

**PVL3704: Unjustified enrichment liability and estoppel**

**PVL3704: Ongeregverdigde verrykingsaanspreeklikheid en estoppel**

**LATIN TERMS AND THEIR MEANINGS**

**LATYNSE BEGRIPPE EN HULLE BETEKENISSE**

Below is a list of the Latin terms used in the study guides with their meanings in English. **PLEASE NOTE that you must still memorise the Latin terms marked with an asterisk (\*) and use the Latin term when answering your assignments and examination paper.**

Hieronder is 'n lys van Latynse begrippe wat in die studiegidse gebruik word met hulle betekenis in Afrikaans.

**LET ASSEBLIEF DAAROP dat u steeds die Latynse terme gemerk met 'n asterisk (\*) moet memoriseer en die Latynse term moet gebruik om die vrae in die werkopdragte en die eksamenvraestel te antwoord.**

<b>Latin</b>	<b>English</b>	<b>Afrikaans</b>
<b><i>ab initio</i></b>	from the outset	van die begin af
<b><i>accessio</i></b>	attachment	aanhegting
<b><i>actio</i></b>	action; claim	aksie; eis
<b><i>actio de dolo malo</i></b>	action in terms of which a defrauded person could claim against the defrauder and his heirs who had been enriched by the fraud	aksie ingevolgewaarvan die persoon wat bedrieg is kan eis teen die bedrieër en sy erfgename wat deur die bedrog verryk is
<b><i>actio empti</i></b>	action based on the contract of purchase and sale	aksie op grond van 'n koopkontrak
<b><i>actio de tigno iuncto</i></b>	action in terms of which the owner who builds on his own	aksie ingevolgewaarvan die eienaar wat op sy eie grond

	ground with the material of another is liable to the owner of the material	met die meteriaal van 'n ander bou, teenoor die eienaar van die meteriaal aanspreeklik is
<b><i>actio in quantum locupletior factus est</i></b>	action for enrichment where a person contracted with a minor and the minor refrains from enforcing or rescinding the contract, and the person has already performed in terms of the contract	aksie vir verryking waar 'n persoon met 'n minderjarige gekontrakteer het en die minderjarige weerhou hom daarvan om die kontrak af te dwing of tersyde te stel en die persoon het reeds kragtens die kontrak presteer
<b><i>actio legis Aquiliae</i></b>	(Aquilian) delictual action to compensate for patrimonial loss caused by wrongful and culpable conduct	(Aquiliese) deliktuele aksie om te vergoed vir vermoënskade wat deur onregmatige en skuldige gedrag veroorsaak is
<b><i>actio mandati</i></b>	action based on mandate	aksie op grond van lasgewing
<b><i>actio negotiorum gestorum</i></b>	action for management of affairs	aksie uit hoofde van saakwaarneming
<b><i>actio negotiorum gestorum contraria*</i></b>	true management of affairs action; action for true management of affairs	egte saakwaarnemingsaksie; aksie om ware saakwaarneming
<b><i>actio negotiorum gestorum utilis*</i></b>	extended management of affairs action (based on enrichment)	uitgebreide saakwaarnemingsaksie (gegrond op verryking)
<b><i>actio redhibitoria</i></b>	an action available to a purchaser for cancellation of a contract of sale on account of a latent defect or a material false statement made by seller to buyer during the course of negotiations concerning the quality of thing sold and going beyond mere puffery	'n aksie tot die beskikking van die koper om die koopkontrak te kanselleer op grond van 'n latente gebrek of 'n wesentliche verkeerde verklaring wat in die verloop van onderhandelinge deur die verkoper aan die koper gemaak word met betrekking tot die gehalte van die saak wat verkoop word, en wat meer as blote opvyseling

		behels
<b>adagium</b>	legal maxim	regspreuk
<b>ad hoc</b>	for a specific occasion	vir 'n bepaalde geleentheid
<b>allegata</b>	Allegations	bewerings
<b>animus negotii alieni gerendi</b>	intention of acting in another's interest	bedoeling om 'n ander se belange te behartig
<b>animus domini</b>	intention of being owner	bedoeling om eienaar te wees
<b>animus donandi</b>	intention to donate	bedoeling om te skenk
<b>a priori</b>	from what came before; (reasoning) from cause to effect	van wat vooraf gekom het; (redenasie) van oorsaak tot gevolg
<b>a quo</b>	from which court <i>a quo</i> – court of first instance	from where hof <i>a quo</i> – hof van eerste instansie
<b>bona fide</b>	good faith	goeie trou
<b>boni mores</b>	good moral standards; legal convictions of the community	goeie morele standarde; regsoortuiging van die gemeenskap
<b>cadit quaestio</b>	the question falls away	die vraag verval
<b>carta</b>	record of transfer	oordrag oorkonde
<b>causa</b>	(underlying) reason or cause for a transaction	(onderliggende) rede vir of oorsaak van 'n transaksie
<b>causa finita</b>	cause that ceases to exist	oorsaak wat nie meer

		bestaan nie
<b><i>causa futura</i></b>	future cause	toekomstige oorsaak
<b><i>causa non secuta</i></b>	cause that fails to materialise	'n oorsaak wat nie realiseer nie
<b><i>commixtio</i></b>	mixing of solids	vermenging van vastestowwe
<b><i>condicio sine qua non</i></b>	essential condition (for a specific consequence)	noodsaaklike voorwaarde (vir 'n bepaalde gevolg)
<b><i>condictio (sg/ev) condictiones (pl/mv)</i></b>	action based on unjustified enrichment, and which takes a number of specific forms	aksie wat op ongeregverdigde verryking gegrond is en wat 'n aantal spesifieke vorms aanneem
<b><i>condictio causa data causa non secuta*</i></b>	action for reclaiming performance resulting from the failure of counter-performance	aksie vir terugvordering van prestasie weens versuim van teenprestasie
<b><i>condictio furtiva</i></b>	action for recovery of stolen property	aksie vir terugvordering van gesteelde goed
<b><i>condictio indebiti*</i></b>	action for return of a sum not owing but paid	aksie vir terugvordering van onverskuldigde betaling
<b><i>condictio ob finitam causam</i></b>	see <i>condictio sine causa specialis</i>	sien <i>condictio sine causa specialis</i>
<b><i>condictio ob turpem vel iniustam causam*</i></b>	action for repayment of a sum of money paid for an immoral or illegal cause	aksie vir terugvordering van betaling uit onsedelike of onwettige oorsaak
<b><i>condictio sine causa</i></b>	action for repayment of a sum of money paid without a (valid) cause	aksie om terugvordering van betaling sonder (geldige) oorsaak gedoen
<b><i>condictio sine causa generalis*</i></b>	alternative <i>condictio</i> to the <i>condictio indebiti</i> , <i>condictio causa data causa non secuta</i> or <i>condictio ob turpem vel iniustam causam</i>	alternatiewe <i>condictio</i> tot die <i>condictio indebiti</i> , <i>condictio causa data causa non secuta</i> of <i>condictio ob turpem vel iniustam causam</i>

<b><i>condictio sine causa specialis*</i></b>	the <i>condictio</i> that is used when the facts falls outside the application of the the other three <i>condictiones</i> ; however this <i>condictio</i> is only applicable in certain circumstances  sometimes also called the <i>condictio ob finitam causam</i>	die <i>condictio</i> wat aangewend word wanneer die feite buite die toepassing van die die ander drie <i>condictiones</i> val, maar hierdie <i>condictio</i> is net van toepassing in bepaalde omstandighede  soms ook genoem die <i>condictio ob finitam causam</i> .
<b><i>conductor operarum</i></b>	employer	werkgewer
<b><i>conductor operis</i></b>	workman	werkaannemer
<b><i>consensus</i></b>	agreement	wilsooreenstemming
<b><i>contra bonos mores</i></b>	contrary to good morals; contrary to the legal convictions of the community	teen die goeie sedes; teenstrydig met die regoortuiging van die gemeenskap
<b><i>coram lege loci</i></b>	before the court of the place	voor die hof van die plek
<b><i>culpa</i></b>	fault or negligence	skuld of nalatigheid
<b><i>damnum</i></b>	damage	skade
<b><i>datio</i></b>	transfer	oordrag
<b><i>debitum</i></b>	debt	skuld
<b><i>de facto</i></b>	in fact	feitlik
<b><i>de iure</i></b>	in law	regtens

<b><i>detentor (sg/ev)</i></b> <b><i>detentores (pl/mv)</i></b>	holder; occupier	houer; okkupeerder
<b><i>dictum (dicta)</i></b>	remark	opmerking
<b><i>dissensus</i></b>	lack of agreement	gebrek aan wilsooreenstemming
<b><i>dolo</i></b>	fraudulently or intentionally	bedreiglik of opsetlik
<b><i>dolus</i></b>	fraud or intention	bedrog of opset
<b><i>dominium</i></b>	ownership	eiendomsreg
<b><i>dominus</i></b>	owner	eienaar
<b><i>donatio propter nuptias</i></b>	gift with the view to a marriage	skenking met die oog op 'n huwelik
<b><i>dos</i></b>	dowry	bruidskat
<b><i>do ut des</i></b>	I deliver so that you can deliver	ek lewer sodat jy kan lewer
<b><i>do ut facias</i></b>	I deliver so that you can do	ek lewer sodat jy kan doen
<b><i>eo nomine</i></b>	under or by that name	onder daardie naam
<b><i>error</i></b>	error; mistake	dwaling; fout
<b><i>error facti</i></b>	error or mistake of fact	feitelike dwaling
<b><i>error iurus</i></b>	error or mistake of law	regsdwaling

<b><i>ex aequitate</i></b>	according to justice	volgens billikheid
<b><i>ex aequo et bono</i></b>	according to what is just and good	volgens wat reg en billik is
<b><i>ex causa lucrativa</i></b>	without consideration (ie for free)	sonder teenprestasie (dws verniet)
<b><i>ex causa onerosa</i></b>	for value	vir waarde
<b><i>exceptio doli (mali)</i></b>	exception or defence of fraud	verweer van bedrog
<b><i>ne cui dolus suus per occasionem iuris civilis contra naturalem aequitatem prosit</i></b>	so that nobody benefits from his bad faith through the subtleties of the <i>ius civile</i> against the principles of natural justice	sodat niemand deur die subtiliteit van die <i>ius civile</i> teen die voorskrifte van natuurlike billikheid uit sy kwade trou voordeel trek nie
<b><i>exceptio doli generalis*</i></b>	general exception or defence against an action instituted fraudulently or in bad faith  also known as <i>exceptio doli praesentis</i>	algemene verweer teen 'n aksie wat bedrieglik of ter kwader trou ingestel is  ook bekend as <i>exceptio doli praesentis</i> .
<b><i>exceptio doli praesentis</i></b>	see <i>exceptio doli generalis</i>	sien <i>exceptio doli generalis</i>
<b><i>exceptio doli praeteriti</i></b>	see <i>exceptio doli specialis</i>	sien <i>exceptio doli specialis</i>
<b><i>exceptio doli specialis*</i></b>	special exception of fraud committed in the past (before instituting the action)  also known as <i>exceptio doli praeteriti</i>	spesiale verweer van bedrog in die verlede gepleeg (voor die instel van die aksie)  ook bekend as <i>exceptio doli praeteriti</i>
<b><i>exceptio non adimpleti contractus*</i></b>	defence available to a party to a reciprocal contract, when sued for performance under the contract, that the other party has neither	verweer tot die beskikking van 'n party tot 'n wederkerige kontrak wat vir prestasie ingevolge die kontrak gedagvaar word, dat

	tendered nor made counter-performance (when the latter is obliged to perform first, or simultaneously)	die ander party nóg teenprestasie aangebied nóg dit gemaak het (wanneer laasgenoemde verplig is om eerste, of gelyktydig, te presteer)
<b>ex contractu</b>	arising from contract	ontstaande uit kontrak
<b>ex delicto</b>	arising from delict	ontstaande uit onregmatige daad (delik)
<b>factum</b>	service rendered	dienslewering
<b>famulus</b>	servant	bediende
<b>fideicommissarius</b>	ultimate beneficiary under <i>fideicommissum</i>	uiteindelijke begunstigde ingevolge <i>fideicommissum</i>
<b>fideicommissum</b>	the grant of property to a person as owner ( <i>fiduciarius</i> ) subject to a condition that he or she will transfer the property to a third party ( <i>fideicommissarius</i> ) upon the happening of a certain event	die oordra van 'n eiendom aan 'n persoon as eienaar ( <i>fiduciarius</i> ) onderhewig aan die voorwaarde that hy of sy die eiendom sal oordra aan 'n derde persoon ( <i>fideicommissarius</i> ) by die plaasvind van 'n sekere gebeurtenis
<b>fiduciarius</b>	person holding a property as owner subject to its passing to a third party ( <i>fideicommissarius</i> ) upon the happening of a certain event	persoon wat eiendomsreg oor 'n saak hou onderhewig aan die oordrag daarvan na 'n derde party ( <i>fideicommissarius</i> ) by die plaavind van 'n sekere gebeurtenis
<b>fructus civiles</b>	civil fruits (eg rent)	burgerlike vrugte (bv huurgeld)
<b>fructus naturales</b>	natural fruits	natuurlike vrugte



<b><i>gestor</i></b>	manager of affairs	saakwaarnemer
<b><i>graviore impensas</i></b>	unusually heavy expenses	buitengewone swaar uitgawes
<b><i>habitatio</i></b>	free lodging	gratis bewoning
<b><i>impensae necessariae</i></b>	necessary expenses or improvements	noodsaaklike uitgawes of verbeteringe
<b><i>impensae utiles</i></b>	useful expenses or improvements	nuttige uitgawes of verbeteringe
<b><i>impensae voluptuariae</i></b>	luxury expenses or improvements	weelderige uitgawes of verbeteringe
<b><i>in casu</i></b>	in the present case	in hierdie geval
<b><i>indebitum</i></b>	not owed; not due	onverskuldig
<b><i>indicia</i></b>	signs or indications	tekens of aanduidings
<b><i>in pari delicto, potior est conditio defendentis</i></b>	in the case of equal wrongful conduct by both parties, the defendant is in the stronger position	waar albei partye ewe onregmatig gehandel het, is die verweerder in die sterkste posisie
<b><i>inter alia</i></b>	among other things	onder andere
<b><i>inter partes</i></b>	between the parties	tussen die partye
<b><i>in turpitude</i></b>	shameful	skandelik
<b><i>in vacuo</i></b>	in a vacuum	in 'n vakuum
<b><i>iure naturae aequum est neminem cum alterius</i></b>	it is according to the equity of natural law that nobody	dit is ooreenkomstig die billikheid van natuurlike reg

<b><i>detrimento et iniuria fieri locupletiozem</i></b>	should profit at the cost of another	dat niemand ten koste van iemand anders moet wins maak nie
<b><i>ius disponendi</i></b>	right of alienation	vervreemdingsreg
<b><i>ius poenitentiae</i></b>	right to rescind (where party performed in terms of <i>do ut des</i> or <i>do ut facias</i> of an innominate real agreement prior to counterperformance)	reg van terugtrede (waar party ingevolge <i>do ut des</i> of <i>do ut facias</i> van 'n onbenoemde reële ooreenkoms presteer het voordat teenprestasie plaasvind)
<b><i>ius retentionis</i></b>	right of retention	retensiereg
<b><i>ius strictum</i></b>	strict law	streng reg; strikte reg
<b><i>iusta causa</i></b>	justifiable cause	regverdigbare oorsaak
<b><i>ius tollendi</i></b>	right to remove	reg om te verwyder
<b><i>iustus error</i></b>	reasonable error or mistake	redelike dwaling
<b><i>lex commissoria</i></b>	clause in a contract entitling a party to cancel the contract on account of the other party's breach of contract in accordance with its provisions	klousule in 'n kontrak wat 'n party daarop geregtig maak om die kontrak in ooreenstemming met die bedingedaarvan op grond van die ander party se kontrakbreuk te kanselleer
<b><i>litis contestatio</i></b>	date on which the action was lodged	datum waarop aksie ingestel is
<b><i>locatio conductio operarum*</i></b>	employment contract	dienskontrak
<b><i>locatio conductio operis*</i></b>	contract of work	aanbesteding van werk

<b><i>locator operarum</i></b>	employee	werknemer
<b><i>locator operis</i></b>	employer	aanbesteder
<b><i>locuples</i></b>	to enrich	verryk
<b><i>locus classicus</i></b>	authorative or leading case	sleutelgesag
<b><i>lucrum cessans</i></b>	gain that would have been made but is now lost	wins wat gemaak sou word maar nou verlore is
<b><i>maior species</i></b>	main article or thing	hoofsaak
<b><i>mala fide</i></b>	bad faith	kwade trou
<b><i>mandans</i></b>	principal	lasgewer
<b><i>mandatarius</i></b>	mandatory	lashebber
<b><i>mandatum</i></b>	contract of mandate; a contract in terms of which one person (the mandatory) is obliged to perform a task for another (the principal)	lasgewingskontrak; 'n kontrak ingevolge waarvan een persoon (die lashebber) verplig is om vir 'n ander (die lasgewer) 'n taak uit te voer.
<b><i>merx</i></b>	object of sale	voorwerp van verkoop
<b><i>mobilia non habent sequelam</i></b>	movables cannot be pursued	roerende sake het geen gevolg nie
<b><i>modus (sg/ev) modi (pl/mv)</i></b>	modal clause; provision in a contract or will that burdens the beneficiary to do or not do something	lasbepaling; bepaling in 'n kontrak of testament wat die begunstigde verplig om iets te doen of nie te doen nie.
<b><i>modicae refectioes</i></b>	everyday repairs	alledaagse herstelwerk

<b><i>mora</i></b>	default	versuim
<b><i>mora debitoris</i></b>	default of the debtor	versuim van die skuldenaar
<b><i>mora debitoris perpetuat obligationem</i></b>	default on the part of the debtor perpetuates the obligation	versuim van die skuldenaar laat die verbintenis voortduur
<b><i>mutatis mutandis</i></b>	with the necessary changes	met die nodige veranderinge
<b><i>nam hoc natura aequum est neminem cum alterius detrimento fieri locupletiozem</i></b>	because it is according to natural equity that nobody should be enriched at the expense of another	aangesien dit ooreenkomstig natuurlike billikheid is dat niemand ten koste van iemand anders verryk moet word nie
<b><i>naturalis obligatio</i></b>	natural or unenforceable obligation	natuurlike of onafdwingbare verbintenis
<b><i>negotiorum gestorum</i></b>	true management of affairs	ware saakwaarneming
<b><i>negotium</i></b>	task; juristic act	taak; regshandeling
<b><i>nemo contra suum factum venire debet</i></b>	no one can go against his own act	niemand kan teen sy eie handeling gaan nie
<b><i>nemo plus iuris (ad alium transferre potest quam ipse habet)</i></b>	no person can transfer to another more rights than he or she has	geen persoon kan meer regte aan 'n ander oordra as wat hy of sy het nie
<b><i>nemo ex suo delictio meliorem conditionem suam facere potest</i></b>	no one can benefit from his own misdeed (delict)	niemand kan uit sy eie onregmatige daad voordeel trek nie
<b><i>non parit actionem</i></b>	produces no action	lewer geen aksie
<b><i>novus actus interveniens</i></b>	new intervening cause	latere intredende saak

<b><i>numerus clausus</i></b>	closed list	geslote lys
<b><i>nunc petendo</i></b>	at the time of the action	ten tyde van die eis
<b><i>obiter</i></b>	incidental	terloops
<b><i>obiter dictum</i></b>	a court's remark in passing (not necessary for the decision of the case)	'n hof se terloopse opmerking (nie noodsaaklik om die saak te beslis nie)
<b><i>omissio</i></b>	omission	late
<b><i>paritas creditorum</i></b>	parity of creditors	gelykheid van skuldeisers
<b><i>per errorem iuris</i></b>	through an error or mistake in law	deur 'n regsdwaling
<b><i>possessio</i></b>	possession (with the intention of being the owner)	besit (met die bedoeling as eienaar)
<b><i>possessor</i></b>	possessor (with the intention of being the owner)	besitter (met die bedoeling as eienaar)
<b><i>precario dans</i></b>	person who has granted the free use of a thing to another ( <i>precario habens</i> ) on the basis that the use is revocable at the former's will	persoon wat gratis gebruik van 'n saak aan 'n ander ( <i>precario habens</i> ) gegee het op die basis dat eersgenoemde die gebruik ter enige tyd kan opsê
<b><i>precario habens</i></b>	precarious possessor; possessor on sufferance;	prekaris; houer ter bede
<b><i>precarium</i></b>	the legal relationship created by the possession (loan) of a thing the use of which has been granted gratuitously but is revocable at will	the regsverhouding deur die willekeurige leen van 'n voorwerp wat gratis vir gebruik aan iemand geleen is, en wat te eniger tyd teruggevorder kan word

<b><i>prima facie</i></b>	at first sight; on the face of it	op die oog af; volgens uiterlike
<b><i>pro rata</i></b>	in proportion	na verhouding
<b><i>quantum</i></b>	amount; size	bedrag; omvang
<b><i>quantum meruit</i></b>	amount of enrichment	bedrag van verryking
<b><i>quasi negotiorum gestorum</i></b>	extended management of affairs	uitgebreide saakwaarneming
<b><i>ratio</i></b>	reason	rede
<b><i>rei vindicatio*</i></b>	action brought by an owner to recover possession of property	regsgeding deur 'n eienaar om besit van 'n saak te herstel
<b><i>replicatio</i></b>	replication	repliek
<b><i>res</i></b>	thing	saak
<b><i>res fungibiles</i></b>	replaceable things	vervangbare sake
<b><i>res incorporalis</i></b>	incorporeal things	onliggaamlike sake
<b><i>res inter alios acta (alteri nocere non debet)</i></b>	acts of third parties ought not to prejudice another party	handelinge van derdes behoort 'n ander party nie te benadeel nie
<b><i>restitutio in integrum*</i></b>	return to the original position	herstel tot die oorspronklike posisie
<b><i>sine causa*</i></b>	without (legal) cause	sonder (regs)oorsaak
<b><i>sine qua non</i></b>	indispensable condition	onontbeerlike voorwaarde

<b><i>solvendi animo per errorem</i></b>	under the impression that the performance was owing	onder die dwaling dat die prestasie verskuldig was
<b><i>solvens</i></b>	debtor	skuldenaar
<b><i>specificatio</i></b>	creation of a thing	saakskepping
<b><i>stipulatio</i></b>	verbal contract	mondelinge kontrak
<b><i>sui generis</i></b>	of its own nature or kind	eiesoortig
<b><i>supra</i></b>	above	hierbo
<b><i>traditio per cartam</i></b>	delivery of record of transfer	lewering van oorkonde van oordrag
<b><i>turpis persona*</i></b>	disgraceful or infamous person	skandelige persoon
<b><i>ubi meam rem invenio, ibi vindico</i></b>	where I find my thing, I claim it	waar ek my saak vind, daar kan ek hom opeis
<b><i>ubi rem meam invenio ibi eam vindico</i></b>	wherever I find my property, there I claim it	waar ek my saak aantref, daar eis ek dit op
<b><i>ultra vires</i></b>	beyond the scope of (its) powers	buite (sy) bevoegdheid
<b><i>utilis actio negotiorum gestorum contraria</i></b>	extended management of affairs action	uitgebreide saakwaarnemingsaksie
<b><i>utiliter coeptum</i></b>	useful undertaking	nuttige onderneming
<b><i>vinculum juris</i></b>	juristic bond	regsband
<b><i>vis maior</i></b>	force majeure; act of God	oormag; natuurkrag

**Sources:**

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