

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B. DEGREE PROGRAMME – 2021/2022.
CONTINUOUS ASSESSMENT TEST II
LAW OF DELICT – LLU6814
DURATION – ONE HOUR



Date: 16th September 2022

Time: 3.30 p.m.- 4.30 p.m

Please ensure that your handwriting is legible.

It is an examination offence to have notes in any form, unauthorized documents, mobile phones or other electronic items with you in the examination hall.

Answer ONE question ONLY

1. *Courts determine the ambit of legal wrongfulness (in Roman Dutch law) or the ambit of the duty of care (in English law) based on their assessment of the extent to which society needs protection from the carelessness of others. Generally courts in most jurisdictions have been reluctant to extend this protection to those suffering pure economic loss as compared to those suffering loss due to physical injury to person or property. Therefore the rules regarding liability for negligent statements causing pure economic loss have been more restrictive than those for negligence in other circumstances.*

Do you agree with the statement above?

Explain whether you think the rules regarding negligent statements are more restrictive than those regarding negligence generally. Discuss the latest developments in the law in both South Africa and England.

You must cite case law to support your answer.

(20 Marks)

2. *In both common law and civil law jurisdictions courts have hesitated to impose liability on a defendant for causing nervous shock or psychiatric injury. The reasons include the fear of false or frivolous claims, the opening up of a flood of cases, the burden on a defendant or the insurer, and lack of medical knowledge of psychiatric illnesses.*

Discuss how the courts in the UK, South Africa and Sri Lanka have addressed these concerns in recognising claims for nervous shock and developing the law in this regard. Compare and contrast the approaches of the various jurisdictions and explain how you would address this area of liability.

You must cite case law in your answer.

(20 Marks)

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