

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**FINAL EXAMINATION, MAY 2006**

**TITLE OF PAPER :** PRINCIPLES OF SWAZI LAW AND CUSTOM

**COURSE CODE :** DL 012

**TIME ALLOWED :** THREE (3) HOURS

**INSTRUCTIONS :**

1. THERE ARE FIVE (5) QUESTIONS IN THIS PAPER, EACH CARRIES 25 MARKS.
2. QUESTION ONE (1) IS COMPULSORY AND MUST BE ANSWERED. IN ADDITION, ANSWER ANY OTHER THREE (3) QUESTIONS.

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

**QUESTION 1** (Compulsory)

Swaziland is said to have a dual legal system. Explain what this means and trace the events that led to this state of affairs.

[25 MARKS]

**QUESTION 2**

- (a) Distinguish between custom and customary law. (10 marks)
- (b) For what purpose was the 'repugnancy clause' established? Is the clause still relevant?. (15 marks)

[25 MARKS]

**QUESTION 3**

Musa, who was married by civil rites has died intestate leaving an estate worth E15 000.00, (fifteen thousand emalangenani only) with no liabilities. Describe the possible order of succession where;

- (a) He is survived only by his wife and son . (12 marks)
- (b) He is survived only by his mother and half brother. (8 marks)
- (c) He has no surviving blood relations. (5 marks)

[25 MARKS]

**QUESTION 4**

- (a) Describe the functions and powers of a chief in terms of Swazi Administration Order 1998. (15 marks)
- (b) What laws is a Chief's court empowered to administer in terms of the Swazi Administration Order 1998? (10 marks)

[25 MARKS]

**QUESTION 5**

Write short notes on all of the following:

- (a) The 1907 General Proclamation. (15 marks)
- (b) Traditional and Living Customary law. (5 marks)
- (c) Duties of an executor. (5 marks)