



RHODES UNIVERSITY
Where leaders learn

Faculty of Law
Law of Delict

Course Outline 2024

INTRODUCTION

This course aims to provide students with a working knowledge of the general principles of the Law of Delict and the application of these from normative and factual perspectives. You will learn the five elements required to establish delictual liability (conduct, wrongfulness, fault and causation). You will also delve into the specific forms of damage protected by the *Actio Legis Aquiliae*, the *Actio Iniuriarum* and Germanic action. The course will also consider the development and evolution of this area of law in South Africa's constitutional dispensation.

Assumptions of Prior Learning

The lecturer in this course assumes that you are able to:

- Recognise, identify and solve legal problems
- Communicate effectively in English (written and spoken)
- Conduct in-depth research and comply with conventions of ethical referencing
- Take charge of your own studies and organise your time accordingly

COURSE OBJECTIVES/ LEARNING OUTCOMES

By the end of the course you are expected to:

- Know and understand the main principles governing delictual liability and the rules derived from case law, legislation and/or the common law
- Recognise problems governed by the principles of delict and where they fit in the scheme of this area of law

- Relate the various dimensions of factual problems to applicable rules and principles
- Demonstrate an awareness and understanding of the development of this area of law as well as the effect of the Constitution in this regard
- Be able to communicate cogent, systematic solutions to delictual problems
- Organise and manage your time and resources effectively
- Demonstrate the ability to conduct e-research and the utilization of e-learning legal resources and platforms.

TEACHING METHODS

The two principal modes of teaching and learning in this course are lectures and self-study. Lectures are participatory in nature and you may be called upon to comment on the prescribed readings. Students are therefore expected to prepare adequately for lectures. Where necessary the lecturer will supplement course materials with illustrations and explanatory summaries. Certain portions of the course as well as sections not covered during lectures are designated self-study sections.

TOPICS

1. Introduction to the law of delict
2. Conduct
3. Wrongfulness
4. Fault
5. Causation
6. Damage
7. Delictual Remedies
8. Joint Wrongdoers
9. Special forms of liability
10. Strict and vicarious liability
11. Remedies and apportionment
12. Statutory forms of compensation

RESOURCES FOR THE COURSE

Prescribed Text:

Loubser & Midgley (eds) *The Law of Delict in South Africa* 3rd ed (2018)

Neethling, J; Potgieter, JM; Knobel, JC *Neethling, Potgieter and Visser, Law of Delict* 7th ed (2016)

Recommended:

Potgieter, JM; Steynberg, J; Floyd TB *Visser & Potgieter: Law of Damages* (2018)

Midgley, JR & Van Der Walt, JC *Principles of Delict* (2016)

Additional course material is available on our electronic learning platform *RU Connected*.

ASSESSMENT

1. Two class tests (Semester 1 & 2) (30%)

The tests will account for 30% of your final mark. You will be tested on all the work covered in the first term. The questions in this test may take the form of theory and/or problem-type question. In this test you will be expected to demonstrate your ability to solve legal problems using legal reasoning. You will be graded on your ability to relate the various dimensions of factual problems to applicable rules and principles. Furthermore, you have to show your ability to provide cogent, systematic solutions to delictual problems stemming from the areas covered thus far.

2. Two Research Assignments (Semester 1 & 2) (20%)

The assignments are aimed at assessing your ability to conduct in-depth research and the utilization of e-learning legal resources. You will be expected to provide a cogent and sound legal opinion/advice. You will also be assessed on your ability to comply with conventions of ethical referencing. Overall, the task aim at gauging whether you are able to organise and manage your time and resources effectively.

3. Closed Book Examination Oct/Nov (50%)

The final assessment in the course will be in the form of an examination to be written during the October/November examinations cycle. Similarly to the tests, questions in the exam may take the form of theory and/or problem-type question. At this stage you will be expected to have a firm grasp of all the legal principles covered during the year. No section work is written off. Ideally, the exam would cover everything however; an emphasis will be on sections covered in semester 2.
