

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW**

SUPPLEMENTARY EXAMINATION PAPER, JULY 2006

**TITLE OF PAPER : THE GENERAL PRINCIPLES OF SWAZI
LAW & CUSTOM**

COURSE CODE : L104

TIME ALLOWED : THREE (3) HOURS

**INSTRUCTIONS: (1) ALL FOUR (4) QUESTIONS ARE
COMPULSORY**

**(2) MARKS FOR QUESTIONS OR PARTS OF A
QUESTION ARE SHOWN IN BRACKETS.**

**THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN
GRANTED BY THE INVIGILATOR.**

QUESTION 1

Customary law has several features that make it remarkably different from other legal systems. Outline and briefly discuss the prominent characteristics of customary law.

(25 marks)

QUESTION 2

(a) Who are the custodians of Swazi Law and Custom.

[15]

(b) What is the jurisdiction of Swazi Courts?

[10]

(25 marks)

QUESTION 3

Two issues, namely competence to marry and consent to marry, make customary marriages distinct from civil rites marriages. These issues affect mostly women and girls and they also run counter to social change and the values embraced by modern societies such as human rights. Discuss.

(25 marks)

QUESTION 4

What are the personal invariable consequences of a civil rites marriage.

(25 marks)