



UNIVERSITY OF ESWATINI

FIRST SEMESTER MAIN EXAMINATION PAPER, NOVEMBER 2019

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: LAW205

TITLE OF PAPER: LAW OF PERSONS

TIME ALLOWED: 3 HOURS

Instructions

1. Answer all questions.
2. Write legibly and refer to legal authority consistently.

Special Requirements

NONE

Additional Material (s)

NONE

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

QUESTION 1

Mr Modise's will contains the following clause:

"My daughter, Linda, inherits E900 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 (10 years old) and Sarah (8 years old).

- (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 had died while his mother was giving birth to him? [10 Marks]

[TOTAL: 25 Marks]

QUESTION 2

- (a) Distinguish between patrimonial and personality interests. [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 caused by Mr. X, which led to the premature birth of her daughter Zanele. Zanele was subsequently found to be mentally ill due to the injuries sustained by her mother during the accident. Can Jacob succeed in an action for damages due to the prenatal injuries? If so, on what basis should the action be instituted, and what is the burden of proof? 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