

**UNIVERSITY OF SWAZILAND**  
**DEPARTMENT OF ACCOUNTING**  
**AC 102 SUPPLEMENTARY EXAM PAPER**

<b>Programme of Study</b>	<b>:</b>	<b>Diploma in Commerce II F/T &amp; B. Ed. II</b>
<b>Title of Paper</b>	<b>:</b>	<b>Commercial Law I</b>
<b>Course Code</b>	<b>:</b>	<b>AC 102</b>
<b>Time Allowed</b>	<b>:</b>	<b>3 Hours</b>

**INSTRUCTIONS:**

1. Total Number of Questions on this paper is six (6).
2. Answer any four (4) Questions
3. Each question carries 25 Marks.
4. In answering any question, note that the quality of the content, use of authority, clarity of expression and legibility of handwriting are absolutely essential.
5. Begin each question on a new page.

**THIS PAPER MUST NOT BE OPENED UNTIL PERMISSION HAS  
BEEN GRANTED BY INVIGILATOR(S).**

**QUESTION 1**

- (a) How does law differ from other forms of social control such as morality and religion? [5 Marks]
- (b) Explain the status of the Constitution in the Swaziland legal system with reference to authority. [5 Marks]
- (c) Define judicial precedent and describe the circumstances that may lead to judge-made law. [15 Marks]

**[TOTAL: 25 MARKS]**

**QUESTION 2**

Write an essay in which you discuss the concept of risk in a contract of sale and the factors relevant to the passing of risk.

**[25 MARKS]**

**QUESTION 3**

With specific reference to the case of *MSC Depots Ltd v W K Construction (Pty) LTD* [2011] ZASCA 115, discuss the liability of the builder for defects in construction.

**[25 MARKS]**

**QUESTION 4**

Discuss the various methods of formation of agency.

**[25 MARKS]**

**QUESTION 5**

Simphiwe, who deals exclusively in imported food stuffs, sells a tin of New Zealand meat to Bert. Bert becomes violently ill because the meat is off, and is hospitalized for a week. He has to pay a hospital bill of E25 000. Simphiwe says that she could not have known that the meat was bad, as it was in a sealed tin, and, at most, he would be willing to refund Bert the price of the tin of meat, which was E10. Discuss both parties' legal position.

**[25 MARKS]**

**QUESTION 6**

Mbhedzi drives past a scene of a terrible motor vehicle collision. He rescues Delila from the vehicle, and drives her to the nearest hospital where he signs all the forms and she is treated. Her life is saved because of his action. The hospital sends him all the bills. When he gives them to Delila, she refuses to pay. Advise Mbhedzi.

**[25 MARKS]**

**END OF PAPER**