

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
SUPPLEMENTARY EXAMINATION PAPER, JULY 2014

44

TITLE OF PAPER:	THE LAW OF DELICT
COURSE CODE:	DL025
TIME:	THREE (3) HOURS
INSTRUCTIONS:	ANSWER ANY 4 QUESTIONS
TOTAL MARKS:	100

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

QUESTION 1

45

A journalist approaches you and requests that you explain to him, in detail, the elements of a Delict. You have decided to do so by writing a paper. Write the paper and explain all the elements of a Delict. The usage of decided cases will be helpful in assisting the journalist to understand.

[25 marks]

QUESTION 2

- a) Explain, using illustrative examples, what is meant by 'pecuniary' and 'non-pecuniary' loss in relation to damages. [10 marks]
- b) Compare and contrast compensation and satisfaction. [5 marks]
- c) Critically discuss the 'once and for all' rule. [5 marks]
- d) What is the meaning of 'damage' in the law of Delict? [5 marks]

[25 marks]

QUESTION 3

- a) Distinguish Delict from crime. [5 marks]
- b) Discuss, in detail, the nature and development of a Delict. [10 marks]
- c) Critically discuss the *acquilian action* and the *actio injuriarum*. [10 marks]

[25 Marks]

QUESTION 4

It has been taught that defamation is actionable under the law of Delict. However, there are defenses to this injury. Discuss these defenses in detail.

[25 Marks]

QUESTION 5

Causation is defined as the link between the action and the injury. Where this has been established, then the defendant may be liable. There are however concepts which define this causal link further, under Legal Causation; *novus Actus intervenience*, Direct Consequences Test and the Foreseeability test. Write a brief report explaining the relationship of these concepts.

[25 Marks]