

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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Table of Contents Law Pre Entry Tests At Ldc

1. Understanding the eBook Law Pre Entry Tests At Ldc
 - The Rise of Digital Reading Law Pre Entry Tests At Ldc
 - Advantages of eBooks Over Traditional Books
2. Identifying Law Pre Entry Tests At Ldc
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Law Pre Entry Tests At Ldc
 - User-Friendly Interface
4. Exploring eBook Recommendations from Law Pre Entry Tests At Ldc
 - Personalized Recommendations
 - Law Pre Entry Tests At Ldc User Reviews and Ratings
 - Law Pre Entry Tests At Ldc and Bestseller Lists
5. Accessing Law Pre Entry Tests At Ldc Free and Paid eBooks
 - Law Pre Entry Tests At Ldc Public Domain eBooks
 - Law Pre Entry Tests At Ldc eBook Subscription Services
 - Law Pre Entry Tests At Ldc Budget-Friendly Options
6. Navigating Law Pre Entry Tests At Ldc eBook Formats

- ePub, PDF, MOBI, and More
- Law Pre Entry Tests At Ldc Compatibility with Devices
- Law Pre Entry Tests At Ldc Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Law Pre Entry Tests At Ldc
 - Highlighting and Note-Taking Law Pre Entry Tests At Ldc
 - Interactive Elements Law Pre Entry Tests At Ldc
- 8. Staying Engaged with Law Pre Entry Tests At Ldc
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Law Pre Entry Tests At Ldc
- 9. Balancing eBooks and Physical Books Law Pre Entry Tests At Ldc
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Law Pre Entry Tests At Ldc
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Law Pre Entry Tests At Ldc
 - Setting Reading Goals Law Pre Entry Tests At Ldc
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Law Pre Entry Tests At Ldc
 - Fact-Checking eBook Content of Law Pre Entry Tests At Ldc
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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