

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
MAIN EXAMINATION PAPER DECEMBER 2015

TITLE OF PAPER : LAW OF CONTRACT

COURSE CODE : 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 ONE

The essential requirements for the formation of a contract are a *Conditio sine qua non* for the validity of a contract. Do you agree?

Discuss.

[25 marks]

QUESTION TWO

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

Discuss.

[25 marks]

QUESTION THREE

Discuss each of the following topics:-

- a) Resolutive condition; [5 marks]
- b) *Error Concomitans*; [5 marks]
- c) The *incidentalia of a contract*; [5 marks]
- d) Terms implied by law; and [5 marks]
- e) *Stipulatio alteri*. [5 marks]

Total [25 marks]

QUESTION FOUR

Discuss and differentiate between fraudulent, negligent and innocent misrepresentation.

[25 marks]

QUESTION FIVE

Renunciation, repudiation, *mora debitoris* and *mora creditors* constitute an essential breach of contract. Do you agree?

Discuss

[25 marks]

END OF QUESTION PAPER