

UNIVERSITY EXAMINATIONS



**PVL3703  
LAW OF DELICT**

OCT/NOV 2025

100 Marks

**4 Hours (11:45 — 15:45)**

**20 OCTOBER 2025**

First examiner: Prof M Mokotong Prof JC Knobel Prof R Ahmed  
Second examiner: Prof CJ Pretorius  
External Examiner: Prof B Wessels

This paper consists of 9 pages.

**This is a closed-book examination**

**Instructions:**

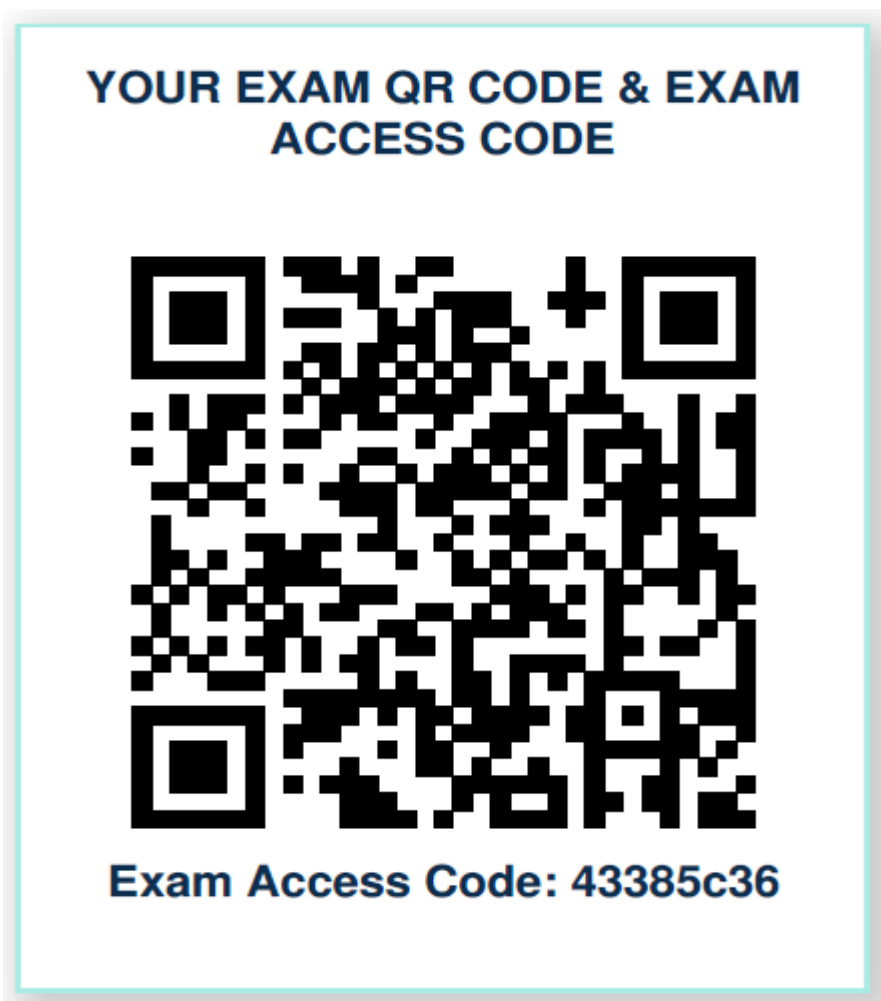
**INSTRUCTIONS FOR A TAKE-HOME EXAM ON MYEXAMS**

**PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE ANSWERING THE EXAMINATION QUESTIONS.**

1. The examination question paper counts **100 marks**.
2. It consists of **FOUR (4)** questions. Answer **ALL** of the questions.
3. The duration of the examination on the timetable is **4 hours**.

4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file**. Your exam file must be uploaded via the myExams platform on **20 OCTOBER 2025, BEFORE 16:15** (South African Standard Time).
5. This is a **closed-book examination**. While the examination is in progress, you are not allowed to consult another person, or any source in order to assist you to answer any of the questions contained in this question paper. While the examination is in progress, you cannot assist another student in answering any of the questions for this examination.
6. This examination is proctored via the Invigilator App. You are required to **activate (or log in to) the Invigilator App** between **11:30 AM and 12:15 PM** (South African Standard Time).

The QR code is below:



- 6.1 **Please note:** If a student is found to have been outside the invigilator app for a total of 10 minutes during their examination session, they will be considered to have violated Unisa's examination rules, and their marks will be withheld.
- 6.2 **You only have 10 minutes after the scheduled (timetabled) exam time to submit your script on the Invigilator App.**
- 6.3 You will have **48 hours from the date of the examination to upload the invigilator results from the Invigilator App.** Failure to do so will result in students being deemed not to have utilised the invigilation or proctoring tools.
7. The uploading of your exam file on the **myExams platform** must be **finalised within 30 minutes of the scheduled (timetabled) end of the exam.**
- 7.1 You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.
- 7.2 Once the official examination time per the examination timetable has expired, you are provided 30 minutes to submit your answer script. Submissions made after the submission period has lapsed will be rejected per the examination regulations and will not be marked.
- 7.3 **The cover page for your take-home exam must include your name, student number, and the module code.**
- 7.4 When ready to submit, open the Take-Home (Assignment) assessment again and click on the Add Submission button.

#### Submission status

|                   |                                  |
|-------------------|----------------------------------|
| Submission status | No attempt                       |
| Grading status    | Not marked                       |
| Due date          | Saturday, 11 June 2022, 12:00 AM |
| Time remaining    | 37 days 8 hours                  |
| Last modified     | -                                |

Submission comments

▶ Comments (0)

  
[Add submission](#)

- 7.5. Note the file requirements such as:
- File size limit.
  - Number of files that can be submitted.
  - File formats allowed.
- 7.6. Check the acknowledgment checkbox and upload your answers document and then click on the Save changes button.

The screenshot shows a file submission interface. A red box highlights a checkbox labeled "This submission is my own work, except where I have acknowledged the use of the works of other people." Another red box highlights the text "Maximum file size: 50MB, maximum number of files: 1". A third red box highlights a file icon and the text "Files". A fourth red box highlights a PDF icon and the text "A Sample PD...". A fifth red box highlights the "Accepted file types:" section, which lists: "Document files .doc .docx .epub .gdoc .odt .oth .ott .pdf .rtf", "PDF document .pdf", "Word 2007 document .docx", and "Word document .doc". A final red box highlights the "Save changes" button.

- 7.7. Review your submission information regarding the status and click on your submission file link to check if it's correct.

The screenshot shows a "Submission status" page. A red box highlights the "Submission status" row, which shows "Submitted for grading". Another red box highlights the "Grading status" row, which shows "Not marked". A third red box highlights the "Due date" row, which shows "Saturday, 11 June 2022, 12:00 AM". A fourth red box highlights the "Time remaining" row, which shows "37 days 8 hours". A fifth red box highlights the "Last modified" row, which shows "Wednesday, 4 May 2022, 3:05 PM". A sixth red box highlights the "File submissions" section, which shows a table with one row: "A Sample PDF.pdf" and "4 May 2022, 3:05 PM". A seventh red box highlights the "Submission comments" section, which shows "Comments (0)".

- 7.8. If you need to resubmit a file, you can click on the Edit Submission button. **Do not click on the Remove submission button.** Note: You will need to delete any existing files by clicking on the file and then on delete.

#### Submission status

|                                                                                                                                                                         |                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Submission status                                                                                                                                                       | Submitted for grading            |
| Grading status                                                                                                                                                          | Not marked                       |
| Due date                                                                                                                                                                | Saturday, 11 June 2022, 12:00 AM |
| Time remaining                                                                                                                                                          | 37 days 8 hours                  |
| Last modified                                                                                                                                                           | Wednesday, 4 May 2022, 3:05 PM   |
| File submissions                                                                                                                                                        |                                  |
| <div>  A Sample PDF.pdf                     4 May 2022, 3:05 PM                 </div> |                                  |
| Submission comments                                                                                                                                                     |                                  |
| <div>  Comments (0)                 </div>                                             |                                  |



- 7.9 Use proper PDF conversion software to create the final file for upload. Free PDF conversion software is available on the Internet.
- 7.10 Add your student number and the module code in the file name. That will assist you in selecting the correct document to upload during submission.
8. It is preferred that your take-home exam be typed. However, handwritten submissions will also be accepted.
9. Whether your answers are typed or handwritten, your submission on the myExams platform on Moodle must be made in the form of **one PDF** document. Only the last file uploaded and submitted will be marked.
- 9.1 **The exam answer file that you submit must not be password-protected or uploaded as a “read-only” file.**
- 9.2 Your examination answer file will not be marked if:
- 9.2.1 You send your examination answer file via email.
- 9.2.2 You submit the incorrect examination answer file. A mark of 0% will be awarded.

- 9.2.3 You submit your exam answer file on an unofficial examination site.
- 9.2.4 You submit your examination answer file in the incorrect file format.
- 9.2.5 You submit a password-protected document.
- 9.2.6 You submit your examination answer file late.
- 9.2.7 You submit your answer file from a registered student account that is not your own.
- 9.3 The mark awarded for an illegible examination answer file submission will be your final mark. You will not be allowed to resubmit after the scheduled closing date and time of the exam.
- 9.4 Listening to audio (music) and utilising audio-to-text software is strictly prohibited during your examination session, unless use of the software is related to a student's assistive device, which has been declared. Listening to music, utilising such software and/or failing to declare the software is a transgression of Unisa's examination rules and the student's marks will be withheld.
- 10. If your answers are typed, ensure that the following requirements are adhered to.
  - 10.1 The text must be typed in Arial font, size 12, and justified.
  - 10.2 South African English and not American English should be used. For example, the correct spelling is "Labour" and not "Labor".
  - 10.3 Do not use abbreviations or SMS language.
- 11. **DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE OR ANY OTHER SOURCE.**
  - 11.1 The arguments that you make must be logical, well-structured, and substantiated by all the relevant legal principles. Use the time given wisely.
  - 11.2 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL the relevant authorities, e.g., sections from relevant legislation and/or court cases in the text.
  - 11.3 A number of students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is important to first clarify for yourself the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Finally, apply the principle to the given facts or scenario and state your conclusion.
- 12. You must complete the online declaration of your own work when submitting.
  - 12.1 By ticking the Honesty Declaration, you confirm that you have read (i) the University's [Policy on Copyright Infringement and Plagiarism](#) and the Student Disciplinary Code, which are both available on myUnisa: [www.unisa.ac.za/unisarules](http://www.unisa.ac.za/unisarules), and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>.

- 12.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with any other person or request assistance from any other person during their examinations. The use of Telegram, WhatsApp, or any other instant messaging services with any other person (except when asking for technical assistance via official channels of the SCSC or the Invigilator WhatsApp line) is strictly prohibited. Plagiarism is a violation of academic integrity, and students who plagiarise, copy from published works or use Artificial Intelligence Software (e.g., ChatGPT), online or any other sources (e.g., course material) will be in violation of the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to a disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or any other forms of academic dishonesty.
- 12.3 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

**PLEASE NOTE:**

If you experience challenges with the Invigilator app, please **send a WhatsApp message** to the technical helpdesk on **073 505 8273**. **Do not phone/call the technical helpdesk. Do not contact the lecturers.**

For all other exam-related challenges, you may contact the SCSC on 080 000 1870 or e-mail [Examenquiries@unisa.ac.za](mailto:Examenquiries@unisa.ac.za) or refer to [Get-Help](#) for the list of additional contact numbers.

**QUESTION 1**

- 1.1 Thabiso attacks his girlfriend, Dipalesa, without any provocation. Dipalesa suffers from broken bones in her nose, one right rib, and her left lower leg. She experiences intense pain and requires medical treatment. Name the delictual actions that Dipalesa can institute against Thabiso and briefly explain your answer with reference to the distinctive requirements of the relevant delictual actions. (9)
- 1.2 Distinguish between a delict, a crime, and a breach of contract. (6)

- 1.3 Malose suffers from diabetes, and his doctor has warned him not to drive without eating after taking his insulin injection. One morning, he skips breakfast, drives to work, and unexpectedly loses consciousness while driving. As a result, he collides with another vehicle and injures the other driver. Briefly discuss the self-induced automatism in the law of delict. (10)

(25)

## QUESTION 2

The father of a bright 13-year-old boy named Tlhalefo recently purchased a smallholding in a rural area. Wild baboons from a nearby mountain frequently invade the family's land, damaging their maize crops and fruit orchards. Desperate to save his father's crops and orchards, Tlhalefo sought advice from Professor Legodi, a well-known scientist at XYZ University, on how to deal with the baboon problem. The professor proposed using a drone equipped with small noise cannons to scare away the baboons. However, while demonstrating the device, the professor lost control of the drone, which crashed into a neighbour's property, shattering windows, cracking walls, and destroying the borehole pump and a barn. The neighbour, Ms Mokete, filed a lawsuit for damages, claiming that both Tlhalefo and Professor Legodi were negligent. The question arises: can the standard negligence test, as typically applied in South African case law, be used for both Tlhalefo and the Professor, or does the negligence test need to be tailored for each of them? Discuss in detail, with reference to relevant case law.

(25)

### QUESTION 3

Ms Selepe had been suffering repeated burglaries at her home in a semi-urban area. Frustrated by the police's tardy response and concerned about the safety of her family and property, she erected a high-voltage electric fence around her property without obtaining a municipal permit, warning neighbours, or putting up danger signs as required by safety regulations. One night, two burglars attempted to break into the house. While climbing the fence, one burglar was electrocuted and killed instantly. The other panicked and ran onto the main road, causing a delivery truck to swerve and crash, injuring the driver and passengers. During the rescue operation, an ambulance responding to the scene collided with a parked car, injuring a pedestrian who had come to see what happened. The deceased's family, the delivery truck driver, and the pedestrian all filed claims against Ms Selepe, arguing that her conduct was wrongful and that she is liable for damages. Discuss whether Ms Selepe's conduct was wrongful in detail with reference to the relevant case law. (30)

### QUESTION 4

Considering the scenario or facts presented in **QUESTION 3** above, discuss, with reference to case law, the tests that the courts would use to determine factual and legal causation. (20)

**[TOTAL MARKS: 100]**