

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION

DL025 MAIN EXAM PAPER

Programme of Study	:	Diploma in Law II
Title of Paper	:	Law of Delict
Course Code	:	DL025
Time Allowed	:	3 Hours

Instructions

1. Answer any 4 questions. There are 6 questions in this exam.
2. Each question has 25 marks. Please pay attention to the number structure of each question so that you can understand how much time you should allocate to each question.
3. Ensure to underline your cases, references and vernacular terms.
4. Total marks = 100.

**THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS
BEEN GRANTED BY INVIGILATOR(S).**

Question 1

Outline, in detail, the meaning of a delict and the meaning of a breach of contract and compare and contrast the two, using decided cases. [25 Marks]

Question 2

- a) Compare and contrast intention and wrongfulness as essentials of defamation. [5 marks].
- b) Define privilege as a defense to defamation and give examples. [5 marks].
- c) In the case of SA Associated Newspapers Ltd v. YUTA, the scope of the applicability of truth as a defense for defamation is stated. Using this case, define the scope. [5 marks].
- d) Discuss the objective (Reasonable man) test in determining wrongfulness as an essential of defamation. [10 marks].

[25 Marks]

Question 3

'Where *dolus* is present, so too is *culpa*'. Using decided case critically discuss.

[25 Marks]

Question 4

In the law of Delict it is essential to know the various persons and the relationships between such persons that may be detrimental to a successful suit for damages under the law of delict. Name and briefly define these parties and how they are relevant in the law of delict in Swaziland. [25 marks]

Question 5

- a) Critically discuss legal causation using the following:
 - I. Direct consequences test.
 - II. Foreseeability test.
 - III. *Novus actus interveniens*.

[25 marks]

Question 6

- 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. [10 marks].
- c) What is the meaning of 'damage' in the law of delict? [5 marks].

[25 MARKS]
