

**UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW**

FINAL EXAMINATION PAPER, MAY 2017

TITLE OF PAPER: LEGAL DRAFTING

COURSE CODE: LAW 208

TIME ALLOWED: THREE (3) HOURS

INSTRUCTIONS: ANSWER ANY FOUR (4) QUESTIONS OF YOUR CHOICE.

DO NOT BE OPEN THE QUESTION PAPER UNTIL PERMISSION HAS BEEN GIVEN
BY THE CHIEF INVIGILATOR.

QUESTION ONE

Assume your client has instructed you to draft an agreement of sale of movable property. Using your set of instructions, and relying on the form or precedent previously used in class, draft the agreement, ensuring that the essential elements are included.

[25 marks]

QUESTION TWO

Section 106 of the 2005 Constitution of Swaziland provides:

Subject to the provisions of this Constitution –

- (a) the supreme legislative authority of Swaziland vests in the King-in-Parliament;*
- (b) the King and Parliament may make laws for the peace, order and good governance of Swaziland.*

Interrogate the provision with a view to responding to the question whether it permits of legislation by way of Decree, or any of the forms legislation took after the repeal of the 1968 Constitution and dissolution of Parliament.

[25 Marks]

QUESTION THREE

Explain what legal drafting is and what it is aimed at achieving.

[10 Marks]

Distinguish between litigious and non-litigious drafting, giving two examples in each case.

[15 Marks]

QUESTION FOUR

Mention and comment on five of the seventeen (17) generally accepted principles of legal drafting which a draftsman should carefully follow.

[25 Marks]

QUESTION FIVE

Consider the following true-to-life example. A notice on a signboard next to a club's playground and swimming pool reads as follows:

NOTICE!

Children of members using the play-park and swimming pool are the responsibility of the parent and if they do not behave or remove or break any equipment they will be held liable for the replacement thereof.

You are to contextualize the aim of the notice and try to determine the intention of the drafters of the notice to the club member-parents. Thereafter, redraft the notice to reflect what the drafters intended.

[25 Marks]

QUESTION 6

Outline the steps that are taken in bringing about a proposed law, called a Bill, with particular emphasis on where the instructions are obtained and the process leading to the Bill becoming law.

[25 Marks]