



AFRICA
UNIVERSITY
A United Methodist-Related Institution

“Investing in Africa’s Future”
SCHOOL OF LAW

NLLB204: LAW OF DELICT

END OF FIRST SEMESTER EXAMINATIONS

NOVEMBER 2025

LECTURER: L. MANYIKA

DURATION: 3 HRS

GENERAL INSTRUCTIONS TO CANDIDATES

- 1. Do NOT write your name on the answer sheet**
- 2. Answer any four (4) questions.**
- 3. Begin your answer for each question on a new page.**

QUESTION 1

Bigboy is a person with disability who is unable to walk without assistance. He issued summons against Highway Tours Bus Service claiming for *iniuria* and assault he suffered as a result of being denied access to transport services. In his particulars of claim, Bigboy alleged that on the 15th of September 2019, he boarded Highway Tours Bus Service in Kwekwe going to Harare. He further alleges that he was accosted by the Highway Tours Bus conductor as he was boarding the bus. Further to that, he alleges that the conductor asked him embarrassing questions. He indicated that he was given no assistance to board the bus and that there was no seat reserved for persons with disability on the bus, such that he had to look for a seat for himself. Bigboy indicated that because of the conductor's rude attitude, he withheld payment of the bus fare, insisting that the conductor apologise first. The conductor refused to apologise to Bigboy. Further to that, the conductor refused to give him his name and contact information. At the next town, Bigboy alleges that he was unceremoniously ejected from the bus by the conductor who, with the assistance of two men, manhandled him off the bus and dumped him on the ground on his back. He was humiliated and left stranded on the side of the road.

In his summons, Bigboy did not cite the conductor of the bus. Bigboy could also not identify the registration number of the bus in question.

Highway Tours Bus Services approaches you for legal advice on Bigboy's claim. Advise Highway Tours Bus Service. **[25 Marks]**

QUESTION 2

- a) David works at the control tower at Robert Mugabe Airport. His job is to regulate the movement of aeroplanes landing and taking off. Due to a sudden drop in David's blood pressure, he loses consciousness for about 5 minutes. Two aeroplanes collide because David did not give the pilots the correct instructions.

Is David liable in delict for this collision? Would it make a difference to your answer if David had already been under medical treatment for a diagnosed condition of low blood pressure, but failed to take his prescribed blood pressure medication when he should have done so earlier that morning? Discuss with reference to relevant authority.

[12 Marks]

- b) Discuss circumstances in which an omission is delictually wrongful. **[13 Marks]**

QUESTION 3

- (a) Wit Chivas is a leader of the ABC Youth League and a prominent political figure. One afternoon he is part of a public debate on transparency of government construction tenders. A journalist from Ziyana Times speaks out of turn and states, “I have evidence to suggest that every successful tender belongs to your extended family. What do you say to these allegations?” Chivas refuses to answer to the allegations and chases the journalist out of the room accusing him of being a “non-patriotic opposition party agent”.

When Chivas leaves the debate room, Ziyana Times approaches him again to comment on the allegations but no comment is forthcoming. The next day, Ziyana Times publishes a headline which states, “Corrupt Wit Chivas steals Building Tenders”. Chivas is devastated by the headline. He believes that his credibility amongst his supporters and party has been shattered. He now wants to institute legal proceedings.

Advise Chivas on his prospects of success.

[15 Marks]

- (b) Constable Blackwatcher has been drinking beer since morning at Aphiri Shopping Centre. In the evening, he sees Mr Bangajena getting into his car and arrests him, on allegations of theft of a motor vehicle. Constable Blackwater takes Mr Bangajena to a local police station. Several police officers personally know Mr Bangajena and advise Constable Blackwatcher that the vehicle allegedly stolen belongs to Mr Bangajena. Constable Blackwatcher will have none of it and detains Mr. Bangajena. The following morning, Constable Blackwatcher realises his mistake and releases Mr. Bangajena.

What delict, if any, has been committed by Constable Blackwatcher?

[10 Marks]

QUESTION 4

- (a) Anna would like to have her earlobes pierced so that she can wear fashionable earrings. Andrew her boyfriend, who is a third-year law student, offers to do the piercing. Anna accepts this offer. The procedure goes quite well but a few days later, the wounds from the piercing have turned septic and medical treatment is necessary. Anna incurs medical expenses in the sum of US\$5000.00. Anna and Andrew’s relationship turns sour and they eventually break up. Anna institutes a

delictual action against Andrew to recover the medical expenses she incurred. What defence, if any, may be raised by Andrew. **[10 Marks]**

- (b) In a hurry to catch a bus, Tariro bumps into Mrs Blue, a frail old lady. Mrs Blue falls and breaks a leg. She is admitted in hospital. The leg is set in a plaster cast and she is given a set of crutches and discharged from hospital. A week later, Mrs Blue slips with her crutches on a smooth floor, falls again and breaks her arm.

With reference to case law, discuss in detail whether Tariro is liable for Mrs Blue's broken leg and arm. **[15 Marks]**

QUESTION 5

a) Compare and contrast patrimonial loss and non-patrimonial loss. Using relevant legal authority, refer to the assessment criterion used by the courts to establish the amount in damages? **[12 Marks]**

b) Mary and Tom are walking in the park when they are approached by a stranger who threatens them with a knife. To protect themselves, Mary picks up a nearby branch and swings it at the attacker, striking him in the arm. The attacker files a civil action against Mary and Tom, claiming they caused bodily harm. Mary and Tom argue that they acted in self-defence.

Indicate, with reference to relevant authority, whether Mary and Tom will be successful in their defence. **[13 Marks]**

END OF QUESTION PAPER