

**UNIVERSITY OF ESWATINI**  
**DEPARTMENT OF LAW**  
**LAW OF PERSONS RE-SIT EXAM PAPER 2018/2019**

**Programme of Study** : **LLB II**

**Title of Paper** : **Law of Persons**

**Course Code** : **LAW205**

**Time Allowed** : **3 Hours**

**INSTRUCTIONS:**

1. Answer **ALL** Questions
2. In answering any question, note that the quality of the content, use of authority, clarity of expression and legibility of handwriting are absolutely essential.
3. Begin each question on a new page.

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

### QUESTION 1

Mr Modise's will contains the following clause:

*"My daughter, Linda, inherits E90 000 and her children who are alive at the date of my death. each inherits E40 000."*

Mr Modise dies on 15 August 2015. Linda's third child, Peter, is born on 18 September 2015. Linda has two other children, Matome and Sarah.

(a) Who will inherit from Mr Modise? Explain your answer with reference to authority. [15 Marks]

(b) What would the position have been if Peter died while his mother was giving birth to him? [10 Marks]

**[TOTAL: 25 Marks]**

### QUESTION 2

(a) Distinguish between testate and intestate succession. [5]

(b) What are the statutory rules governing the registration of an extra-marital child? [10]

(c) With reference to case law, discuss the domicile of choice. [10]

**[TOTAL: 25 Marks]**

### QUESTION 3

Jacob's pregnant wife, Susan, was involved in a fatal car accident that led to the premature birth of his daughter Zanele. Zanele was found to be mentally ill due to the injuries sustained by her mother during the accident. Can Jacob institute an action on behalf of Zanele for damages due to the prenatal injuries sustained by her? If so, on what basis should the action be instituted? Discuss with reference to authority. [25 Marks]

### QUESTION 4

With the aid of the following cases:

*Road Accident Fund v Mtati* 2005 (6) SA 215 (SCA)

*Pinchin & Another v Santam Insurance Co. Ltd.* 1963 (4) SA 666 (A)

Describe the legal principles governing the personality interest of an unborn child.

**[25 Marks]**

**END OF PAPER**