

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : DL 023

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

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

TOTAL MARKS : 100

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

QUESTION 1

The essential requirements for the formation of a contract are a *condition sine qua non* for the validity of a contract. Discuss.

(25 marks)

QUESTION 2

Requirements contrary to law, Public Policy, or good morals cannot be conferred by legal action. Discuss.

(25 marks)

QUESTION 3

Discuss each one of the following:

- | | | |
|-------|-----------------------------|-----------|
| (i) | Error in substantialibus | (5 marks) |
| (ii) | Resolutive condition | (5 marks) |
| (iii) | The naturalia of a contract | (5 marks) |
| (iv) | Cession | (5 marks) |
| (v) | Court of Appeal | (5 marks) |

QUESTION 4

Define and differentiate between void, voidable and unenforceable contracts.

(25 marks)

QUESTION 5

Law is traditionally subdivided into two main categories i.e. private and public law – do you agree? Substantiate.

(25 marks)