

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2007

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : DL 023

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS.
2. ALL QUESTIONS CARRY EQUAL MARKS

TOTAL MARKS : 100

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY
THE INVIGILATOR**

QUESTION 1

- (i) Define a Contract.
- (ii) All contracts are agreements but not every agreement is a Contract. Discuss. (25 MARKS)

QUESTION 2

- (i) Can Impossibility of performance at the time the contract is entered into prevent the creation of a contract?
- (ii) What is the effect of misrepresentation on the formation of a valid contract? Discuss. (25 MARKS)

QUESTION 3

Write notes on the following:

- (i) *Stipulatio alteri* (5 Marks)
 - (ii) *Restitutio in integrum* (5 Marks)
 - (iii) *Error in substantialibus* (5 Marks)
 - (iv) Resolutive Condition (5 Marks)
 - (v) *Mora creditoris* (5 Marks)
- (TOTAL 25 MARKS)

QUESTION 4

Nomvula telephones Thandi and tells her that she wants to buy Thandi's cellphone for E5,000.00. Thandi accepts. Discuss the principles regarding offer and acceptance. (25 MARKS)

QUESTION 5

Discuss *Mora debitoris* as a means of breach of contract. (25 MARKS)