

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

SUPPLEMENTARY EXAMINATION PAPER, JULY 2006

TITLE OF PAPER : THE LAW OF PERSONS AND FAMILY

COURSE CODE : L203

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

Peebo is a 19 years old. He concludes a contract with Mrs Nkosi, an adult to buy a second-hand computer for E2,500-00. Peebo brings Mrs Nkosi under the wrong impression that he is 21 years old by producing a forged identity document. The young man pays a deposit of E250-00 and Mrs Nkosi delivers the computer to him. Peebo now refuses to pay the balance of the purchase price on the ground that he is a minor and therefore not liable in terms of the contract.

- (i) A minor who makes a misrepresentation commits a delict and can therefore be held delictually liable, meaning that the prejudiced party has a claim for damages against the minor committing the delict. What are the requirements for delictual liability in these circumstances? [15]
- (ii) Can Peebo recover his deposit? Briefly explain your answer with reference to authority. [10]

QUESTION 2

- (a) Discuss the possible way through which an engagement may be brought to an end. [10]
- (b) What are the remedies that may be invoked by an innocent party as a result of a breach of a promise to marry? [15]

(25 marks)

QUESTION 3

Explain the meaning of the term "voidable marriage". Enumerate and briefly discuss the grounds for the voidability of a marriage.

[25]

QUESTION 4

Is a man who is a party to a customary marriage, entitled to enter into a civil marriage at a later stage?

Answer this question with reference to local legislative authority and case law.

[25]