

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
MAIN EXAMINATION PAPER DECEMBER 2017

TITLE OF PAPER : **SWAZI LAW AND CUSTOM I**
COURSE CODE : **LAW105 (IDE- LLB & Dip. Law)**
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

Explain the rules for proving the existence of a custom as laid down by the decision in the *locus classicus Van Breda v Jacobs 1921 AD 330*.

[25 Marks]

QUESTION TWO

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

[25 Marks]

QUESTION THREE

The constitution has altered existing laws in the country by requiring that all laws should comply with it. Discuss the impact of the constitution on customary law.

[25 Marks]

QUESTION FOUR

Discuss the establishment, constitution, jurisdiction and appeals procedure of the Swazi Court in terms of the Swazi Courts Act 80 of 1950.

[25 Marks]

QUESTION FIVE

It has been said that the fact that Swazi Customary law is uncodified is its main weakness and greatest strength. Discuss this dichotomy making reference to recent developments in the customary law sphere, legislation and case law if any.

[25 Marks]

END