

**UNIVERSITY OF SWAZILAND**  
**FACULTY OF SOCIAL SCIENCE**

**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION, JULY 2018**

**TITLE OF PAPER : LAW OF DELICT I**

**COURSE CODE : LAW 303**

**TIME ALLOWED : THREE (3) HOURS**

**INSTRUCTIONS :**

- 1. ANSWER ANY FOUR (4) QUESTIONS. MARKS ARE ALLOCATED AT THE END OF EACH QUESTION OR PART OF A QUESTION.**

- 2. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

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

### **QUESTION 1**

X is injured in a motor accident caused by Y's negligent driving. X suffers from high blood pressure and a heart ailment and suffers more severe injuries than would have been the case if he had been healthy. Will Y be liable for X's additional loss.

Discuss illustrating your answer with decided cases.

(25 marks)

### **QUESTION 2**

Shangani, an employee of "modern plumbers (Pty) Ltd, is assigned to repair the water tank at the top of a building belonging to Simunye Sugar works. The ladder provided by "modern plumbers" is too old and and collapses. Shangani falls ninety feet to the ground receives multiple injuries to the head, chest and limbs. An ambulance is called and Shangani is driven to hospital but dies on the way. It also transpires that the newly qualified nurse who attended Shangani in the ambulance did not provide him with oxygen which was available.

Advise the widow.

(25 marks)

### **QUESTION 3**

A vehicle insured by Maswati Insurers collided with Sibandze. As a result of a major injury, Sibandze was in a permanent vegetative state, unaware of all bodily functions, blind, mute and deaf. He was 100% disabled with no prospect of recovery.

His father and natural guardian wishes to sue for damages, in his personal capacity and also in his son's behalf, advise him, illustrating your answer with decided cases.

(25 marks)

### **QUESTION 4**

Duncan has a cow which, to his knowledge is prone to stray. One day it escapes through a gap in the fence in a field in which Duncan is keeping it; and strays onto the highway. There it is frightened by a passing car, and knocks Nozwalakhe off her bicycle, cutting her head severely.

Advise Nozwalakhe as to a possible course of action.

(25 marks)

### **QUESTION 5**

Masuku, an aged person who has spent his entire life in a rural community in a remote part of Swaziland, visits relatives in Mbabane for the first time. Being illiterate and unacquainted with the traffic situation in a big city, he ignores a red traffic light and in doing so causes an accident. He pleads lack of experience as his defence.

Is he right?

(25 marks)