

LDC PRE ENTRY PREPARATION

Legal Methods

1. Who is an advocate?
An advocate is any person whose name is duly entered upon the roll of advocates.
S.1(a) Advocates Act;
2. What is the coram for a Constitutional appeal in the Supreme Court?
The full bench of all members of the Supreme Court (Seven Justices)
Article 131 (1)-(2) Constitution, 1995;
3. Explain the phrase "*stare decisis est non queta movere*"
In common law jurisdictions, whenever judges are deciding a matter, they are to ordinarily follow decisions previously laid down by courts of similar or higher jurisdiction
4. What do you understand by the term, "state brief"?
State brief is the co-option of the services of an advocate, in private practice, to offer legal services to accused persons who cannot afford to pay for them.
5. To which court does an appeal from the Magistrate Grade 1 court lie?
Appeals from the Magistrate Grade 1 Court lie to the High Court.
S.220 (1) (a) Magistrates Court Act.
6. Under what law is this pre entry examination set?
The exam is set under the Advocates (Professional Requirement for Admission to Post-Graduate Bar Course) Notice, Legal Notice No 17 of 2007 as amended by Legal Notice No 12 of 2010
7. State the rule of construction that judges apply in statutory interpretation in order to discover Parliament's intention.
The mischief rule.
Heydon's Case [1584]76 ER 637
8. What is an endnote?
A note, that instead of appearing at the bottom (like a footnote does), appears at the end of the book, chapter or paper
Blacks Law Dictionary, 8th Edition, §69
9. List two requirements that a deed must fulfil to be valid at common law
The deed should be signed
The deed should be Sealed
The deed should be Delivered
10. What is the presumption of retrospective effect at Common Law?
It is the presumption at Common law that legislative enactments do not retroactively
Wilson and others v. Secretary of State for Trade and Industry [2003] UKHL 40

Constitutional Law

1. What is the political question doctrine?
The political question doctrine is a principle in constitutional law that a question that a court will not consider because it involves the exercise of discretionary power by the executive or legislative branch of government. - Also termed *nonjusticiable question*
Blacks Law Dictionary, 9th Edition 1277

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