



Faculty of Law

Law of Delict

Course Outline 2021

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INTRODUCTION

Purpose of the Law of Delict

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. During the first semester we will examine four of the five elements required to establish delictual liability, that is, conduct, wrongfulness, fault and causation. In the second semester, we will consider the harm element as well as the following actions: *Actio legis aquiliae*, *Actio iniuriarum* and the Germanic action. We will also consider the development and evolution of this area of law in South Africa's constitutional dispensation.

Assumptions of Prior Learning.

It is assumed in this course that each student is able to:

- a) Recognise, identify and solve legal problems
- b) Communicate effectively in English (written and spoken).
- c) Conduct in-depth research and comply with conventions of ethical referencing.
- d) 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:

- a) Know and understand the main principles governing delictual liability and the rules derived from case law, legislation and/or the common law
- b) Recognise problems governed by the principles of delict and where they fit in the scheme of this area of law
- c) Relate the various dimensions of factual problems to applicable rules and principles
- d) Demonstrate an awareness and understanding of the development of this area of law as well as the effect of the Constitution in this regard
- e) Be able to communicate cogent, systematic solutions to delictual problems
- f) Organise and manage your time and resources effectively
- g) Demonstrate the ability to conduct e-research and the utilization of e-learning legal resources and platforms
- h) resources and platforms

TEACHING METHODS

The principal modes of teaching and learning in this course is online learning and self-study. Students are expected to engage the course material thoroughly and to enquire from the lecturer where uncertainties/lack of understanding arise.

Self-Study: Certain portions of the course maybe designated for self-study. This means you are responsible for reading and understanding the material in these sections because these may be assessed in the form of an assignment, test or in the final examination. It is therefore your prerogative to approach the me for clarity if you experience difficulty with concepts in the self-study sections.

RESOURCES FOR THE COURSE

Prescribed Text:

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

Recommended:

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

Potgieter, JM; Steynberg, J; Floyd TB Visser & Potgieter: *Law of Damages* (2012)

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

Additional course material will be available on RU Connected. The enrolment key will be issued to you.

ASSESSMENT

You will be afforded multiple and continuous opportunities for assessment during the course of the year in line with the principles of outcome based education. Your competence will be ascertained in the form of 4 formative assessment tasks and a final examination, the summative assessment. The manner in which the assessments will be conducted will be as transparent, clear and explicit as possible. Moreover, you will be provided with meaningful feedback on all tasks.

1. Assignment 1 Date: 3 May 2021 (12.5%).

This assignment will account for 12.5% of your continuous assessment mark. The assignment is aimed at assessing your ability to write a crisp, succinct and convincing piece. The Utilization of eLearning legal resources is encouraged.

2. Class Test 1 Date: 24 May 2021 (12.5%)

The test will account for 12.5% 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 by 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.

3. Assignment 2 Date: TBC (12.5%)

4. Class Test 2 Date: TBC (12.5%)

5. Oct/Nov (Summative Assessment) (50%)

Further information regarding the exam will be communicated as there is uncertainty regarding whether the students will return to contact lectures in the second semester.