

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2005

TITLE OF PAPER : **LAW OF CONTRACT**

COURSE CODE : **DL 023**

TIME ALLOWED : **TWO (2) HOURS**

INSTRUCTION :
1. **ANSWER ANY FOUR (4) QUESTIONS.**
2. **ALL QUESTIONS CARRY EQUAL MARKS.**

THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR.

QUESTION 1

- (a) What is a Contract?
- (b) All Contracts are agreements but not every agreement is a contract. Do you agree? Discuss. [25 MARKS]

QUESTION 2

Discuss what is meant by void and voidable contracts. [25 MARKS]

QUESTION 3

Discuss the requirements for a valid offer and acceptance in the Law of Contract. [25 MARKS]

QUESTION 4

Freddi concludes a building contract with a contractor, Michael, in terms of which Michael must build a house to Freddi's specification for a fee of E200 000. Michael is to be paid on completion. However, he only completes the walls of the house before he is sequestered. The Curator of his insolvent estate institutes action against Freddi for the payment of E 200 000. Freddi comes to you for advise. Discuss. [25 MARKS]

QUESTION 5

Write notes on the following:

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|------|----------------------|-----|------------|
| i. | Unjust enrichment | [5] | |
| ii. | Error in corpore | [5] | |
| iii. | Suspensive condition | [5] | |
| iv. | Mora debitoris | [5] | |
| v. | Mora creditoris | [5] | [25 MARKS] |