

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 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

- (a) Define a contract. [5 marks]
- (b) All contracts are agreements but not all agreements are contracts – do you agree? Discuss. [20 marks]

QUESTION 2

Zanele is trying desperately to get rid of her house because of cockroach infestation. Consequently she conceals all signs of damage when a purchaser, Mbuso, comes to inspect the house and furthermore tells Mbuso that there is nothing wrong with the house at all. **What remedies are available to Mbuso when he discovers the cockroach infestation and damage to the house?** Discuss. [25 marks]

QUESTION 3

Discuss each of the following:

- | | |
|------------------------------|-----------|
| (i) Error in Negotia | [5 marks] |
| (ii) Naturalia of a contract | [5 marks] |
| (iii) Undue influence | [5 marks] |
| (iv) Imposed terms | [5 marks] |
| (v) Cession | [5 marks] |

QUESTION 4

Define and differentiate between **void, voidable and unenforceable** contracts. [25 marks]

QUESTION 5

Discuss each of the following:

Stipulatio alteri
Plurality of debtors and
Performance

[25 marks]