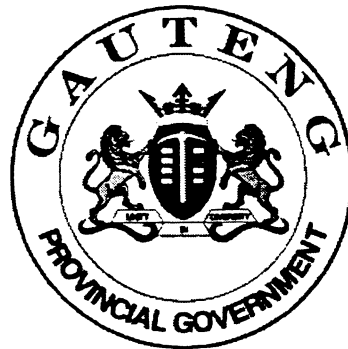


GAUTENG DEPARTMENT OF EDUCATION



SENIOR CERTIFICATE EXAMINATION

OCTOBER / NOVEMBER

2006

S.A. CRIMINAL LAW



SA CRIMINAL LAW SG



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**S.A. CRIMINAL LAW
STANDARD GRADE**

SENIOR CERTIFICATE EXAMINATION

NOVEMBER 2006

TIME: 3 HOURS

MARKS: 300

INSTRUCTIONS TO CANDIDATES:

1. Answer all **FIVE** questions in your examination answer book.
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.

QUESTION 1

- 1.1 Read the following statements and indicate whether they are **TRUE** or **FALSE** by writing **TRUE** or **FALSE** next to the corresponding question number, e.g. 1.1.16 – True.
- 1.1.1 To rob and steal is prohibited in a specific law.
 - 1.1.2 Common law is a source of knowledge and origin of the law.
 - 1.1.3 Rules that are contradictory to the Constitution of South Africa may be declared invalid.
 - 1.1.4 Approximately 2 500 years ago, our rules of law found their origin in Amsterdam.
 - 1.1.5 Damhouder, Groenewegen and Voltaire were Dutch jurists.
 - 1.1.6 British law exercised a great influence on our common law.
 - 1.1.7 Criminalistics is concerned with the reasons why people commit crimes.
 - 1.1.8 The way in which alleged offenders should be treated is described in the Law of Delicts.
 - 1.1.9 Unlawfulness is an element of a crime.
 - 1.1.10 Criminal law is part of Private Law.
 - 1.1.11 Crimes prescribe after 25 years.
 - 1.1.12 A crime must be proved by the State beyond reasonable doubt.
 - 1.1.13 Contempt of court can only be a delict.
 - 1.1.14 Delicts never prescribe.
 - 1.1.15 Rape can be a crime and a delict. (30)
- 1.2 Name **SEVEN** differences between a crime and a delict. (28)
[58]

QUESTION 2

- 2.1 Write down only the number of the word(s) in **COLUMN A** and next to it the letter of the appropriate answer from **COLUMN B**, e.g. 10 (j).

COLUMN A	COLUMN B
1. Ground of justification	(a) Abolished by custom
2. Prescription	(b) Commits crime when furious
3. Rehabilitation	(c) Private defence
4. Abrogation	(d) A source of knowledge
5. Necessity	(e) Statutory law
6. Common law	(f) An objective of punishment
7. Provocation	(g) Against interest of innocent third party
8. Written law	(h) Voluntary withdrawal
9. Punishable attempt	(i) Crime has lapsed
10. Murder	(j) Death of human being

(18)

- 2.2 A characteristic of legal rules is to 'stipulate legal consequences' during certain events. Name **THREE** other characteristics. (6)
- 2.3 Briefly discuss UNAUTHORISED MANAGEMENT as a ground of justification that may exclude the unlawfulness of an act. (6)
- 2.4 Name any **FOUR** factors that must be considered in respect of CHASTISEMENT. (8)
- 2.5 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 **relevant**. Name **EIGHT** other requirements. (16)
[54]

QUESTION 3

- 3.1 The phrase '*negligent causing the death of another human being*', is part of the definition of the crime CULPABLE HOMICIDE. Name only the **crime** that represents each of the following phrases:-
- 3.1.1 '*... or acts together with a number of persons which takes on serious proportions and ...*'
- 3.1.2 '*... violent resistance to or challenge the authority of the Republic ...*'
- 3.1.3 '*... damage to the property of another*'.
- 3.1.4 '*... making use of a forged document with the intention to ...*'
- 3.1.5 '*... a document with the intention to defraud, and which gives rise to actual or ...*'
- 3.1.6 '*... property belonging to another by the use of violence or ...*'
- 3.1.7 '*... with the purpose of entering into marriage with him/her or to have sexual ...*'
- 3.1.8 '*... which have the effect of depraving other people's morals ...*'
- 3.1.9 '*... with a female without her permission ...*'
- 3.1.10 '*... deprivation of a parent or guardian's control over a child.*' (20)

3.2 Which description in **COLUMN B** matches the crime in **COLUMN A**?
Write the numbers 1 to 6 underneath each other **in your examination answer book**
and alongside it write only the letter of your choice, e.g. 7 (g).

COLUMN A	COLUMN B
1. Contempt of court	(a) A crime against life
2. Culpable homicide	(b) A crime against morality
3. Assault	(c) A crime pertaining to property
4. Public indecency	(d) A crime against the safety of the state
5. Theft	(e) A crime against the administration of justice
6. High treason	(f) A crime against bodily integrity

(12)
[32]

QUESTION 4

Define only (without any discussion) the following:

- 4.1 Common law perjury (18)
- 4.2 Fraud (12)
- 4.3 Housebreaking (16)
- 4.4 Theft (16)
- 4.5 Violation of a grave (8)
- 4.6 Bigamy (12)
- 4.7 Incest (14)
- 4.8 Crimen injuria (10)
- 4.9 Murder (8)
- 4.10 Defeating the course of justice (10)

[124]

QUESTION 5

- 5.1 Choose **the correct answer** from the given possible answers and write down **only the letter** of your choice **in your examination answer book** opposite the corresponding question number, e.g. 5.1.9 (b).
- 5.1.1 The following can not be stolen:
- (a) Permanent fixtures to a building or land
 - (b) Wild animals that have been fenced off or caged in
 - (c) Not one of the above mentioned
- 5.1.2 The following does not constitute housebreaking:
- (a) Breaking of a window, door or burglar proofing to gain entrance
 - (b) Pushing open a door or window which is half-open to gain entrance
 - (c) Climbing into the building through an open window and then opening the door from the inside to leave with the stolen goods
- 5.1.3 Robbery has the most aspects of ...
- (a) assault.
 - (b) extortion.
 - (c) fraud.
- 5.1.4 If an extortionist is caught before the benefit is acquired, the perpetrator may be convicted of the following:
- (a) Robbery
 - (b) Attempted extortion
 - (c) Extortion
- 5.1.5 The unauthorized armament of fellow citizens is an example of ...
- (a) public violence.
 - (b) high treason.
 - (c) sedition.
- 5.1.6 In a case of rape 'sexual intercourse' implies ...
- (a) penetration.
 - (b) that the sexual act was completed.
 - (c) that the woman must fall pregnant.

5.1.7 An otherwise unlawful deprivation of freedom may be justified by ...

- (a) impossibility.
- (b) compulsion.
- (c) official capacity.

5.1.8 Sexual intercourse with a female corpse if the perpetrator was under the impression that she was still alive, will constitute the following:

- (a) Attempted rape
- (b) Indecent assault
- (c) Rape

(16)

5.2 Read the following statements and indicate whether they are **TRUE** or **FALSE** by writing **TRUE** or **FALSE** next to the corresponding question number, e.g. 5.2.9 – True.

5.2.1 If A steals something outside South Africa and brings it into the Republic A can locally be charged with receiving stolen property.

5.2.2 A person who has the right to enter a building at a time of breaking into it, may be guilty of unauthorised administration.

5.2.3 An immovable corporeal object can be robbed.

5.2.4 An example of high treason is the violent release of persons in custody.

5.2.5 An example of public violence is the breaking up of gatherings.

5.2.6 The publishing of immodest material is an example of public indecency.

5.2.7 Abduction is the removal of an unmarried minor.

5.2.8 If a male fails to penetrate a woman when trying to rape her it will constitute attempted rape.

(16)
[32]

GRAND TOTAL: [300]

END

