

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2006

TITLE OF PAPER : **LAW OF CONTRACT**

COURSE CODE : **DL 023**

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

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

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

QUESTION 1

Discuss the legal requirements for a valid legal contract.

[25]

QUESTION 2

Agreements contrary to law, public policy, or good morals cannot be conferred by legal action. Discuss.

[25]

QUESTION 3

Write notes on the following:

- (i) Essentialia of a contract [5]
- (ii) Naturalia of a contract [5]
- (iii) Supervening impossibility of performance [5]
- (iv) Misrepresentation [5]
- (v) Warranty [5]

[25]

QUESTION 4

Discuss briefly any five remedies available for breach of contract.

[25]

QUESTION 5

Mora debitoris and *mora creditoris* may be means of breach of contract. Do you agree? Discuss.

[25]