

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, MAY 2010

TITLE OF PAPER	:	LAW OF CONTRACT
COURSE CODE	:	DL023
TIME ALLOWED	:	THREE (3) HOURS
TOTAL MARKS	:	100

INSTRUCTIONS:

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

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

QUESTION 1

The essential requirement for the formation of a contract is a *Conditio sine qua non* for the validity of a contract. Discuss.

[25 marks]

QUESTION 2

Agreements Contrary to law, public policy or good morals cannot be conferred by legal action. Do you agree? Discuss.

[25 marks]

QUESTION 3

Discuss each of the following:

- | | |
|--------------------------------------|-----------|
| (i) Suspensive resolution | [5 marks] |
| (ii) Error concomitans | [5 marks] |
| (iii) The incidentalia of a contract | [5 marks] |
| (iv) Terms implied by law | [5 marks] |
| (v) <i>Stipulatio alteri</i> | [5 marks] |

QUESTION 4

Discuss and differentiate between fraudulent, negligent and innocent misrepresentation.

[25 marks]

QUESTION 5

Renunciation/repudiation, *mora debitoris* and *mora creditoris* constitute an essential breach of contract. Discuss.

[25 marks]