

**UNIVERSITY OF SWAZILAND**

**DEPARTMENT OF LAW**

**SUPPLEMENTARY EXAMINATION PAPER, JULY 2008**

<b>TITLE OF PAPER</b>	<b>:</b>	<b>ASPECTS OF LAW AND HEALTH</b>
<b>COURSE CODE</b>	<b>:</b>	<b>LH 305</b>
<b>TIME ALLOWED</b>	<b>:</b>	<b>TWO (2) HOURS</b>
<b>INSTRUCTIONS</b>	<b>:</b>	<b>ANSWER <u>ALL</u> QUESTIONS</b>
<b>TOTAL MARKS</b>	<b>:</b>	<b>100</b>

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR.**

### **Question 1**

Generally, before administering treatment or conducting an operation on a patient a medical practitioner must make sure that the patient has consented. What are the requirements for consent? (25 marks)

### **Question 2**

Discuss requirements of the Aquilian Action. (25 marks)

### **Question 3**

Discuss the two (2) defences known to the law that exclude unlawfulness on the part of a medical practitioner's actions. (25 marks)

### **Question 4**

What is *Res Ipsa Loquitur* and how does this principle apply in medical cases? (25 marks)