

UNIVERSITY OF SWAZILAND  
INSTITUTE OF DISTANCE EDUCATION  
DEPARTMENT OF LAW  
SUPPLEMENTARY EXAMINATION PAPER, JULY, 2010.

TITLE OF PAPER	:	SWAZI LAW AND CUSTOM.
COURSE CODE	:	DL012
TIME ALLOWED	:	TWO HOURS
INSTRUCTIONS	:	<ol style="list-style-type: none"><li>1. THERE ARE FIVE QUESTIONS IN THIS PAPER. QUESTION 1(ONE) IS COMPULSORY AND CARRIES 34 MARKS. ALL OTHER QUESTIONS CARRY 33 MARKS.</li><li>2. QUESTION ONE MUST BE ANSWERED IN ADDITION TO ANY OTHER TWO QUESTION.</li><li>3. THE TOTAL NUMBER OF ALL QUESTIONS TO BE ANSWERED IS THREE.</li></ol>
TOTAL MARKS	:	100.

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

**Question 1**

Marriage in Swaziland can only be dissolved if specific acts have been conducted by either party to it. Discuss the conditions under both civil rites and swazi law and custom, which may lead to the dissolution of a marriage.

(34 Marks)

**Question 2.**

Testation is a free and voluntary undertaking. the freedom is however not absolute. under what circumstances can a person be incapacitated from making a valid will in Swaziland.

(33)

**Question 3**

How is land acquisition effected in Swaziland. has the current constitution varied the law that is applicable to land acquisition? Discuss. (33)

**Question 4**

Section 11 of the Swazi court's Act no. 80 of 1950 provides for the administration of Swazi law and custom by the courts in Swaziland. Discuss the jurisdiction of the Swazi courts and the law that these courts are empowered to apply. what is the position of the current constitution with regard to the jurisdiction and powers of the swazi courts. (33)

**Question 5**

How did the limitation that were imposed on swazi law and custom undermine customary law and practices in Swaziland. In your opinion do you think these impositions were fair or not? (33)