

UNIVERSITY OF ESWATINI
DEPARTMENT OF ACCOUNTING
LAW213 MAIN EXAM PAPER

Programme of Study : Bachelor of Commerce II E/T

Title of Paper : Commercial Law

Time Allowed : 3 Hours

INSTRUCTIONS:

1. Answer ALL Four (4) Questions.
2. Begin each question on a new page.

THIS PAPER MAY NOT BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY INVIGILATOR(S).

QUESTION 1

On Monday, X sells his motor vehicle to Y for E50,000. They agree that Y will pay X immediately, but X will only deliver the vehicle to Y on Thursday. On Wednesday, lightning destroys the vehicle while parked outside X's house. Discuss the legal position of each party and the remedies they may claim, referring to applicable case law. Also discuss whether your answer would be any different if X had failed to deliver the car on Thursday, and the car had been struck by lightning outside her house on Saturday?

[25 MARKS]

QUESTION 2

Write an essay in which you analyse the common law duties of tenant and landlord. In your analysis, refer to case law.

[25 MARKS]

QUESTION 3

Define breach of contract (3 marks), discuss the five ways in which a contract may be breached (10 marks), and explain three remedies for breach of contract referring to the relevant case law (12 marks).

[25 MARKS]

QUESTION 4

In 2010, the Ezulwini Town Board entered into an agreement with Mrs. Langwenya regarding the provision to her of water from a river bordering her farm. Mrs. Langwenya is a sugar cane farmer who, until recently, drew considerable volumes of water from the river. In terms of the agreement, the Town Board had an obligation to allow Mrs. Langwenya to draw up to 100,000 litres of water for watering her plantations monthly. When a severe drought hit the region in March 2016, the Municipality informed Mrs. Langwenya that they would be decreasing her water ration to 50,000 litres per month so that the rest of residents of Ezulwini may benefit from the water resource. Indeed, after such notice, the Municipality has been cutting off her water supply after every 50,000 litre meter reading, in complete ignorance of their contractual obligations. Mrs. Langwenya feels aggrieved by this unilateral decision. She seeks to hold the Municipality against their agreement. She approaches you for a legal opinion as to her legal position. Advise her.

[25 MARKS]

END OF EXAM