

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, MAY 2010

COURSE NAME : LAW OF CONTRACT

COURSE CODE : L206

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. MARKS ARE INDICATED AT THE END OF EACH QUESTION.**
- 3. CANDIDATES ARE THEREFORE ADVISED TO ALLOCATE THEIR TIME ACCORDINGLY.**

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

Dube had driven his car 100 000 kilometres but had the speedometer moved back to read 50 000 kilometres. He offered the car to Gule at E10.000 "as is". Gule asked, "How far has the car gone?" Dube replied, "the car will give you that information". Gule looked at the speedometer and read aloud, "50 000 kilometres". Dube remained silent. The contract was concluded, car delivered and purchase price paid. Three weeks later Gule learned that the car has been driven 100 000 kilometres.

Advise Gule, as to his rights, if any, against Dube.

(25 marks)

QUESTION 2

Thulani a second year law student at UNISWA had his room broken into by thieves, who stole his computer, hi-fi system, cds and some clothes. He put up a notice on the student's notice board stating that a reward of E1000.00 would be paid to any person giving information to the police that led to the arrest of the thieves and the recovery of his stolen items. Bongani gave the required information, but at the time he did so he was unaware of this notice. Later when Bongani had heard of the notice from a friend he claimed the E1000.00 reward from Thulani. Thulani refused to pay, advise Bongani supporting your answer with decided cases.

(25 marks)

QUESTION 3

Bhizza is a football star registered under Kwaluseni Toughs. On joining the team he signed a contract to play exclusively for the team for the duration of the contract. In order to supplement his income Bhizza buys used or second hand cars from South Africa to sell in Swaziland. This he does in his spare time. The team is not happy with this arrangement arguing that Bhizza has breached their contract.

Bhizza has approached you for advice, use relevant authorities to support your answer.

(25 marks)

QUESTION 4

Nothando and her husband Bheki have been trying to get a child ever since they got married five years ago. After seeing several doctors and specialists both in Swaziland and South Africa with no results they decided to consult their spiritual adviser Pastor Zwelisha. The pastor prayed for them and after two weeks he told them that he has seen a vision in which God told him that in order for Nothando to conceive they must give the pastor one of their farms.

They duly transferred the farm to the Pastor but ten months have passed since the transfer and Nothando had still not conceived. They now want their farm back.

Advise them.

(25 marks)

QUESTION 5

A has had a liaison with B, a prostitute. Initially A paid for sexual favours from B each time he visited her. Late last year they entered into an agreement in terms of which A was to buy B an expensive car and gold jewellery, and that he would have unlimited access to B without charge. A bought the expensive car, in addition he showered B with expensive gold and diamond jewellery. Last week B told A that she was terminating their liaison and did not wish to see A ever again. A demanded the return of the gifts to B. B refused.

A intends seeking the assistance of the courts in getting back the gifts. Advise him.

(25 marks)