

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER JULY 2017

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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INVIGILATOR**

QUESTION ONE

Discuss how a chief is appointed under Swazi law and custom as well as their rights, powers, functions and duties.

[25 Marks]

QUESTION TWO

Critically distinguish between the ways in which a marriage may be dissolved under civil rites and under customary law.

[25 Marks]

QUESTION THREE

It is true that sometimes testators may not express themselves clearly in their testamentary documents, hence the main purpose of interpreting wills is to ascertain the testator's actual intentions. The intention of the testator is ascertained as closely as possible to the document itself. The law has created some canons of interpretation that are also used in interpreting wills. Discuss each of them in detail.

[25 Marks]

QUESTION FOUR

Critically discuss succession under customary law and suggest changes that may be made in line with constitutional provisions.

[25 Marks]

QUESTION FIVE

The land tenure system in Swaziland is shaped by the historical events that took place during the reign of King Mbandzeni and subsequently thereafter. Critically discuss.

[25 Marks]