

Deliktereg-colloquium

Law of delict colloquium



Op 16 Februarie 2008 het 'n unieke debat oor die deliktereg tussen regters en akademici by die Fakulteit Regsgeleerdheid op die UV-kampus plaasgevind. Die geleentheid is bygewoon deur ses huidige en twee afgetrede regters van die Hoogste Hof van Appèl, waaronder Regter Craig Howie, die President van die Hoogste Hof van Appèl, asook deur twee regters van die Vrystaatse Provinsiale Afdeling. Twaalf van die bekendste akademici en outeurs oor die deliktereg van regoor die land, lede van die Vrystaatse Balie, prof Teuns Verschoor (vise-rector akademiese bedryf), prof Johan Henning (dekaan van die Fakulteit Regsgeleerdheid) en dosente van die Departement Privaatreg was ook teenwoordig. Die geleentheid is deur prof Rita-Marié Jansen van die Departement Privaatreg gereël.

In besonder is daar gedebatteer oor die element onregmatigheid, hoe die vasstelling daarvan behoort te geskied, asook hoe dit verskil van die vasstelling van skuld en meer bepaald nalatigheid. Daar was nie eensgesindheid oor hoe uitsprake van die Hoogste Hof van Appèl hieromtrent geïnterpreteer moet word nie. Almal was dit egter eens dat hierdie 'n besonder nuttige debat was wat die belangrikheid van hierdie regsaspek beklemtoon het en hulle het hul waardering vir die geleentheid uitgespreek. Sover bekend is dit die eerste keer dat 'n gesprek op hierdie vlak oor die deliktereg plaasgevind het.

On February 16, 2008 a unique debate regarding the law of delict took place between judges and academics at the Faculty of Law on the UFS campus. The occasion was attended by six current and two retired judges of the Supreme Court of Appeal, including Mr Justice Craig Howie, President of the Supreme Court of Appeal, as well as two judges from the Free State Provincial Division. Twelve of the most prominent academics and authors on the law of delict from across the country, members of the Free State Bar, Prof Teuns Verschoor (Vice-Rector academic operations), Prof Johan Henning (Dean of the Faculty of Law) and lecturers of the Department of Private Law were also present. The occasion was organized by Prof Rita-Marié Jansen of the Department of Private Law.

Arguments centered on the element wrongfulness and how it should be determined as well as how it differs from fault and more specifically negligence. Unfortunately no unanimity about how judgments of the Supreme Court of Appeal on this issue should be interpreted could be reached. Attendees however agreed that this was a useful debate that served to highlight the importance of this issue and they expressed their appreciation for the opportunity. As far as could be ascertained, this was the first time that a debate regarding the law of delict took place on this level.

Foto's onder: verskaf / Photo's below: supplied

Op die eerste foto:

Voor: Prof Anton Fagan (spreker, UCT), Prof Johan Henning (Dekaan Fakulteit Regsgeleerdheid, UV), Prof Rita-Marié Jansen (organiseerder, Dept Privaatreg UV)
Agter: Prof Danie Visser (voorsitter, UCT), Prof Rob Midgley (spreker, Rhodes), Prof Johann Neethling (spreker, Unisa)



By die colloquium was ook, van links: prof. Johann Neethling (spreker by die colloquium en outeur oor deliktereg, Unisa), prof. Rita-Marié Jansen (Departement Privaatreg aan die UV en organiseerder van die colloquium), prof. Johan Potgieter (outeur oor deliktereg, Unisa), appèlregter Craig Howie (President van die Hoogste Hof van Appèl), en Regter Mojalefa Rampai (Vrystaatse provinsiale afdeling van die Hooggeregshof)

