



**NAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY**

**FACULTY OF HUMAN SCIENCES  
DEPARTMENT OF SOCIAL SCIENCES**

<b>QUALIFICATION:</b> BACHELOR OF PUBLIC MANAGEMENT	
<b>QUALIFICATION CODE:</b> 07BPMN	<b>LEVEL:</b> 5
<b>COURSE CODE:</b> LPM 521S	<b>COURSE NAME:</b> LAW FOR PUBLIC MANAGERS 1B
<b>SESSION:</b> NOVEMBER 2022	<b>PAPER:</b> THEORY AND CASE STUDIES
<b>DURATION:</b> 3 HOURS	<b>MARKS:</b> 100

<b>SECOND OPPORTUNITY EXAMINATION</b>	
<b>EXAMINER(S)</b>	Emmy Wabomba
<b>MODERATOR:</b>	Magda Saayman

<b>INSTRUCTIONS</b>
<ol style="list-style-type: none"><li>1. The paper has NINE questions.</li><li>2. ALL the questions are compulsory.</li><li>3. Read carefully before answering.</li><li>4. Write clearly and neatly.</li><li>5. Number the answers clearly and according to the structure in the examination question paper.</li><li>6. Candidates will be penalised for incorrect spelling and illegible handwriting.</li></ol>

**ANNEXURE**

The Namibian Constitution (Chapter 3) (8 pages)

**PERMISSABLE MATERIAL**

None

**THIS EXAMINATION PAPER CONSISTS OF 4 PAGES** (Excluding this front page)

## QUESTION 1

INDICATE WHETHER THE FOLLOWING STATEMENTS ARE TRUE OR FALSE. NO NEED TO MOTIVATE.

- 1.1 A right to liberty is a right to be left alone meaning it's absolute.
- 1.2 The right to equality means so long as the circumstances are not the same, all individuals are not to be accorded the same treatment.
- 1.3 The right to a fair trial applies only to the accused person.
- 1.4 Article 12 (e) requires the state to give an accused person adequate facilities to prepare their case.
- 1.5 The underlying principle of the fact that the legislation must be published is that it must be made known to the public
- 1.6 Guidelines used by the courts to determine whether the presumption is done away with by implication, is to find out if the retro-effect does not affect the vested right or it grants a benefit.
- 1.7 Entrenched provision need 50% of members of parliament to be present and 50% of cabinet.
- 1.8 Delegated legislation derives from person or bodies which are vested with subordinate legislative powers under the subordinate legislation.
- 1.9 Semantic guidelines are based on how letters are formulated in the statutes.
- 1.10 Foreign law is not as authoritative during interpretation of legislation as compared to international law.

***(EACH TWO MARKS)***

***[20 ]***

## QUESTION 2

Mr. Keagile appeared in court in June 2012 on a charge of contravening the Internal Security Act. The said Internal Security Act was repealed in September 2012 by a new Internal Security Act.

- 2.1 Under which Act will Mr Keagile's trial take place? Give a reason for your answer. {4}
- 2.2 In the language dimension of the interpretation process certain basic principles must be followed. Explain these principles. {5}
- [9]

## QUESTION 3

Mr. Siphon, an adult male and a South African National, on holiday in Namibia with his wife, was accused of domestic violence towards his wife and of raping her in their hotel room. At the trial he was not told that he may have representation. Further he requested to see the medical documentation which was in the hands of the prosecution, which proved his violence towards his wife. To this the magistrate answered, that he had no such right, as he was a violent man who must be punished.

- 3.1 Which human rights have been infringed? {5}
- 3.2 Can Siphon's wife be forced to give testimony against her husband? Give a reason for your answer. {4}
- [9]

## QUESTION 4

If a provision in legislation, authorises an official or body to exercise a certain power or powers, the question arises whether s/he or it must give effect to the stipulation in the said provision strictly or whether s/he or it has a discretion to adapt the stipulations as the circumstances may from case to case require?

- 4.1 How can one arrive at an acceptable answer to this question?

[5]

## QUESTION 5

Ingrid Katumbu's son, Silas Shilongo, a grade 5 pupil and 12 years old, was removed from his mother's home without his mother's permission and taken to his grandfather's village to permanently herd and graze the grandfather's cattle and to assist his grandfather with chores in general around the homestead, leaving Silas no time to attend school. Identify the rights that have been infringed. [10]

## QUESTION 6

6.1 Magistrate Dirk Coetzee wants to interpret the common law rule with regards to the principle of natural justice. Can he use the rules of interpretation of statutes? Briefly explain. {2}

6.2 Identify (6) six differences between the text-based approach and the text-in-context approach? {12}  
[14]

## QUESTION 7

7.1 When would the courts be entitled to modify the meaning of a text and what method of interpretation would be used in each of the mentioned situations? {4}

7.2 A "Semi-Precious Stones Act" was promulgated by Parliament. Section 10 of the said Act makes it illegal to sell sodalite, a semi-precious stone found in northern Namibia. Further the said section lays down a penalty of 2 years imprisonment for anyone found guilty under this section. Mr. Shabangu, a tourist from South Africa, travels to a remote area in the north of Namibia and is offered a 5kg sodalite stone by Mr. Samuels. Mr. Shabangu buys the said stone. On his way back to Windhoek, Mr. Shabangu is stopped at the roadblock and the police officers find the sodalite and promptly arrest him for buying and being in possession of sodalite in terms of the above mentioned Act. At his trial, Mr. Shabangu, in his defence, states that the said section 10 of the said Act only prohibits the selling of sodalite and not the buying and possession thereof. The court nevertheless finds him guilty and imposes a one year prison sentence. Which rule under which interpretative method, did the court use to find him guilty? {2}

7.3 An enactment changes the common law crime of bigamy without expressly stating that it is doing away with the common law. Explain with due regard to a common law rule, how the new law will be interpreted. {5}

[11]



**QUESTION 8**

8.1 Identify five (5) characteristics of human rights. {5}

8.2 All human rights are absolute. Discuss this statement in detail. {9}  
[14]

**QUESTION 9**

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Identify two institutions in terms of the Namibian Constitution and any two Namibian non-governmental organisations that protect human rights and state how each protect such rights? [8]