

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
FINAL EXAMINATION, APRIL/MAY 2008

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : DL 023

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 4. ALL QUESTIONS CARRY EQUAL MARKS**

TOTAL MARKS : 100

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

QUESTION 1

- (i) What do you understand by the word contract? (5 marks)
- (ii) All contracts are agreements but not every agreement is a contract. Discuss. (5 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

Discuss each one of the following:

- | | |
|-----------------------------------|-----------|
| (i) <i>Restitutio in integrum</i> | (5 marks) |
| (ii) Error in <i>negotio</i> | (5 marks) |
| (iii) Innocent misrepresentation | (5 marks) |
| (iv) Essentialia of a contract | (5 marks) |
| (v) Warranty | (5 marks) |

QUESTION 4

Martha contacts Thembi and requests to buy Thembi's microwave for E1 000.00. Thembi accepts. Discuss the principles of offer and acceptance. (25 marks)

QUESTION 5

Distinguish between the undermentioned and reconcile their operations.

- Legislature
- Executive
- Judiciary

(25 marks)