

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2013

TITLE OF PAPER : LAW OF DELICT

COURSE CODE : DL 025

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : ANSWER ANY FOUR (4) QUESTIONS.

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR TO DO SO.**

QUESTION 1

Define what defamation is and the various defences a defendant may rely on to escape liability to such a claim. (25 marks)

QUESTION 2

Sizwe injures his finger while at work and is taken to hospital where he is promptly attended to and discharged, but warned never to use his hand as that will lead to an infection of his whole hand which will lead to an amputation. In defence to a claim for damages what legal principle is to this matter? (25 marks)

QUESTION 3

A.

How can a servitude be disturbed wrongfully in the following circumstances:

- i) Disturbance of support (5 marks)
- ii) Interference with the natural flow of water (5 marks)

B.

Discuss the various forms of intentions:

- i) Direct intention (5 marks)
- ii) Indirect intention (5 marks)
- iii) Legal intention (5 marks)

QUESTION 4

A.

There are various characteristics for consent to injury, state them. (15 marks)

B.

Discuss the facts and the legal position arrived at by the court in the case of *S V Bailey 1982*

(3) SA 772 (A). (10 marks)

QUESTION 5

How can the following individuals be held responsible for their actions?

- i) Lunatics and minors (5 marks)
- ii) Husband and wife (5 marks)
- iii) Insolvents (5 marks)
- iv) Executors (5 marks)
- v) Master and servant (5 marks)

QUESTION 6

What constitutes assault for a party to be liable or to escape liability? (25 marks)

QUESTION 7

The publication of an otherwise defamatory story may be excused or justified in law by the defence of privilege. State the various instances for qualified privilege. (25 marks)