

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 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 IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR TO DO SO.

QUESTION 1

What problems did the colonial masters encounter in the recognition and application of customary law during the colonial period? Do these problems if any, still exist in the present day?

[25 MARKS]

QUESTION 2

(a) Give five (5) examples of invariable consequences of marriage. (5 marks)

(b) What is the effect of marrying without an antenuptial contract? (15 marks)

(c) What is the meaning and legal effect of the marital power of a husband?

(5 marks)

[25 MARKS]

QUESTION 3

(a) What is a will? (6 marks)

(b) Identify three (3) ways in which a will may be validly be altered. (6 marks)

(c) What is a soldier's will. (6 marks)

(d) Give three instances or situations when a codicil may be valid even though executed without witnesses. (7 marks)

[25 MARKS]

QUESTION 4

Critically evaluate the Swazi Administration Order 1998 and state whether in your opinion all the noise about it is justified. You may suggest possible amendments where appropriate. [25 MARKS]

QUESTION 5

Write short notes on all of the following:

(a) Liquidation of a deceased's estate. (15 marks)

(b) Collation. (5 marks)

(c) Revocation of a Will. (5 marks)