

UNIVERSITY OF FORT HARE
FACULTY OF LAW
(East London Campus)

LAW OF DELICT A
LPD312/3E

SUPPLEMENTARY DEGREE EXAMINATION
JUNE 2023

Time: 3 hours
Subject: LAW OF DELICT A (LPD312/3E)
Marks: 100

This paper consists of 3 pages including the
cover page

Internal Examiners
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Ms L Gomomo

INSTRUCTIONS

1. Answer ALL questions.
2. For 'fill in the missing word' questions, only insert only one word/ term
3. Terms of art/ legal terms, etc. must be spelled correctly
4. Pay careful attention to marks allocated.
5. WRITE LEGIBLY.

SECTION A

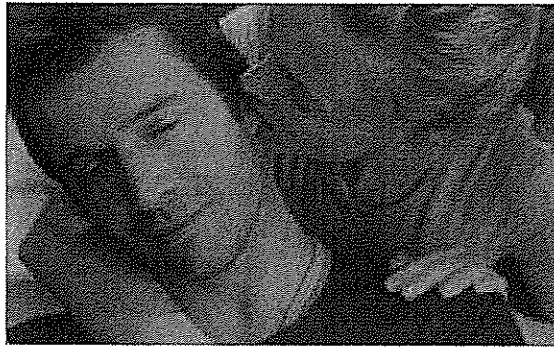
(General Theory)

QUESTION 1 [12 Marks]

Explain the significance of the maxim *res perit domino* in relation to the Law of Delict in South Africa?

QUESTION 2 [12 Marks]

Look at the picture below. Assume that this activity is taking place while the man is driving a vehicle on a public road. The man drives over a speed bump. The woman bites through the man's ear, causing him to bleed. She is HIV positive. The man has permanently diminished hearing (which effects his capacity to play piano which is his lifelong passion). He also feels permanently disfigured, suffers depression and thus loses his job as a music critic for a local newspaper.



Applying examples from the above scenario, briefly identify the three broad categories of **harm** that are present, describe their general nature, and their formal corresponding actions, as contemplated by the law of Delict. Fill in the table below (as provided in the answer sheet attached) to answer this question.

	Delictual Harm Type 1	Delictual Harm Type 2	Delictual Harm Type 3
Type of Harm (loss) in English			
Latin term for the Type of Harm (loss)			
Name of Action that is instituted for the Harm (loss)			
Example/ Fact from the scenario (a single phrase or word will do)			

SECTION B:

(Application of the 5 Delictual Elements/ Problem- solving)

QUESTION 3 [40 Marks]

Examine the 2 parties in the picture below.



If one or both of the parties visible in the picture were to suffer some form of harm, discuss how you would arrive at a final determination of FAULT of the any/ both of parties in this picture. You should apply the METHOD/S (and test/s included therein) for determining CONDUCT, CASUATION, WRONGFULNESS & FAULT as we have learnt. Your answer should include reference to the 'METHOD SHEET' PROCESS DIAGRAMS for each of these elements showing how at each stage you have applied the process to the facts. Use the answer sheet/ book provided for this purpose.

SECTION C: (Claim Drafting)

QUESTION 4 [36 Marks]

Draft concise particulars of claim, making the basic necessary averments, for damages arising from a situation in which a prison warden in a public prison fails to intervene when a minor awaiting-trial prisoner in his custody who was locked up in the adult section of the prison overnight, was sexually assaulted by fellow prisoners, thus infecting the victim with HIV. Add your own facts/ consequences where necessary. Formal headings are not required.

TOTAL MARKS [100]

END OF EXAMINATION