

UNIVERSITY OF SWAZILAND

INSTITUTE OF DISTANCE EDUCATION

DIPLOMA IN LAW

MAIN EXAMINATION PAPER - DECEMBER 2012

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : IDE-DL023

TIME ALLOWED : THREE (3) HOURS

**INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS
2. ALL QUESTIONS CARRY EQUAL MARKS**

TOTAL MARKS : 100

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE
INVIGILATOR**

QUESTION 1

All contracts are agreements but not all agreements are contracts. Do you agree?

Discuss

(25 marks)

QUESTION 2

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

Discuss

(25 marks)

QUESTION 3

Discuss each of the following topics:-

(i) Error in Corpore

(5 marks)

(ii) Essentialia of a contract

(5 marks)

(iii) Duress

(5 marks)

(iv) Undue influence

(5 marks)

(v) Stipulatio alteri

(5 marks)

QUESTION 4

Cebile writes a letter to Sibongile in which she offers to buy Sibongile's house in Manzini for E200 000. Sibongile thinks that this is a good price and replies accepting the offer. At what stage will the contract be concluded?

Discuss

(25 marks)

QUESTION 5

Distinguish and discuss merger, set-off and supervening impossibility of performance.

(25 marks)