]

QUESTION 11

**INDICATE WHETHER THE FOLLOWING STATEMENTS ARE “TRUE” OR “FALSE”
(DO NOT DISCUSS).**

LIQUOR ACT, NO. 27 OF 1989

- 11.1 A bar on a licensed premises is regarded a “restricted part”. (2)
- 11.2 A holder of a licence may not sell liquor to persons under the age of 18 years. (2)
- 11.3 An agent of the holder of a licence may refuse to admit any person to the licensed premises. (2)
- 11.4 A police officer may enter a licensed premises for the purpose of inspecting the liquor stock. (2)
- 11.5 A police officer may demand the name and address of any person whom he finds on the premises where he seizes liquor. (2)
- 11.6 Any person who is drunk at a racecourse shall be guilty of an offence. (2)

ROAD TRAFFIC ACT, ACT 29 OF 1989

- 11.7 A driver means any person who drives or attempts to drive any vehicle. (2)
- 11.8 A public road includes a thoroughfare which is commonly used by the public. (2)
- 11.9 Pedestrian crossing means any portion of a public road designated as a pedestrian crossing by appropriate road traffic signs. (2)
- 11.10 A trailer is not a motorvehicle. (2)
- 11.11 A person who is 17 years of age may obtain a driver’s licence. (2)
- (11x2=22)
[22]

QUESTION 12

CHILD CARE ACT NO. 74 OF 1983

Discuss the removal of a child to a place of safety pending an enquiry in terms of Section 12 of the Child Care Act (Act 74 of 1983). Discuss the procedure to be followed after such removal as well.

[22]

QUESTION 13

SEXUAL OFFENCES ACT NO. 23 OF 1957

Describe the steps that a magistrate may take in terms of Section 8 of the Sexual Offences Act upon receiving a complaint that a house is used as a brothel.

[14]

GRAND TOTAL: [300]

END

GAUTENGSE DEPARTEMENT VAN ONDERWYS



SENIORSERTIFIKAAT-EKSAMEN

OKTOBER / NOVEMBER

2006

WETTEREG

SG

904-2/0A

9 bladsye



**WETTEREG
STANDAARDGRAAD**

SENIORSERTIFIKAAT-EKSAMEN

NOVEMBER 2006

TYD: 3 UUR

PUNTE: 300

INSTRUKSIE AAN KANDIDATE:

Beantwoord al die vrae.

VRAAG 1

- 1.1 Definieer "produkte" soos uiteengesit in Artikel 1 van die Wet op Veediefstal, 1959 (Wet 57/1959).

(8x2=16)
[16]

- 1.2 Definieer "vee" soos uiteengesit in Artikel 1 van die Wet op Veediefstal, 1959 (Wet 57/1959).

(16)
[32]

VRAAG 2

Definieer "drank" ingevolge die Drankwet, 1989 (Wet 27/1989).

(9x2=18)
[18]

VRAAG 3

Skryf **slegs** die **nommer** van die korrekte stelling neer bv. 3.16 – A. Geen punte sal toegeken word vir enige bespreking of stelling wat uitgeskryf word nie.

- 3.1 'n "Gesloten dag" ingevolge die Drankwet, 1989 (Wet 27/1989) is ...

- A Sondag, Kersdag, Nuwejaarsdag.
- B Nuwejaarsdag, Kersdag, Goeie Vrydag.
- C Sondag, Goeie Vrydag, Kersdag.

- 3.2 Ingevolge Artikel 143 van die Drankwet, 1989 (Wet 27/1989), mag 'n gelisensieerde perseel deursoek word deur die polisie ...

- A enige tyd van die dag of nag.
- B gedurende tye wanneer die lisensiehouer gemagtig is om drank te verkoop.
- C tussen sonop en sononder.
- D enige tyd, behalwe Sondae.

- 3.3 Ingevolge Artikel 154 van die Drankwet, 1989 (Wet 27/1989), is die volgende 'n misdryf:

- A Om dronk te wees in jou woonhuis
- B Om drank te verbruik op 'n privaatperseel sonder toestemming van die eienaar
- C Om drank te verkoop op 'n gelisensieerde perseel aan 'n persoon onder 21 jaar

3.4 Ingevolge Artikel 1 van die Wet op Gevaarlike Wapens, 1968 (Wet 71/1968), is die volgende 'n gevaarlike wapen":

- A 'n A.K. 47-aanvalsgeweer
- B 'n Hond
- C 'n Skroewedraaier
- D Die loop van 'n vuurwapen
- E Beide (A) en (D).

3.5 Artikel 9 (1) van die Wet op Ontplofbare Stowwe, 1956 (Wet 26/1956), bepaal dat niemand springstof mag gebruik nie tensy ...

- A hy in besit is van 'n permit wat deur 'n inspekteur uitgereik is.
- B hy in besit is van 'n permit wat deur die Nasionale Kommissaris van die SA Polisiediens uitgereik is.
- C hy nie in besit is van 'n permit nie, maar weet hoe om springstof te gebruik en deur die maatskappy vir wie hy werk, gemagtig is.

3.6 Ingevolge Artikel 3 van die Wet op Geregtelike Doodsondersoeke, 1959 (Wet 58/1959), mag die volgende persone sonder die toestemming van die geneesheer of landdros teenwoordig wees by 'n nadoodse ondersoek:

- A 'n Polisiebeampte
- B Enige van die ouers van die oorledene
- C Die regsvtereenwoordiger van die oorledene se familie
- D 'n Aanklaer

3.7 Ingevolge Artikel 4 van die Wet op Geregtelike Doodsondersoeke, 1959 (Wet 58/1959), doen die polisiebeampte wat die omstandighede van iemand se dood ondersoek, verslag aan ...

- A die landdros.
- B die distriksgeneesheer.
- C die aanklaer.
- D beide (A) en (B).

3.8 Ingevolge Artikel 1 van die Wet op Veediefstal, 1959 (Wet 57/1959), is die volgende "produkte":

- A Volstruisvere
- B Hoendervere
- C Hoewe van vee
- D Geeneen van bovenoemde.

- 3.9 Ingevolge Artikel 1 van die Dierebeskermingswet, 1962 (Wet 71/1962), word die volgende ingesluit by die definisie van “dier”:
- A Koedoe
 - B Leeu
 - C Volstruis
 - D Goudvis
 - E Geeneen van bovenoemde
- 3.10 Ingevolge Artikel 1 van die Wet op Gevangenis, 1959 (Wet 8/1959), is 'n “gevangene”...
- A 'n persoon op borg.
 - B die lyk van 'n persoon wat gevangenisstraf uitgedien het.
 - C 'n persoon wat 'n opgeskorte vonnis van tronkstraf opgelê is.
- 3.11 By die verrigtinge van 'n Kinderhof ingevolge Artikel 8 van die Wet op Kindersorg, 1983 (Wet 74/1983), mag die volgende persone teenwoordig wees:
- A Die broers en susters van die kind
 - B Die kind se skoolhoof
 - C Die grootouers van die kind
 - D Die prokureur van die kind se ouers
- 3.12 Ingevolge Artikel 18 van die Padverkeerswet, 1989 (Wet 29/1989), is iemand onbevoeg om 'n leerlingbestuurslisensie vir 'n ligte motorvoertuig te bekom, wat ...
- A onder 18 jarige ouderdom is.
 - B 'n motorvoertuig bestuur sonder 'n persoon in besit van 'n geldige bestuurslisensie as passasier.
 - C in 'n motorbotsing betrokke was.
 - D ly aan onbeheerde diabetes mellitus.
- 3.13 'n Polisiebeampte moet ingevolge Artikel 14 van die Wet op Geestesgesondheid, 1973 (Wet 18/1973), 'n geestesongestelde persoon wat rondwaal in bewaring neem en aansoek doen om 'n opnemingsbevel by ...
- A 'n aanklaer.
 - B 'n distriksgeneesheer.
 - C 'n landdros.
- 3.14 Die volgende word gedefinieer as “drank” ingevolge die Drankwet, 1989 (Wet 27/1989):
- A Brandspiritus
 - B Medisyne wat alkohol bevat
 - C Sorghumbier
 - D Geeneen van bovenoemde

3.15 'n "Kinderhuis" word gedefinieer in die Wet op Kindersorg, 1983 (Wet 74/1983), as 'n tehuis wat in stand gehou word vir die opname, beskerming, versorging en opvoeding van meer as ...

- A 4 kinders.
- B 6 kinders.
- C 10 kinders.

(15x2=30)
[30]

VRAAG 4

- 4.1 Bespreek die bepalings van Artikel 22 van die Omheiningswet, 1963 (Wet 31/1963), met betrekking tot die ooplaat van hekke. (12)
- 4.2 Gee 'n uiteensetting van die bepalings van Artikel 23 van die Omheiningswet, 1963 (Wet 31/1963), met betrekking tot die klim of kruip deur heinings. (14)
[26]

VRAAG 5

Sit die magte ten opsigte van deursoeking en inspeksie aan 'n polisiebeampte ingevolge Artikel 143 van die Drankwet, 1989 (Wet 27/1989), verleen, uiteen. (30)
[30]

VRAAG 6

WET OP SEKSUELE MISDRYWE NR. 23 VAN 1957

Definieer die volgende ingevolge bovemelde wet:

- 6.1 "Bordeel" (4)
 - 6.2 "n Plek" (5)
 - 6.3 "Ontug" (1)
- (10X2=20)
[20]

VRAAG 7

PADVERKEERSWET NR. 29 VAN 1989

Noem **VYFTIEN** gevalle waar 'n persoon onbevoeg is om 'n leerling- of bestuurderslisensie te verkry of te hou. (15x2=30)
[30]

VRAAG 8

DRANKWET NR. 27 VAN 1989 (ARTIKEL 154)

Haal enige **TWAALF** misdrywe aan wat gestipuleer is in Artikel 154 van die Drankwet. (12x2=24)
[24]

VRAAG 9

OMHEININGSWET NR. 31 VAN 1963 (ARTIKEL 27)

Bespreek die bepalings van Artikel 27 van die Omheiningswet, 1963 (Wet 31 van 1963) met betrekking tot die versuim om 'n naam te verstrek nadat 'n omheining beskadig is. (7x2=14)
[14]

VRAAG 10

WET OP VERBOD VAN VERMOMMING, 1969 (WET 16 VAN 1969)

Gee 'n uiteensetting van die Wet op Verbod van Vermomming, 1969 (Wet 16/1969) wat 'n vermomming van 'n persoon as 'n misdaad verklaar. Die bepalings met betrekking tot die bewyslas word nie benodig nie. (9x2=18)
[18]

VRAAG 11

DUI AAN OF DIE VOLGENDE STELLINGS “WAAR” OF “ONWAAR” IS (MOENIE BESPREEK NIE).

DRANKWET, WET 27 VAN 1989

- 11.1 'n Kroeg op 'n gelisensiéerde perseel word beskou as 'n "beperkte deel". (2)
- 11.2 'n Licensiehouer mag nie drank verkoop aan persone onder 18 jaar nie. (2)
- 11.3 'n Agent van die licensiehouer mag toegang aan enige persoon tot die gelisensiéerde perseel weier. (2)
- 11.4 'n Polisiebeampte mag 'n gelisensiéerde perseel binnegaan met die doel om die drankvoorraad te inspekteer. (2)
- 11.5 'n Polisiebeampte mag die naam en adres van enige persoon vra wat hy vind op die perseel waar hy op drank beslag gelê het. (2)
- 11.6 'n Persoon wat dronk is by 'n resiesbaan, maak homself skuldig aan 'n misdryf. (2)

PADVERKEERSWET, WET 29 VAN 1989

- 11.7 'n Bestuurder is enige persoon wat enige voertuig bestuur of probeer bestuur. (2)
- 11.8 'n Openbare pad sluit in 'n deurgang wat normaalweg deur die publiek gebruik word. (2)
- 11.9 'n Voetoorgang is enige gedeelte van 'n openbare pad wat deur toepaslike verkeerstekens as 'n voetoorgang aangedui word. (2)
- 11.10 'n Sleepwa is nie 'n motorvoertuig nie. (2)
- 11.11 'n Persoon wat 17 jaar oud is, mag 'n bestuurderslisensie verkry. (2)
(11x2=22)
[22]

VRAAG 12

WET OP KINDERSORG NR. 74 VAN 1983

Bespreek die bepalings van Artikel 12 van die Wet op Kindersorg (Wet 74 van 1983) met betrekking tot die verwydering van 'n kind na 'n veiligheidsplek hangende ondersoek. Bespreek ook die optrede na voormalde verwydering.

[22]

VRAAG 13

WET OP SEKSUELE MISDRYWE NR. 23 VAN 1957

Omskryf die stappe wat 'n landdros kan neem ingevolge Artikel 8 van die Wet op Seksuele Misdrywe wanneer hy 'n klagte ontvang dat 'n huis as 'n bordeel gebruik word.

[14]

GROOTTOTAAL: [300]

EINDE