

UNIVERSITY OF LUSAKA
SCHOOL OF LAW
L101: LEGAL AND ACADEMIC WRITING
ASSIGNMENT

PART TIME STUDENTS

From the copy of the law report that has been given to you, read the following case and prepare a case summary.

Duff Kopa Kopa v University Teaching Hospital (2004) ZR 141 (S.C)

Your summary must focus on the courts definition of medical negligence.

SUGGESTED ANSWER:

FACTS

This is an appeal against a High Court decision. It dismissed the Appellant's claim for damages under the Fatal Accidents Act 1846 to 1908, and for damages under the Law Reform (Miscellaneous Provisions) Act, for the death of his son. The Appellant claimed that the Respondent and his servants were negligent when they carried out an operation on the Deceased with a poor light source. **(2 MARKS)**

ISSUE

Whether the Respondent and its servants gave negligent medical attention to the deceased **(3 MARKS)**

RATIO DECIDENDI

Medical negligence may be ascertained or established in accordance with the generally accepted principles and tests for the determination of professional liability with specific reference to alleged medical negligence. The Appellant was supposed to show that what occurred was as a result of an error, and that such error was one that a reasonably skilled and careful practitioner would not have made. **(3 MARKS)**

ORDER

The Supreme Court held that the lower court was on firm ground in holding that the Respondent was not negligent, and it dismissed the appeal. **(2 MARKS)**

TOTAL: 10 MARKS