

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION, DECEMBER 2015

TITLE OF PAPER : **SWAZI LAW AND CUSTOM**

COURSE CODE : **LAW 105**

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

INSTRUCTIONS : **ANSWER ANY FOUR (4) QUESTIONS.**

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QUESTION ONE

Discuss the jurisdiction of Swazi Courts in respect of the following:

- (i) Persons
- (ii) Offences

(10 marks)

(15 marks)

[TOTAL:25 MARKS]

QUESTION TWO

How has the application of Customary Law been restricted as a result of the reception of Roman Dutch Common Law into Swaziland?

[25 marks]

QUESTION THREE

Gule married his wife LaSithole through Swazi Law and Custom in 1990. Three children were born out of the union. Gule, an enterprising businessman, owned ten mini buses, five taxis and three supermarkets. He passed away last year and the family counsel decreed that LaSithole should be inherited by one of Gule's brothers. LaSithole is vehemently opposed to this.

She seeks your advice on the matter.

[25 marks]

QUESTION FOUR

Jele paid 10 cows as lobola for Thandi in 1990 but did not perform the teka ceremony on her. In 1998 when the marriage was running into serious problems Thandi deserted the matrimonial home and went back to her parental homestead. In 2014 Jele married Sonto under the Marriage Act No. 47 of 1964. Thandi has approached you for advice because she is considering seeking an annulment of this marriage by the court.

Will she succeed? Advise her.

[25 marks]