

UNIVERSITY OF SWAZILAND

160

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

MAIN EXAMINATION, DECEMBER 2011

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.**

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QUESTION 1

Sikhatsi paid for admission to the Simunye Fair. After entering the grounds of the Fair, he bought a programme on which at the end, in very small print, were words entitling the stewards to ask anyone to leave the Fair whose presence they do not desire. Mistaking Sikhatsi's identity, he was ordered to leave.

Advise Sikhatsi of his legal remedy if any.

(25 marks)

QUESTION 2

The Guillios cinema in Manzini advertised the first showing of a much talked about movie. When fifty students from UNISWA present themselves at the cinema they are told that all tickets have been sold and that the cinema hall is full to capacity. The students are not happy with this. Their argument is that the cinema has breached a contract with them for the reason that by presenting themselves at the cinema they had accepted the offer made by the cinema in its advertisement.

Advise the students.

(25 marks)

QUESTION 3

Hleta takes a fancy to a second hand car, in answer to an inquiry by Hleta if the car is mechanically sound and if it was ever involved in an accident, Hlubi, the salesman replies:

“You will get many a year of trouble free driving from this car, all you will have to do is just service it, it is as good as new.”

Two weeks after buying the car, it develops several mechanical faults. Hleta is advised by experts that to fix the car will cost more than the price he paid for it.

He considers suing Hlubi on the ground of fraud and on the *aedilition* remedies.

Discuss.

(25 marks)

QUESTION 4

Desirous of selling his twenty herd of cattle, Masango approached Dlundu a cattle dealer. They enter into a contract, one of the terms of which is that if Dlundu gets a buyer/buyers for the cattle, Masango will pay him ten percent of their purchase price. Three days later, Masango enters into a contract with Eswatini Meat wholesalers who agree to buy all the cattle.

With reference to the doctrine of fictional fulfilment of conditions advise Dlundu, illustrating your answer with decided cases.

(25 marks)

QUESTION 5

Maswati Supermarket contracted with Mahlanya egg producers for the delivery of eggs for a promotion which the supermarket was to run from 1st August 2011 to the 10th August, 2011. The terms dealing with time in the written contract contained words:

“to be delivered by the 27th of July 2011 or as near as possible.”

The delivery was made on the 1st September, 2011. Maswati supermarket refused to accept delivery.

Discuss.

(25 marks)