

OPV 322
TEST MEMORANDUM

QUESTION 1 / VRAAG 1:

- 1.1 What do you understand by the Limitation of Rights as found in Section 36 (1) of the Constitution? *Hoe verstaan jy die Beperkings van Regte soos omskryf in Artikel 36 (1) van die Grondwet?* (6)

Fundamental rights and freedoms are not absolute / boundaries are set by the rights of others / A right may only be limited in terms of a law of general application / the limitation must be reasonable and justifiable / based on human dignity, freedom and equality / plus any suitable examples.

- 1.2 What factors need to be considered when limiting a right? *Watter faktore moet in ag geneem word wanneer 'n reg beperk word?* (4)

The nature of the right

The importance of the purpose of the limitation

The nature and extent of the limitation

The relation between the limitation and the purpose

The availability of less restrictive means to achieve the purpose (any four)

[10]

QUESTION 2 / VRAAG 2:

- 2.1 "The courts expect a certain standard of thinking and conduct from educators, since educators are professionals who have received training" (Joubert & Pienaar, 2017: 31).

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