

UNIVERSITY OF SWAZILAND
DEPARTMENT OF ACCOUNTING
DL025 SUPPLEMENTARY EXAM PAPER

Programme of Study	:	Diploma in Law II
Title of Paper	:	Law of Delict
Time Allowed	:	3 Hours
Total Marks	:	100

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

- a) Compare and contrast intention and wrongfulness as essentials for 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].

Question 2

- a) Distinguish delict from crime. [10 marks].
- b) Discuss, in detail, the nature and development of a delict. [15 marks].

Question 3

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

[25 marks]

Question 4

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

[25 marks]

Question 5

Critically discuss how the Constitution of Swaziland has impacted the law of delict. [25 marks]

Question 6

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]
