

**SENIOR CERTIFICATE
EXAMINATION
*SENIORSERTIFIKAAT-EKSAMEN***



**FEBRUARY / FEBRUARIE
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S.A. CRIMINAL LAW

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SG

903-2/o

SA CRIMINAL LAW SG

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GAUTENGSE DEPARTEMENT VAN ONDERWYS
SENIORSERTIFIKAAT-EKSAMEN

S.A. STRAFREG SG

TYD: 3 uur

PUNTE: 300

INSTRUKSIES:

- Beantwoord al AGT vrae.

VRAAG 1

Skryf **slegs die ontbrekende woorde** van die volgende definisies in jou eksamenskrif langs die nommer van die vraag, bv. 1.3(a) – magistraat.

- 1.1 OPENBARE GEWELD is die wederregtelike en opsetlike verrigting met 'n aantal persone, van 'n handeling of handelinge wat (a) _____ afmetings aanneem en wat bedoel is om die openbare vrede op 'n (b) _____ wyse te (c) _____ of om inbreuk te maak op die (d) _____ van ander. (8)

- 1.2 BEDROG is die wederregtelike en opsetlike (a) _____ van die (b) _____ met die doel om 'n ander te bedrieg en wat werklike of potensiële nadeel tot gevolg het. (4)

- 1.3 HUISBRAAK is die wederregtelike en opsetlike (a) _____ van 'n obstruksie waardeur (b) _____ tot 'n gebou of 'n plek wat geskik is vir menslike (c) _____ of (d) _____ van goedere verkry word en die daadwerklike binnegaan van die gebou of plek met die bedoeling om 'n misdaad te pleeg. (8)

- 1.4 ROOF is die wederregtelike en opsetlike gebruik van geweld of (a) _____ van geweld om 'n ander te dwing of toe te laat dat eiendom uit sy (b) _____ (c) _____ beheer gesteel word. (6)

- 1.5 ONTVOERING is die wederregtelike verwydering van 'n (a) _____ minderjarige persoon uit die beheer van sy/haar (b) _____ of voogde wat beheer oor hom/haar het, sonder hul (c) _____, met die doel om met hom/haar te (d) _____ of geslagtelik te verkeer. (8)

[34]

**GAUTENG DEPARTMENT OF EDUCATION
SENIOR CERTIFICATE EXAMINATION**

S.A. CRIMINAL LAW SG

TIME: 3 hours

MARKS: 300

INSTRUCTIONS:

- Answer all **EIGHT** questions.

QUESTION 1

Write **only the missing words** of the following definitions in your examination script next to the number of the question, eg. 1.3 (a) magistrate.

- 1.1 PUBLIC VIOLENCE is the unlawful and intentional commission, in concert with other persons of an act which are (a) _____ and which are intended to (b) _____ the public peace and order in a (c) _____ manner or infringe the (d) _____ of others. (8)
- 1.2 FRAUD is the unlawful and intentional (a) _____ of the (b) _____ made with intent to defraud and resulting in actual or potential prejudice. (4)
- 1.3 HOUSEBREAKING is the unlawful and (a) _____ of an obstruction by which (b) _____ to a building or premises suitable for human (c) _____ or the (d) _____ of goods is obtained and the actual intrusion into that building or premises, with the intention to commit a crime. (8)
- 1.4 ROBBERY is the unlawful and intentional use of force or (a) _____ of force in order to induce another to submit to the theft of property under his (b) _____ (c) _____. (6)
- 1.5 ABDUCTION is the unlawful taking of an (a) _____ his/her (b) _____ or guardian who have control over him/her without their (c) _____ and with the intent to (d) _____ or to have sexual intercourse with him/her. (8)

[34]

VRAAG 2

Noem **TIEN** vereistes ten einde 'n verweer van toestemming van die benadeelde as regverdigingsgrond te laat geld.

[20]

VRAAG 3

Skryf slegs die nommer van die stelling of term in **KOLOM A** neer en direk daarnaas die letter van die toepaslike antwoord in **KOLOM B**, bv. 10 (j)

KOLOM A	KOLOM B
1. Regsreëls	(a) Afskrikking
2. Gemenereg	(b) Ontstaansbron en kenbron van die reg
3. Wettereg	(c) In onbruik verval
4. Grondbegrippe van strafreg	(d) Bepaal die regte en verpligte van mense
5. 'n Oogmerk van straf	(e) 'n Kenbron van die reg
6. Delik	(f) Geen misdaad sonder 'n wetlike bepaling nie
7. Minagting van die hof	(g) Verjaar drie jaar nadat dit gepleeg is
8. Abrogasie	(h) Misdaad en straf
9. Nullum crimen sine lege	(i) Kan slegs 'n misdaad wees en nie 'n delik nie
10. Wederregtelikheid	(j) 'n Element van misdaad

[18]

VRAAG 4

Is die volgende stellings **WAAR** of **ONWAAR**? Indien jou antwoord **ONWAAR** is, meld wat die korrekte stelling moet wees:

- 4.1 'n Handeling is enige onwillekeurige menslike doen of late.
- 4.2 Moord is 'n gevolsmisdaad.
- 4.3 Handeling op bevel is 'n regverdigingsgrond vir wederregtelikheid.
- 4.4 By noodweer moet die aanval dreigend en afgeloop wees.
- 4.5 Dit is 'n vereiste vir 'n geslaagde beroep op noodtoestand dat dit reeds begonne moes gewees het en nie al verby nie.
- 4.6 Kinders tussen sewe en veertien jaar word deur die reg vermoed toerekeningsvatbaar te wees.
- 4.7 Wanneer X vir Y met 'n rewolwer doelbewus deur die kop skiet, is dit opset by moontlikheidsbewussyn.

[18]

QUESTION 2

Name **TEN** requirements in order to make consent to injury valid as a ground of justification.

[20]

QUESTION 3

Write down only the number of the statement or term in **COLUMN A** and next to it the letter of the appropriate answer from **COLUMN B**, eg. 10 (j)

COLUMN A	COLUMN B
1. Legal rules	(a) Deterrence
2. Common law	(b) A source of legal knowledge and a source of origin
3. Statutory law	(c) Fallen into disuse
4. Basic concepts in Criminal Law	(d) Determines people's rights and duties
5. An objective of punishment	(e) A source of legal knowledge
6. Delict	(f) No crime without a legal provision
7. Contempt of court	(g) Becomes prescribed three years after commission of act
8. Abrogation	(h) Crime and punishment
9. Nullum crimen sine lege	(i) Can only be a crime and not a delict
10. Unlawfulness	(j) An element of crime

[18]

QUESTION 4

Are the following statements **TRUE** or **FALSE**. If your answer is **FALSE**, mention what the correct statement should be:

- 4.1 Conduct is any involuntary human action or inaction.
- 4.2 Murder is a result crime.
- 4.3 Acting upon an order is a ground of justification for unlawfulness.
- 4.4 The attack must be threatening and completed with private defence.
- 4.5 It is a requirement for a successful reliance on necessity that the attack must already have begun and not be of the past.
- 4.6 Children between seven and fourteen years are presumed by law to be criminally accountable.
- 4.7 When X shoots Y deliberately with a revolver through his head, it is eventual intention.

[18]

VRAAG 5

KIES DIE KORREKTE ANTWOORD uit die gegewe moontlike antwoorde en skryf dit in jou antwoordboek teenoor die vraagnommer van jou keuse bv. 5.7 (c)

5.1 Gewelddadige weerstand teen die polisie, is 'n voorbeeld van watter misdryf?

- (a) Hoogverraad.
- (b) Sedisie.
- (c) Openbare geweld.

(2)

5.2 'n Voorbeeld van hoogverraad is:

- (a) gewelddadige vrystelling van gevangenes.
- (b) gewelddadige besetting van huise.
- (c) die uitsaai van propaganda vir die vyand.

(2)

5.3 Sedisie word gepleeg deur:

- (a) 'n enkel persoon.
- (b) groep van meer as een persoon.
- (c) 'n prostituut.

(2)

5.4 X verkoop sy motor aan Y terwyl hy weet die motor nie instaat is om te ry nie.

- (a) Bedrog.
- (b) Diefstal.
- (c) Diefstal d.m.v. valse voorwendsels.

(2)

5.5 Brandstigting word gepleeg ten opsigte van die volgende:

- (a) roerende strukture.
- (b) onroerende strukture.
- (c) beide roerende en onroerende strukture.

(2)

5.6 Huisbraak kan nie ten opsigte van die volgende gepleeg word nie:

- (a) kajuite op skepe.
- (b) 'n hoenderhok van sifdraad.
- (c) 'n kantoor binne 'n gebou.

(2)

[12]

QUESTION 5

CHOOSE THE CORRECT ANSWER from the given possible answer, and write it down in your answer book next to the question number of your choice eg. 5.7 (c)

5.1 Violent resistance to the police is an example of which crime?

- (a) High treason.
- (b) Sedition.
- (c) Public violence.

(2)

5.2 An example of high treason is:

- (a) violent setting free of prisoners.
- (b) violent occupation of towns.
- (c) the broadcasting of propaganda on behalf of the enemy.

(2)

5.3 Sedition is committed by:

- (a) an individual person.
- (b) a group of more than one person.
- (c) a prostitute.

(2)

5.4 X sells his car to Y while he knows that the car is out of order.

- (a) Fraud.
- (b) Theft.
- (c) Theft under false pretences.

(2)

5.5 Arson is committed in respect of the following:

- (a) movable structures.
- (b) immovable structures.
- (c) both movable and immovable structures.

(2)

5.6 Housebreaking can not be committed in respect of the following:

- (a) cabins on ships.
- (b) a fowl run made of wire gauze.
- (c) an office in a building.

(2)

[12]

VRAAG 6

Gee **SEWE** verskille tussen 'n misdaad en 'n delik.

[28]

VRAAG 7

Definieer:

- 7.1 Minagting van die Hof. (18)
- 7.2 Strafbare manslag. (8)
- 7.3 Aanranding. (18)
- 7.4 Menseroof of kinderdiefstal. (10)
- 7.5 Verkragting. (8)
- 7.6 Bigamie. (12)
- 7.7 Openbare onsedelikheid. (10)
- 7.8 Diefstal. (16)
- 7.9 Afpersing. (10)
- 7.10 Brandstigting. (14)
- 7.11 Vervalsing. (12)
- 7.12 Hoogverraad. (18)

[154]

VRAAG 8

Verstrek **VIER** verskillende vorme van strafbare poging en verduidelik kortlik, sonder verwysing na voorbeeld, wat elk beteken.

[16]

TOTAAL: [300]

QUESTION 6

Give **SEVEN** differences between a crime and a delict.

[28]

QUESTION 7

Define:

- | | | |
|------|------------------------------|------|
| 7.1 | Contempt of Court. | (18) |
| 7.2 | Culpable homicide. | (8) |
| 7.3 | Assault. | (18) |
| 7.4 | Kidnapping or childstealing. | (10) |
| 7.5 | Rape. | (8) |
| 7.6 | Bigamy. | (12) |
| 7.7 | Public indencency. | (10) |
| 7.8 | Theft. | (16) |
| 7.9 | Extortion. | (10) |
| 7.10 | Arson. | (14) |
| 7.11 | Forgery. | (12) |
| 7.12 | High Treason. | (18) |

[154]

QUESTION 8

Furnish **FOUR** various forms of criminal attempt and briefly explain, without referring to examples, what each one means.

[16]

TOTAL: [300]

END