SA CRIMINAL LAW
STANDARD GRADE
2013
POSSIBLE ANSWERS

MARKS: 300

7 pages
QUESTION 1

1.1 Definitions:

1.1.1 Theft is the
1. unlawful and
2. intentional
3. appropriation of another person’s
4. movable property (thing)
5. or his right of possession
6. or the economic value in respect of it
7. with the intent to deprive
8. that other person permanently therecif. (16)

1.1.2 Uttering is the
1. unlawful
2. tendering or making use of
3. a forged document
4. with the intention to defraud
5. and which causes actual
6. or potential prejudice to another (12)

1.1.3 Arson is the
1. unlawful
2. intentional
3. damage to an immovable structure
4. suitable for human habitation
5. or storage of goods
6. by setting fire to it
7. with intention to prejudice another (14)

1.1.4 Common law perjury is the
1. unlawful and
2. intentional
3. making of a false statement
4. upon oath,
5. or any form of affirmation or admonition
6. which the law allows in the place of an oath,
7. in the course of judicial proceedings
8. before a competent tribunal
9. while the person making the statement knows it to be false
10. or foresees it to be false. (20)
1.1.5 **Active bribery** is
1. the unlawful
2. and intentional
3. giving or offering any consideration
4. to an official
5. in his official capacity.
6. or an agreement with an official
7. to give him a consideration
8. in exchange for an action or inaction
9. either in the past or future. (18)

1.1.6 **Culpable homicide** is the
1. unlawful and
2. negligent
3. causing of the death
4. of another human being. (8)

1.1.7 **Statutory incest**
1. persons that may not legally marry each other,
2. because of consanguinity / bloodrelationship,
3. affinity, or
4. being relatives through adoption,
5. that unlawfully
6. and intentionally
7. act by
8. sexually
9. **penetrating** each other,
10. regardless their joint agreement (consent) to do so,
11. are guilty of the crime incest. (22)

1.1.8 **Common law abduction** is the
1. unlawful
2. taking of an
3. unmarried
4. minor
5. from the control of his/her parents
6. or guardians who have control over him/her,
7. without their consent
8. and with the intent to marry
9. or have sexual intercourse with him/her. (18)

1.2 **Missing words** of Statutory Pointing of a Firearm.
1.2.1 antique
1.2.2 airgun
1.2.3 loaded
1.2.4 discharged
1.2.5 person (10) [138]
QUESTION 2

2.1 COLUMN A / B

2.1.1 - A
2.1.2 - C
2.1.3 - D
2.1.4 - E
2.1.5 - B (5 x 2) (10)

2.2 FIVE examples of Public Indecency:

- Indecent exposure
- The use of foul language in public
- The publishing of indecent material
- Sexual intercourse in public
- Simulating sexual intercourse in public (5 x 2) (10)

2.3 FIVE examples, according to court rulings, of defeating the course of justice:
(Any Five of the following)

- Interference with witnesses by inciting a witness to give false evidence.
- Intimidating a witness.
- Tampering with evidence and documents to mislead the court.
- False statements or false complaints to the police.
- Bribing an investigating officer, magistrate or prosecutor
- Assisting a prisoner awaiting trial, to escape.
- Assisting another to escape justice (5 x 2) (10)

2.4 COLUMN A / B

2.4.1 M
2.4.2 C
2.4.3 E
2.4.4 D
2.4.5 G
2.4.6 F
2.4.7 A
2.4.8 H
2.4.9 K
2.4.10 L
2.4.11 I
2.4.12 J
2.4.13 B (13 x 2) (26)
2.5 **FOUR** places (according to court rulings) where housebreaking **can not** be committed:

- A chicken-run made from wire netting
- A railway wagon, used for goods
- A locked-up backyard
- A motor vehicle

(4 x 2) (8) [64]

**QUESTION 3**

3.1 Difference between Robbery and Extortion

3.1.1 Benefit does not have to be movable or corporeal.
3.1.2 Pressure may be exerted long before acquisition of the benefit
3.1.3 Threats against victim’s good name, possessions or even a third party. (3 x 2) (6)

3.2 **FOUR** kinds of perpetrators: (without any discussion)

- Direct perpetrator
- Indirect perpetrator
- Co- perpetrator
- Principal perpetrator (8)

3.3 **THREE** forms of intention

- Direct intention (dolus directus)
- Indirect intention (dolus indirectus)
- Eventual intention (dolus eventualis) (6)

3.4 **FOUR** forms of intoxication: (**Any FOUR** of the following)

- Intoxication leading to a **mental illness**
- **Involuntary** intoxication
- **Voluntary** intoxication
- Planned intoxication
- Intoxication and negligence (8) [28]

**QUESTION 4**

4.1 **FOUR** objectives of punishment:

- Retribution
- Prevention
- Deterrence
- Rehabilitation (8)
4.2 Grounds of justification: (Any TEN of following)

1. Private defence
2. Necessity
3. Impossibility
4. Compulsion
5. Consent to injury / volente non fit injuria
6. Statutory and official authority
7. Acting upon an order
8. Insignificance / paltriness/triviality / de minimus non curat lex
9. Unauthorised administration / negotio gessorium / spontaneous agency
10. Medical treatment
11. Reasonableness

(20)

4.3 NINE requirements that must be met by consent: (Any NINE of the following)

- The consenting party must have the necessary capacity (be capable of forming a will.)
- Consent must be given voluntarily, without any coercion.
- Person giving the consent must have the authority to do so.
- Consenting person must be aware of the true and material facts regarding the act to which he consents.
- Consent must be a ground of justification in the case of the particular crime.
- Mere submission is not consent.
- In principal consent must be given by the complainant, but in exceptional circumstances a parent can for instance consent to an operation to be performed on his child.
- Consent must be given before the unlawful act is committed.
- Consent must be relevant
- Consent must be reasonable
- Conduct must fall within the scope of the consent.

(18)

4.4 True or False Statements:

4.4.1 True
4.4.2 True
4.4.3 False
4.4.4 False
4.4.5 True
4.4.6 True

(6 x 2) (12)
4.5 Column A / B

4.5.1 D
4.5.2 A
4.5.3 E
4.5.4 C
4.5.5 F
4.5.6 B

(6 x 2) (12)

TOTAL 300