

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**SUPPLEMENTARY EXAMINATION PAPER, JULY 2011**

**TITLE OF PAPER** : **SWAZI LAW AND CUSTOM**

**COURSE CODE** : **DL 012**

**TIME ALLOWED** : **TWO (2) HOURS**

**INSTRUCTIONS** :

1. **THERE ARE FIVE (5) QUESTIONS IN THIS EXAMINATION PAPER. ONLY THREE QUESTIONS MUST BE ANSWERED.**
2. **QUESTION ONE (1) IS COMPULSORY AND CARRIES 34 MARKS. ALL OTHER QUESTIONS CARRY 33 MARKS.**
3. **QUESTION ONE MUST BE ANSWERED IN ADDITION TO ANY OTHER TWO QUESTIONS.**

**TOTAL MARKS** : **100**

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

**QUESTION 1**

Section 7 of the Marriage Act provides for one of the barriers to a marriage under the Act. Critically discuss the provision of this section of the Act and cite relevant authorities where necessary. **(34marks)**

**QUESTION 2.**

Discuss the composition and jurisdiction of the Swazi Courts. What laws are these courts empowered to apply? **(33marks)**

**QUESTION 3.**

3.1 Distinguish between a Custom and Customary Law. **(16marks).**

3.2 What are the main sources of Customary Law? **(17 marks).**

**QUESTION 4**

4.1 What is a will? Who is eligible to make it? **(7marks)**

4.2 What in your understanding is the meaning of the phrase “intestate succession” and “testate succession?” **(7 marks)**

4.3 Give at least four instances or ways in which a will can be validly altered. **(7marks)**

4.4 What is the difference between an ordinary will and a privileged will. **(5marks)**

4.5 State the order of succession in a situation whereby the deceased died leaving behind three wives, all of whom were married to him by Swazi Law and Custom. All three

wives had no issue with the deceased.

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**(7marks)**

**QUESTION 5**

The land tenure system of Swaziland is shaped by the historical events that took place during the reign of King Mbandzeni and subsequently thereafter. Discuss how an individual may acquire land under the dual legal system of Swaziland.

**(33marks)**