



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 202
COURSE TITLE : Law of Delict
DURATION : 3 Hours
LEVEL :
DATE :

ZIMBABWE EZEKIEL GUTI UNIVERSITY
ADMISSIONS & STUDENT RECORDS
2.4 3 AUG 2021
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INSTRUCTIONS TO CANDIDATES:

1. Answer **four questions**, choose two questions from **each** section.
2. Each question carries **25 Marks**.
3. Start each question on a new page of your answer sheet.

SECTION A

ANSWER TWO QUESTIONS FROM THIS SECTION

Question 1

Zimbabwe Ezekiel Guti University has tasked you to lead a discussion on the interplay between the law of defamation and the right to freedom of speech. Write a paper for discussion. In your discussion, highlight areas of law which require some change. [25 Marks]

Question 2

- (a) Explain the concept of vicarious liability. (12)
- (b) How sound, if at all, are the considerations underlying the doctrine of vicarious liability? (13)

[25 marks]

Question 3

The expanding technology and mechanization in most aspects of life together with unprecedented exposure of individuals to the risk of harm, drew attention to the inadequacies of the fault theory. Discuss. [25 marks]

Question 4

Write notes on any **THREE** of the following;

- Mitigation of damages
- Talem qualem rule
- Legal causation
- Res ipsa loquitur
- Once and for all rule.

[25 marks]

SECTION B

ANSWER TWO QUESTIONS FROM THIS SECTION

Question 5

Discuss the concept of *diligen bonus paterfamilias* in the law of delict. With the aid of case law, discuss how this concept is effective in enquiries involving negligence.

[25 marks]

Question 6

Delictual remedies are usually meant to compensate the injured party rather than punish the defendant. With the aid of case law and other sources of law, discuss the assertion above.

[25 marks]

Question 7

Runako drove to visit her boyfriend with her sister Linda as a passenger. As she approached her boyfriend's house. Runako slowed down to stop at a pedestrian crossing where a number of pedestrians were waiting to cross. Runako was stationary at the crossing when a vehicle, driven by Mado collided with the rear of her car.

Runako suffered minor cuts. Linda's injuries were even more serious as she was thrown through the windscreen and sustained multiple fractures to her back and neck. Linda was taken to the hospital by an ambulance but on the way ambulance got involved in an accident when a tree fell onto it causing Linda to suffer further fractures, this time to her legs. Runako was given an anti tetanus injection and developed a serious allergic reaction to that which made her very ill.

At the junction where the accident occurred there was a large hedge which partially obstructs the view. Since the accident, the local council has cut the hedge back and visibility has improved substantially.

Mado was killed in the accident and is later found to have been driving his car with no licence, insurance or tax and at an excessive speed. He was also driving over the speed limit and had been drinking all afternoon in the pub with David. David survived the accident but suffered serious injuries. There is evidence to suggest that David knew Mado was drunk and had no driving licence.

Advise Runako, Linda and David on their rights and responsibilities **[25 Marks]**

End of examination