

UNIVERSITY OF SWAZILAND

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INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

MAIN EXAMINATION PAPER, DECEMBER 2011

TITLE OF PAPER	:	LAW OF CONTRACTS
COURSE CODE	:	IDE-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

CONTRACTS

QUESTION 1

The requirements of a contract are the mainstay of our Law of Contract – Do you agree? Discuss.

[25]

QUESTION 2

Define and differentiate between void, voidable and unenforceable contracts.

[25]

QUESTION 3

Discuss each of the following:-

- | | | |
|-------|------------------------------|-----|
| (i) | Error in negotio | [5] |
| (ii) | Naturalia of a contract | [5] |
| (iii) | Undue influence | [5] |
| (iv) | Duress | [5] |
| (v) | Fraudulent misrepresentation | [5] |

[25]

QUESTION 4

Nomvula writes a letter to Zandile in which she offers to buy Zandile's flat in Manzini for E150, 000.00. Zandile thinks that this is a good price and replies accepting the offer. At what stage will the contract be concluded? Discuss.

[25]

QUESTION 5

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

[25]