Question 1

Discuss the *nasciturus* fiction and critically analyse the application of the fiction in South Africa. [10]

Question 2

Ruth was 70 years old and suffering from diabetes when she disappeared four years ago. Her family has not heard from her since and records reflect that she has not collected her pension and medication since her disappearance. You are approached by her family who wish to wind up her estate as they believe she is most likely dead. Advise the family on the legal rules applicable to this situation. [10]
Question 3

There are various types of domicile in the South African Law of Persons. Name them and briefly state the requirements of each of these types of domicile.

[10]

Question 4

The question whether a person can compel another adult and/or a child to undergo scientific parental testing has been fraught with difficulty resulting in a series of judgments. Discuss the legal development in relation to this question with reference to the cases.

[15]

Question 5

5.1 Discuss the capacity of a person who has been declared a prodigal to conclude juristic acts.

[10]

5.2 Jomo is 17 years old. He concludes a contract with Amy, who is an adult, to buy her computer for R2500. Jomo, in order to conclude the contract, told Amy that he was 18 years old. Jomo pays a deposit of R600, given to him by his parents for his birthday, and Amy allows him to take the computer home with him. A month later Amy requests payment of the balance of the purchase price. Jomo refuses to pay the rest of the purchase price on the ground that he is a minor and therefore cannot be held liable. He also wants to reclaim his deposit. Advise Amy, with reference to authority, as to what, if anything, she can recover from Jomo. Also indicate whether Jomo would be able to reclaim his deposit.

[15]

TOTAL MARKS [70]