UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION, NOVEMBER 2013

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TITLE OF PAPER	:	THE PRINCIPLES OF SWAZI LAW AND CUSTOM
COURSE CODE	:	L 104
TIME ALLOWED	:	THREE (3) HOURS
INSTRUCTIONS	:	ANSWER ANY FOUR (4) QUESTIONS

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QUESTION 1

Matsenjwa married Dudu by civil rites in 1990. Three children were born out of the union. In 2010 Matsenjwa met Nokukhanya whom he took home to introduce to his parents. Two children were born to them. When Matsenjwa passed away in September 2013 his parents smeared Nokukhanya with red ochre with the sole aim of enabling Nokukhanya and her children to inherit from Matsenjwa's estate.

Dudu is not happy with the actions of her late husband's parents. Advise her.

[25 MARKS]

QUESTION 2

Dube married his wife Nomathemba through Swazi Law and Custom in 2009. In 2010 in order to please Nomathemba who is a very devout Christian Dube and Nomathemba went through a civil rites marriage. In 2012 Dube married Khanyisile under Swazi Law and Custom.

Advise Nomathemba on whether her husband's second marriage to Khanyisile is valid.

[25 MARKS]

QUESTION 3

Nothando has been married to Sizwe through Swazi Law and Custom for ten years. This has been a very difficult marriage for Nothando: she has been subjected to countless episodes of violence, insults, humiliating behaviour, economic and mental abuse by Sizwe. Several meeting between members of their respective families have yielded no positive results, in fact the situation has gotten worse.

Nothando wishes to terminate her marriage to Sizwe. Is this possible? Illustrate your answer with decided cases.

[25 MARKS]

QUESTION 4

Discuss three instances in which the constitution has impacted on Swazi Law and Custom.   [25 MARKS]

QUESTION 5

One of the advantages of Swazi Law and Custom is that it is a living system of law which can easily adapt to changing conditions and situations.

Discuss, illustrating your answer with examples.   [25 MARKS]