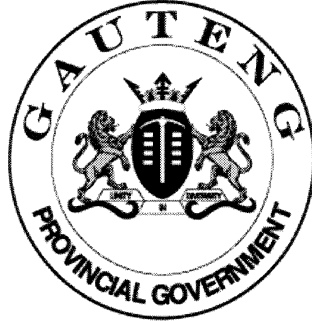


**SENIOR CERTIFICATE  
EXAMINATION  
SENIORSERTIFIKAAT-EKSAMEN**



**OCTOBER / NOVEMBER  
OKTOBER / NOVEMBER**

**2004**

**S.A. CRIMINAL LAW**

***S.A. STRAFREG***

**SG**

**903-2/0**

SA CRIMINAL LAW SG

**8 pages  
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GAUTENGSE DEPARTEMENT VAN ONDERWYS  
SENIORSERTIFIKAAT-EKSAMEN

S.A. STRAFREG SG

TYD: 3 uur

PUNTE: 300

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**INSTRUKSIES:**

1. Beantwoord al **VYF** vrae in jou **antwoordboek**.
2. Lees die vrae noukeurig deur en antwoord **slegs** wat gevra word.
3. Beplan die **lengte** van die antwoorde volgens die **aantal punte** wat aan die betrokke vrae toegeken is.
4. Dit is in jou eie belang om **leesbaar** te skryf en jou werk **netjies** aan te bied.

GAUTENG DEPARTMENT OF EDUCATION  
SENIOR CERTIFICATE EXAMINATION

S.A. CRIMINAL LAW SG

TIME: 3 hours

MARKS: 300

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**INSTRUCTIONS:**

1. Answer all **FIVE** questions in your **examination script**.
2. Read the questions carefully and answer **only** what is requested.
3. Plan the length of answers according to the **marks** allocated to the questions concerned.
4. It is in your own interest to write **legibly** and to present your work **neatly**.

## VRAAG 1

- 1.1 'n Kenmerk van **regsreëls** is om mense se optrede in 'n samelewing op 'n vreedsame wyse te orden. Noem nog **VIËR** kenmerke van regsreëls. (8)
- 1.2 Skryf **slegs die ontbrekende woorde** van die volgende definisies **in jou eksamenskrif** langs die nommer van die vraag bv. 1.2.1 (e) – minderjarige.
- 1.2.1 Die **Strafreg** kan gedefinieer word as daardie deel van die reg wat bepaal watter (a) \_\_\_\_\_ gedrag deur die reg (b) \_\_\_\_\_ word en wat die (c) \_\_\_\_\_ daarvoor is. (6)
- 1.2.2 **Misdaad** is die (a) \_\_\_\_\_, skuldige menslike (b) \_\_\_\_\_ wat met (c) \_\_\_\_\_ bedreig word deur die (d) \_\_\_\_\_. (8)
- 1.3 Voltooi die ontbrekende sinne teenoor (a), (b), (c), ens. **in jou antwoordboek** om die verskille tussen 'n **MISDAAD** en 'n **DELIK** aan te dui.

MISDAAD	DELIK
(a)	1. Tas private belang aan
(b)	2. Vorm deel van privaatreg
(c)	3. Private party stel aksie in
(d)	4. Lei tot skadevergoeding wat skuldige party aan benadeelde moet betaal.
(e)	5. Benadeelde kan kies of hy skadevergoeding van die dader wil eis of nie.
(f)	6. Verhoor en prosedures vind plaas ooreenkomstig die reëls van die siviele-prosesreg.
(g)	7. Bewyslas vir die eiser is met 'n oorwig van waarskynlikheid.
8. Verminderde toerekeningsvatbaarheid en versagtende omstandighede ter sprake vir gepaste straf.	(h)
9. Misdade verjaar na 20 jaar (ernstige misdade ingevolge artikel 18 van die Strafproseswet verjaar nooit)	(i)

(18)

## QUESTION 1

- 1.1 A characteristic of **legal rules** is to regulate people's behaviour in society in a peaceful manner. Name **FOUR** other characteristics. (8)
- 1.2 Write **only the missing words** of the following definitions **in your examination script** next to the corresponding question number eg. 1.2.1 (e) – minor.
- 1.2.1 **Criminal law** may be defined as that part of the law that determines which (a) \_\_\_\_\_ actions are (b) \_\_\_\_\_ by law and what the (c) \_\_\_\_\_ for these actions would be. (6)
- 1.2.2 **Crime** is the (a) \_\_\_\_\_, culpable human (b) \_\_\_\_\_ which is (c) \_\_\_\_\_ by the (d) \_\_\_\_\_. (8)
- 1.3 Complete the missing sentences opposite (a), (b), (c), etc. **in your examination script** to indicate the differences between a **CRIME** and a **DELICT**.

CRIME	DELICT
(a)	1. Affects private interest
(b)	2. Forms part of private law
(c)	3. Parties institute proceedings
(d)	4. Leads to compensation that must be paid to disadvantaged party by guilty party
(e)	5. Disadvantaged may choose whether he wants to claim compensation from guilty party or not
(f)	6. Trial and proceedings take place in accordance with rules of civil law
(g)	7. Onus of proof of claimant on a balance of probabilities
8. Diminished accountability and extenuating circumstances relevant for suitable punishment	(h)
9. Crimes prescribe after 20 years (serious crimes never prescribe in terms of section 18 of Criminal Procedure Act.)	(i)

(18)

- 1.4 Kies slegs die korrekte antwoord uit die gegewe moontlike antwoorde en skryf dit in jou antwoordboek teenoor die ooreenstemmende vraagnommer van jou keuse bv. 1.4.8 (c)
- 1.4.1 Crimen injuria is die aantasting van iemand se ...
- (a) liggaamlike integriteit of privaatheid.
  - (b) waardigheid of goeie naam.
  - (c) waardigheid of privaatheid.
- 1.4.2 'n Voorbeeld van Crimen injuria is ...
- (a) die uittrek van klere op 'n openbare strand.
  - (b) die afloer van mense wat ontklee, waardeur hul privaatheid geskend word.
  - (c) nie een van bogenoemde nie.
- 1.4.3 'n Faktor wat reeds deur ons howe in ag geneem is om die erns van die handeling by Crimen injuria te bepaal is die volgende:-
- (a) die reaksie van die klaer.
  - (b) die lewensstandaard van die partye.
  - (c) die mate waarin die gedrag in privaatheid geskied.
- 1.4.4 Diefstal is die toe-eiening van 'n ...
- (a) roerende liggaamlike saak.
  - (b) onroerende liggaamlike saak.
  - (c) roerende of onliggaamlike saak.
- 1.4.5 Die volgende kan wel gesteel word:-
- (a) Wildediere wat afgekamp of ingehok is.
  - (b) Goed wat deur die eienaar weggegooi is.
  - (c) Seewater.
- 1.4.6 As A 'n saak buite Suid-Afrika steel en na die Republiek toe bring, kan A ...
- (a) hier vir diefstal aangekla word.
  - (b) hier vir die ontvangs van gesteelde goed aangekla word.
  - (c) nie hier vir diefstal aangekla word nie.

- 1.4 Choose **only** the **correct answer** from the given possible answers and write it down **in your examination script** opposite the corresponding question number of your choice e.g. 1.4.8 (c)
- 1.4.1 Crimen injuria is the infringement of somebody's ...
- (a) physical integrity or privacy.
  - (b) dignity and good name.
  - (c) dignity or privacy.
- 1.4.2 An example of Crimen injuria is ...
- (a) the stripping of clothes on a public beach.
  - (b) the infringing of other people's privacy through voyeurism while they are undressing.
  - (c) not one of the above-mentioned.
- 1.4.3 A factor that has been taken into account by our courts to determine the seriousness of the act with Crimen injuria is the following:-
- (a) the reaction of the complainant.
  - (b) the standard of life of the parties.
  - (c) the degree to which the conduct takes place in privacy.
- 1.4.4 Theft is the appropriation of a ...
- (a) moveable corporeal property.
  - (b) immovable corporeal property.
  - (c) movable or immovable property.
- 1.4.5 The following can be stolen:-
- (a) Wild animals that have been fenced off or caged in.
  - (b) Things that have been abandoned by the owner.
  - (c) Seawater.
- 1.4.6 If A steals something outside South Africa and then brings it to the Republic, A can ...
- (a) be charged here for theft.
  - (b) be charged here for stolen property.
  - (c) not be charged here for theft.

1.4.7 'n Begunstiger is net betrokke ...

- (a) tydens die pleeg van 'n misdaad.
- (b) voor die pleging van 'n misdaad.
- (c) nadat 'n misdaad reeds voltooi is.

(14)  
[54]

## VRAAG 2

2.1 Een van die vereistes wat by **toestemming van die benadeelde** moet geld om as regverdigingsgrond by wederregtelikheid te slaag is dat die toestemming **vrywillig** moet wees. Noem **SEWE** ander vereistes.

(14)

2.2 Lees die volgende stellings en dui aan of hulle **WAAR** of **ONWAAR** is, deur **WAAR** of **ONWAAR** teenoor die ooreenstemmende vraagnommer te skryf. Indien jou antwoord **ONWAAR** is, meld kortliks wat die **korrekte stelling** moet wees:

2.2.1 Wederregtelikheid is 'n element van die misdaad.

2.2.2 Die wyse waarop met beweerde oortreders gehandel moet word, word in die Dilektereg beskryf.

2.2.3 Die Strafreg vorm deel van die Privaatreg.

2.2.4 'n Misdaad moet deur die Staat bo redelike twyfel bewys word.

2.2.5 Verkragting verjaar nooit.

2.2.6 Vrugafdrywing is sedert 1994 nie meer 'n misdaad nie.

2.2.7 Minagting van die hof kan slegs 'n delik wees.

2.2.8 Verkragting kan 'n misdaad en 'n delik wees.

(20)



- 1.4.7 An Accessory is only involved ...
- (a) during the committance of a crime.
  - (b) before the committance of a crime.
  - (c) after the crime has been committed.

(14)  
[54]

## QUESTION 2

- 2.1 One of the requirements that must be met by **consent to injury** to succeed as a ground of justification in respect of unlawfulness is that the consent must be **voluntary**. Name **SEVEN** other requirements.
- 2.2 Read the following statements and indicate whether they are **TRUE** or **FALSE** by writing **TRUE** or **FALSE** next to the corresponding question number. If your answer is **FALSE**, mention briefly what the **correct statement** should be.
- 2.2.1 Unlawfulness is an element of a crime.
- 2.2.2 The way in which alleged offenders should be treated, is described in the Law of Delicts.
- 2.2.3 Criminal law forms part of Private Law.
- 2.2.4 A crime must be proved by the State beyond a reasonable doubt.
- 2.2.5 Rape never prescribes.
- 2.2.6 Abortion since 1994 is not a crime.
- 2.2.7 Contempt of court can only be a delict.
- 2.2.8 Rape can be a crime and a delict.

(14)

(20)

- 2.3 Watter frase in **KOLOM A** pas by die in **KOLOM B** genoem?  
Skryf die nommers 1 tot 12 ondermekaar in u antwoordboek neer en langs  
elkeen slegs die korrekte letter van u keuse. [Voorbeeld 13 (p)]

KOLOM A	KOLOM B
1. 'n Handeling wat slegs 'n delik kan wees.	(a) 'n Handeling wat slegs 'n misdaad kan wees
2. Regsreëls	(b) Ongeskrewe reg
3. 'n Kenbron van die reg	(c) Delik
4. Die wyse waarop regsreëls geskep word	(d) Gemenereg
5. Gemenereg	(e) Destydse wetgewing in Holland
6. Die Groot Plakkaat Boek	(f) Wederregtelikheid
7. Kriminallistiek	(g) Saakbeskadiging uit nalatigheid gepleeg
8. 'n Element van misdaad	(h) Ontstaansbronne
9. Skadevergoeding is ter sprake	(i) Bindend en bied oplossings
10. Kan 'n misdaad sowel as 'n delik wees	(j) Opsporing van beweerde misdadigers
11. Minagting van die hof	(k) Skep beter verhoudinge tussen mense
12. Sosiale reëls	(l) Verkragting

(24)  
[58]

### VRAAG 3

- 3.1 Lees die volgende stellings en dui aan of hulle **WAAR** of **ONWAAR** is, deur **WAAR** of **ONWAAR** teenoor die ooreenstemmende vraagnommer te skryf. Indien jou antwoord **ONWAAR** is, meld kortliks wat die **korrekte stelling** moet wees:
- 3.1.1 Gemeenregtelike ontvoering is deur wetteregtelike ontvoering vervang.
- 3.1.2 By verkragting kan die dader slegs 'n man wees.
- 3.1.3 By bloedskande moet daar geslagsgemeenskap wees hoewel penetrasie nie 'n vereiste is nie.
- 3.1.4 Toestemming by bloedskande is 'n regverdigingsgrond ongeag die toestemming deur die man of die vrou gegee is.
- 3.1.5 Crimen injuria is nie net van onsedelike aard nie.
- 3.1.6 Geslagsgemeenskap met 'n meisie van 11 jaar wat daartoe toegestem het, is steeds verkragting.
- 3.1.7 Vir doeleindes van grafskending is 'n gedenkteken nie 'n graf vir iemand wat elders begrawe is nie.
- 3.1.8 Selfmoord is 'n misdaad in Suid-Afrika.

(20)

b.o.

- 2.3 Which of the word(s)/phrases in **COLUMN A** match a word/words/phrase in **COLUMN B**? Write the numbers 1 to 12 underneath each other in your examination script and alongside each write only the correct letter of your choice. [Example 13 (p)]

COLUMN A	COLUMN B
1. An act that can only be a delict	(a) An act which can only be a crime
2. Legal rules	(b) Unwritten law
3. Source of knowledge of the law	(c) Delict
4. The way in which legal rules are created	(d) Common law
5. Common law	(e) Former legislation in the Netherlands
6. The "Groot Plakkaat Boek"	(f) Unlawfulness
7. Criminalistic	(g) Negligent damage to property
8. An element of crime	(h) Source of origin
9. Damage to property is relevant	(i) Binding and offers solutions
10. May be a crime as well as a delict	(j) Tracing of alleged criminals
11. Contempt of court	(k) Creates better relations between people
12. Social rules	(l) Rape

(24)  
[58]

### QUESTION 3

- 3.1 Read the following statements and indicate whether they are **TRUE** or **FALSE** by writing **TRUE** or **FALSE** next to the corresponding question number. If your answer is **FALSE**, mention briefly what the **correct statement** should be:
- 3.1.1 Common law abduction has been substituted with statutory abduction.
- 3.1.2 In the case of rape, the perpetrator can only be a man.
- 3.1.3 In case of incest, sexual intercourse must take place, although penetration is not a requirement.
- 3.1.4 Consent in respect of incest is a ground for justification, irrespective of whether the consent was given by the man or the woman.
- 3.1.5 Crimen injuria does not only entail offences of an immoral nature.
- 3.1.6 Sexual intercourse with an 11 – year old girl who gave her permission, would still constitute rape.
- 3.1.7 For the purposes of violation of graves, a memorial stone would not be regarded as a grave for someone who had been buried elsewhere.
- 3.1.8 Suicide is a crime in South Africa.

(20)

- 3.2 Die misdaad **brandstigting** vereis dat die struktuur wat aan die brand gesteeek word 'onroerend' moet wees. Wanneer kan 'n struktuur as onroerend geag word? (6)
- 3.3 Noem die faktore wat reeds deur ons howe in ag geneem is om die 'erns' van die handeling by Crimen injuria te bepaal.  
Een van hierdie faktore is 'Die sosiale status van die partye'.  
Noem **SES** ander faktore. (12)
- 3.4 Noem **SES** plekke of dinge waar huisbraak, volgens die bevinding deur ons howe, gepleeg kan word. (12)  
[50]

#### VRAAG 4

- 4.1 Noem **DRIE** voorbeelde van Minagting van die Hof wat **buite** die hof gepleeg kan word. (6)
- 4.2 Noem **VIER** voorbeelde uit die regspraak in Suid-Afrika wat die misdaad 'strafbare manslag' kan uitmaak. (8)
- 4.3 In die praktyk het daar 'n aantal besondere vorme van aanranding uitgekristalliseer. Een voorbeeld daarvan is '**aanranding met die opset om ernstig te beseer**'.  
Noem nog **VIER** ander vorme daarvan. (8)
- 4.4 Noem **DRIE** voorbeelde van dwaling wat dikwels as verweer by **DIEFSTAL** deur die dader aangevoer word. (6)
- 4.5 Bespreek die veroorsaking van skade by **OPSETLIKE SAAKBESKADIGING**. (10)  
[38]

- 3.2 The crime **arson** requires that the structure that is set alight must be '**immovable**'. When can a structure be considered as immovable? (6)
- 3.3 Name the factors that have been taken in account by our courts to determine the 'serious'-ness of the act in Crimen injuria. One of these factors is 'The social status of the parties'. Name **SIX** other factors. (12)
- 3.4 Name **SIX** places or things where housebreaking, **according to our court ruling**, can be committed. (12)  
[50]

#### QUESTION 4

- 4.1 Name **THREE** examples of Contempt of Court that can be committed **outside** the court. (6)
- 4.2 Name **FOUR** examples from our administration of justice in South Africa that can constitute the crime 'culpable homicide'. (8)
- 4.3 In practice, various forms of assault have emerged. One example thereof is assault with the intention to cause grievous bodily harm. Name **FOUR** other forms thereof. (8)
- 4.4 Name **THREE** examples of errors that is often raised by perpetrators as a defence in **THEFT**. (6)
- 4.5 Discuss the causing of damage in **INTENTIONAL DAMAGE** to property. (10)  
[38]

**VRAAG 5**

5.1 Skryf **slegs die ontbrekende woorde** van die volgende definisies in jou eksamenskrif langs die nommer van die vraag bv. 5.1.4 (b) – verbode.

5.1.1 Brandstigting is die wederregtelike en opsetlike (a) \_\_\_\_\_ van 'n (b) \_\_\_\_\_ struktuur wat geskik is vir (c) \_\_\_\_\_ bewoning of die berging van (d) \_\_\_\_\_ deur dit aan die brand te steek met die (e) \_\_\_\_\_ om 'n ander te (f) \_\_\_\_\_ . (12)

5.1.2 Ontvoering is die wederregtelike en opsetlike (a) \_\_\_\_\_ van 'n (b) \_\_\_\_\_ (c) \_\_\_\_\_ persoon uit die beheer van sy/haar (d) \_\_\_\_\_ of voog sonder hul (e) \_\_\_\_\_ met die doel om met hom/haar in die (f) \_\_\_\_\_ te tree of (g) \_\_\_\_\_ te verkeer. (14)

5.1.3 Afkoping van 'n misdaad word gepleeg indien 'n persoon wederregtelik en opsetlike met 'n ander persoon ooreenkom om, teen (a) \_\_\_\_\_, nie die pleeg van 'n (b) \_\_\_\_\_, anders as 'n misdaad wat slegs met 'n (c) \_\_\_\_\_ strafbaar is te (d) \_\_\_\_\_ nie, of om nie die (e) \_\_\_\_\_ van só 'n (f) \_\_\_\_\_ te vervolg nie. (12)

5.2 Definieer alleenlik (**sonder enige bespreking**) die volgende:

5.2.1 Roof (16)

5.2.2 Bloedskande (14)

5.2.3 Vervalsing (10)

5.2.4 Sedisie (14)

5.2.5 Grafskending (8)

[100]

**TOTAAL: [300]**

**EINDE**

**QUESTION 5**

5.1 Write **only the missing words** of the following definitions **in your examination script** next to the corresponding question number eg. 5.1.4 (b) – forbidden.

5.1.1 Arson is the unlawful and intentional (a) \_\_\_\_\_ to a/ an (b) \_\_\_\_\_ structure which is suitable for (c) \_\_\_\_\_ habitation or the storage of (d) \_\_\_\_\_ by setting it on fire with (e) \_\_\_\_\_ to (f) \_\_\_\_\_ another. (12)

5.1.2 Abduction is the unlawful and intentional (a) \_\_\_\_\_ of a/an (b) \_\_\_\_\_, (c) \_\_\_\_\_ person from the control of his/her (d) \_\_\_\_\_ or guardian, without their (e) \_\_\_\_\_, with the purpose of entering into (f) \_\_\_\_\_ with him/her or to have (g) \_\_\_\_\_ . (14)

5.1.3 Compounding of a crime is committed when a person unlawfully and intentionally bargains with another person, offering a/an (a) \_\_\_\_\_, not to (b) \_\_\_\_\_ or not to institute legal proceedings against a (c) \_\_\_\_\_ for a/an (d) \_\_\_\_\_ other than a/an (e) \_\_\_\_\_ that is only punishable with a/an (f) \_\_\_\_\_ . (12)

5.2 Define only (**without any discussion**) the following:

5.2.1 Robbery (16)

5.2.2 Incest (14)

5.2.3 Forgery (10)

5.2.4 Seditious (14)

5.2.5 Violation of a grave (8)

[100]

**TOTAL: [300]**

**END**