

INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2012

**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**

## SUPPLEMENTARY 2012 CONTRACTS

### QUESTION 1

(a) A contract is a legal fact, do you agree? Define and/or discuss

[5]

(b) All contracts are agreements but not all agreements are contracts – do you agree? Discuss.

[20]

### QUESTION 2

An unenforceable contract is a contract that cannot be enforced by legal action – Do you agree? Discuss.

[25]

### QUESTION 3

Discuss each of the following:-

(i) Error in corpore

[5]

(ii) Essentialia of a contract

[5]

(iii) Warranty

[5]

(iv) In pari delicto est conditio defendentis

[5]

(v) Innocent misrepresentation

[5]

### QUESTION 4

Distinguish and differentiate between repudiation, moral debitoris and moral creditoris.

[25]

### QUESTION 5

Distinguish between merger, set off and supervening impossibility of performance.

[25]