

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

MAIN EXAMINATION PAPER, MAY 2009

TITLE OF PAPER : LAW OF CONTRACT
COURSE CODE : DL 023
TIME ALLOWED : THREE (3) HOURS
TOTAL MARKS : 100

INSTRUCTIONS:

- 1. ANSWER ANY THREE (3) QUESTIONS.**
- 2. ALL QUESTIONS CARRY EQUAL MARKS.**

**THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION
HAS BEEN GIVEN BY THE INVIGILATOR.**

QUESTION 1

A contract is a legal fact do you agree? Discuss.

[5 marks]

All contracts are agreements but not all agreements are contracts – do you agree? Discuss.

[20 marks]

QUESTION 2

An unforceable contract is a contract that cannot be conferred by legal action – Do you agree? Discuss.

[25 marks]

QUESTION 3

Discuss each of the following:

- (i) *Error in corpore* [5 marks]
- (ii) Essentialia of a contract [5 marks]
- (iii) Duress [5 marks]
- (iv) Novation [5 marks]
- (v) Negligent misrepresentation [5 marks]

[25 marks]

QUESTION 4

Define and differentiate between void, voidable and unenforceable contracts.

[25 marks]

QUESTION 5

Distinguish between repudiation, *mora debitoris* and *mora creditoris*.

[25 marks]

QUESTION 6

Thembi writes a letter to Sindi in which she offers to buy Sindi's flat in Mbabane for E130, 000. Sindi thinks that this is a good price and replies accepting the offer. At what stage will the contract be concluded? Discuss.

[25 marks]
