

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2018

TITLE OF PAPER : LAW OF DELICT II

COURSE CODE : LAW 304

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS.

**2. MARKS ARE ALLOCATED AT THE END OF
 EACH QUESTION OR PART OF A
 QUESTION.**

**3. 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

Khumalo was employed by the UNISWA Postal Services as a driver. His duties entailed delivering parcels to various places within the state of UNISWA. In January 2018 while acting within the course and scope of his employment, Khumalo deviated from the job to go for drinks. He then negligently caused an accident while returning to work badly injuring Dlamini.

Dlamini has approached you for advice, in advising him make use of decided cases.
(25 marks)

QUESTION 2

Tsabedze had been walking his dog on a leash in a public road in a residential area, when Hlophe's dog ran out of an open side gate on Hlophe's premises and attached the dog on the leash. Tsabedze, who carried a whip, hit Hlophe's dog which then bit him.

Tsabedze is considering suing Hlophe. Will he succeed?
(25 marks)

QUESTION 3

Magagula, a flat dweller, wrote a letter to the Chairman of the Housing Estate complaining that Shale was a nuisance, in that:

- a) She always has parties in her flat.
- b) Such parties are accompanied by loud music, loud drunken conversations and general disturbance of the peace.

Shale feels insulted, humiliated and that her character has been assassinated by Magagula. She seeks your advice.
(25 marks)

QUESTION 4

Mbuli's cattle and sheep trampled down part of the fence enclosing their paddock and gained entry into Matshiya's fields destroying a large portion of her maize and bean crops.

Can Matshiya recover damages from Mbuli? Illustrate your answer with decided cases.
(25 marks)