

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
MAIN EXAMINATION PAPER, DECEMBER 2013

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TITLE OF PAPER : **LAW OF CONTRACT**

COURSE CODE : **DL023**

TIME ALLOCATION : **THREE (3) HOURS**

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

TOTAL MARKS : **100**

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY
THE INVIGILATOR**

QUESTION 1

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The essential requirement for the formation of a contract is a *conditio sine qua non* for the validity of a contract.

Discuss (25 marks)

QUESTION 2

Agreement contrary to law, public policy or good morals cannot be conferred by legal action. Do you agree?

Discuss (25 marks)

QUESTION 3

Discuss each of the following:-

- (a) Resolutive condition (5 marks)
- (b) Error concomitans (5 marks)
- (c) The incidentalia of a contract (5 marks)
- (d) Terms implied by law (5 marks)
- (e) *Stipulatio alteri* (5 marks)

QUESTION 4

Discuss and differentiate between fraudulent, negligent and innocent misrepresentation.

(25 marks)

QUESTION 5

Renunciation, repudiation, *mora debitoris*, and *mora creditoris* constitute an essential breach of contract.

Discuss (25 marks)