

## **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, 8<sup>th</sup> 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, 9<sup>th</sup> Edition 1277**

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**AW Rasmussen**



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