

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

TITLE OF PAPER	:	LAW OF CONTRACT
COURSE CODE	:	DL 023
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 requirements for the formation of a contract are a *conditio sine qua non* for the validity of a contract – Discuss.

[25 marks]

QUESTION 2

Define and differentiate between void, voidable and unenforceable contracts.

[25 marks]

QUESTION 3

Discuss each of the following topics:

- | | | |
|-------|--------------------------------|-----------|
| (i) | Errol in <i>negotio</i> | [5 marks] |
| (ii) | <i>Naturalia</i> of a contract | [5 marks] |
| (iii) | Undue influence | [5 marks] |
| (iv) | Imposed terms | [5 marks] |
| (v) | Cession | [5 marks] |

QUESTION 4

Sisa is trying desperately to get rid of her house in Mbabane because of cockroach infestation. Consequently she conceals all signs of damage when a purchaser, Sazi, comes to inspect the house and furthermore tells Sazi that there is nothing wrong with the house at all. What remedies are available to Sazi when he discovers the cockroach infestation and damage to the house? Discuss.

[25 marks]

QUESTION 5

Non-performance does not always constitute a breach of contract – do you agree? Discuss the principle of *exceptio non adimpleti contractis*.

[25 marks]