



UNIVERSITY OF ESWATINI
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
FINAL EXAMINATION PAPER NOVEMBER 2021

TITLE OF PAPER : LEGAL DRAFTING
COURSE CODE : IDE LAW LAW208
TIME ALLOWED : THREE (3) HOURS
INSTRUCTIONS : **ANSWER ANY FOUR QUESTION**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GIVEN
BY THE INVIGILATOR**

QUESTION ONE

- (a) **Mboshwa Dlamini has been served with an ordinary Notice of Motion. He instructs you to oppose the application. The matter is before the High Court.**
- (i) Using your own facts draft the Notice of Intention to Oppose the application **[9 Marks]**
 - (ii) State the pleading that is required from your client after delivering the Notice of Intention to Oppose; **[2 Marks]**
 - (iii) State the time limit within which your client is required to deliver the pleading you stated in (b) above; **[2 Marks]**
 - (iv) Assuming your client had been served with a combined summons, and your instructions were to defend the action, what Notice would you deliver to the Plaintiff? **[2 Marks]**
 - (v) State the pleading that would be required from your client after delivering the Notice you stated in (d) above; **[2 Marks]**
 - (vi) State the time limit within which your client is required to deliver the pleading you stated in (e) above; **[2 Marks]**
- (b) What is a Plea? **[3 Marks]**
- (c) What are particulars of claim? **[3 Marks]**
- TOTAL [25 Marks]**

QUESTION TWO

With regard to Civil Proceedings, write short notes on the following;

- (a) Notice of Motion; **[5 marks]**
- (b) Action proceedings; **[5 marks]**
- (c) Plaintiff; **[5 marks]**
- (d) Defendant; **[5 marks]**

(e) Appellant; [5 marks]

TOTAL [25 Marks]

QUESTION THREE

(a) List the essential elements for the Common Law Offence of Rape;

[5 Marks]

(b) Lotitaladi Mgwaco of Lohhelehhele reports to the Police that on the 5th April 2019 while walking home from a nearby Sheeben where she was celebrating her 23rd birthday with her friends, she was accosted by one Ndlundlulu Nkhani, a Swati male of Sihhoye area, who then dragged her into the nearby bush and thereafter Raped her.

Assuming you are Public Prosecutor, draft the charge sheet that will be used in the prosecution of Ndlulndlulu.

You may add your own facts. [10 Marks]

(c) What is an affidavit? [2 Marks]

(d) Using your own facts draft an affidavit. [8 Marks]

TOTAL [25 Marks]

QUESTION FOUR

(a) What are summons? [5 Marks]

(b) State the types of summons and state the proceeding in which each type is used [5 Marks]

(c) What is a Demand and in what form does it usually take? [5 Marks]

(d) Which party usually issues a Demand and against whom? [5 Marks]

(e) What are the essentials of a Demand? [5 Marks]

Total [25 Marks]

QUESTION FIVE

- (a) What are the important principles which a draftsman should keep in mind in drafting of legal documents? **[10 Marks]**
- (b) Drafting of documents is a skilled man's job. Explain this statement with some important do's and don'ts in legal drafting. **[15 Marks]**

TOTAL **[25 Marks]**

QUESTION SIX

- (a) Clearly define an Indictment and explain its purpose. **[5 Marks]**
- (b) Clearly define a Charge Sheet and explain its purpose. **[5 Marks]**
- (c) Using your Own facts draft an charge sheet for the crime of Murder.

[15 Marks]

TOTAL **[25 Marks]**

QUESTION SEVEN

- (a) What is a Notice of Intention to Defend and which party institutes it. **[5 Marks]**
- (b) What is a Notice of Intention to Oppose and which party institutes it **[5 Marks]**
- (c) Draft a Notice of Intention to Defend **[15 Marks]**

TOTAL **[25 Marks]**