

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER, JULY 2008

- TITLE OF PAPER** : **LAW OF CONTRACT**
- COURSE CODE** : **L 206**
- TIME ALLOWED** : **THREE (3) HOURS**
- INSTRUCTIONS** :
- 1. ANSWER ANY FOUR (4) QUESTIONS. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
 - 2. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

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

QUESTION 1

Khumalo and Msimango enter into an illicit diamond buying deal in terms of which Khumalo sells Msimango a parcel of uncut stones for E1 000 00. Khumalo hands over the stones but Msimango refuses to pay.

Discuss the contractual liability of Khumalo and Msimango referring in your answer to the par delictum rule. [25 marks]

QUESTION 2

Bongani, Mandla and Siphon aged 21, 22 and 25 years respectively are third year law students at the Kwaluseni Campus of the University of Swaziland. They are supporters of the Moneni Pirates Football team. Last Sunday they left the campus to attend a football match between their teams at the Somhlolo Stadium at Lobamba. At the ticket counters the only tickets available were those for section D seats (the cheapest section the stadium). During the match, the canvas of the chairs on which they were sitting gave way and as a result, they got injured.

Unknown to them, a notice was prominently displayed at the ticket counter and each of the tickets issued to them contained the following words:

“Purchasers of Section D tickets attend matches at their own risk. The management of the stadium accepts no responsibility for injuries sustained by persons sitting on Section D chairs.”

Bongani, Mandla and Siphon wish to sue the Management of Somhlolo Stadium and come to you for advice. With reference to case law, discuss the legal position and advise them as to their rights, if any, under the contract. [25 marks]

QUESTION 3

Bob and Cindy Roberts are married in Community of Property. On February 2, 2007 thieves broke into the apartment of Mrs. Cindy Roberts on the Kwaluseni Campus of the University of Swaziland. Several items including her clothing, video camera and recorder, compact discs and colour television set were stolen. At the time of the theft, Mr. Bob Roberts, a businessman was away on a business trip in Harare. The theft was reported to him by phone and he returned to Swaziland the following day. On February 4, Mrs. Roberts placed an advertisement in the Matsapha News to the effect that E500.00 would be paid to any person who supplied information leading to the apprehension of the persons responsible for burgling the apartment. Evelyn Ndzimandze, a 20 year old third year law student, supplied the information in consequence of which the burglars were apprehended. Ms. Ndzimandze never read the advertisement herself but she overheard her roommate expressing doubt to a friend as to whether Mrs. Roberts could afford to pay E500.00 to the supplier of the required information.

Is Evelyn entitled to the reward? Discuss the legal position making reference to decided cases. [25 marks]

QUESTION 4

Dudu goes to Kwaluseni Supermarket, a self service shop, to make purchases for her household. She selects several items of groceries from the display counter but on taking them to the cash register, the attendant refuses to sell them to her.

Advise Dudu referring to relevant authorities.

[25 marks]

QUESTION 5

What are contracts in restraint of trade? Discuss fully the rules/legal principles applicable to them, making reference to decided cases.

[25 marks]