

Write brief notes on the differences and/or similarities between a delict and a breach of contract

- Similarities: As with a delict, a breach of contract is normally an act by one person (contracting party) which in a wrongful and culpable way causes damage to another (contracting party).
- Differences: Breach of contract is only constituted by the non-fulfilment by a contractual party of a contractual personal claim or an obligation to perform. A delict is constituted by the infringement of any legally recognised interest of another party, excluding the non-fulfilment of a duty to perform by a contractual party. The primary remedy for breach of contract is directed at the enforcement, fulfilment, or execution of the contract (with a claim for damages playing a secondary part). Delictual remedies are primarily directed at damages (or satisfaction), and not at fulfilment.

Write brief notes on the differences and/or similarities between a delict and a crime

- Similarities: The law takes cognisance of wrongful and culpable acts in the sphere of public law, and criminal law in particular. Delicts pertain to wrongful and culpable acts too.
- Differences: Crimes are a part of public law, whereas delicts are a part of private law. Public law is directed at upholding the public interest, whereas delicts are directed at the protection of private interests. Crimes and delicts are both wrongful and culpable acts, but only crimes are directed at the public interest, whereas delicts are directed at the private interest.

Name the fundamental rights referred to in the list of delict that are mentioned in Chapter 2 of the Constitution

The right to equality, the right to life, the right to freedom and security of the person, the right to privacy, the right to human dignity, the right to equality, the right to freedom of expression, etc.

Explain in a short essay how Chapter 2 of the Constitution may influence the law of delict directly

Chapter 2 of the Constitution states that the state must respect the fundamental rights and freedoms of all citizens. This means that the state must not interfere with the exercise of these rights and freedoms. In the law of delict, this means that the state must not be liable for damages caused by its actions or inactions. For example, if the state fails to maintain a road in good condition, and a car crashes into it, the state may be liable for damages. However, if the state is not liable for damages caused by its actions or inactions, it may be liable for damages caused by the actions or inactions of its officials or employees. For example, if a police officer uses excessive force, the police department may be liable for damages. Therefore, Chapter 2 of the Constitution may influence the law of delict directly by requiring the state to respect the fundamental rights and freedoms of all citizens.

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