

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**  
**MAIN EXAMINATION PAPER DECEMBER 2015**

**TITLE OF PAPER** : **SWAZI LAW AND CUSTOM**  
**COURSE CODE** : **DL 012**  
**TIME ALLOWED** : **THREE (3) HOURS**  
**INSTRUCTIONS** : **1. ANSWER ANY FOUR (4) QUESTIONS.**  
**2. ALL QUESTIONS CARRY EQUAL MARKS.**

**TOTAL MARKS** : **100**

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### **QUESTION ONE**

The constitution has altered existing laws in the country by requiring that they should all comply with it. Critically discuss the impact of the Constitution on Swazi customary law.

[25 Marks]

### **QUESTION TWO**

Discuss the reception of Roman Dutch common law in Swaziland and its consequences.

[25 Marks]

### **QUESTION THREE**

- (a) Distinguish between the Swazi customary practice of levirate “kungena” and the sororate “inhlati”. What is the justification for each of these practises? [9 marks]
- (b) Describe the purpose or significance of lobola or dowry among the Swazi. [8 marks]
- (c) Define marriage under Swazi Customary law. Explain why divorce is not known under Swazi Customary law. [8 marks]

[25 Marks]

### **QUESTION FOUR**

Discuss the canons used in the interpretation of wills so as to closely ascertain the intention of the testator. [25 Marks]

### **QUESTION FIVE**

Critically discuss succession under Swazi Customary law.

[25 Marks]