

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION, JULY 2009

TITLE OF PAPER : THE LAW OF DELICT

COURSE CODE : L 306

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 3. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY**

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QUESTION 1

Critically discuss the principles governing the liability of municipalities in the light of decided cases and opinions of writers.

[25 marks]

QUESTION 2

What is the significance and effect of contributory, negligence in the Law of Delict?

[25 marks]

QUESTION 3

Nothando, is the glamorous widow of a prominent politician. She rents a house on a Greek Island and spends her days sunbathing. An Italian Photographer swims towards the beach using underwater equipment and takes a photograph of her only partly clad. This photograph is then published in the Times of Swaziland. Would Nothando be able to claim for injuria?

[25 marks]

QUESTION 4

Sipho, Mveni, and Buhle all third year law students attend a football match at Somhlolo Stadium. After the game they get a lift back to campus from Sabelo a fellow student who has had quite a number of beers. Just before Kwaluseni, Sabelo fails to negotiate a bend and all the occupants of the car get injured and have to be admitted at the RFM Hospital.

They consider suing Sabelo, what are their chances of success/ illustrate your answer with decided cases.

[25 marks]

QUESTION 5

How do our courts approach legal causation in the Law of Delict

[25 marks]