

UNIVERSITY OF ESWATINI
DEPARTMENT OF ACCOUNTING
LAW213 RE-SIT EXAM PAPER

Programme of Study : **B.Com II F/T**
Title of Paper : **Commercial Law I**
Course Code : **LAW213**
Time Allowed : **3 Hours**

INSTRUCTIONS:

1. Answer **ALL** four (4) Questions
2. Each question carries 25 Marks.
3. In answering any question, note that the quality of the content, use of case law, clarity of expression and legibility of handwriting are absolutely essential.
4. Begin each question on a new page.

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

QUESTION 1

- (a) Define Law? (3)
- (b) What are the 4 major sources of law in Swaziland in order of Primacy? (4)
- (c) Define a contract of sale and state the essential elements. (6)
- (d) Define 'acceptance' as used in the law of Contracts. (3)
- (e) What is a *false dicta et prommissa*? (3)
- (f) State and briefly explain the three maxims applicable to illegal agreements. (6)

[25 MARKS]

QUESTION 2

Discuss in detail the seven essential elements of a valid contract, and refer to applicable case law.

[25 MARKS]

QUESTION 3

- (a) With reference to case law, describe the element of 'price' in contracts of sale (15)
- (b) With specific reference to the case of *Equistock Group CC t/a Autocity Motor Holdings v Mentz* 2004 (2) ALL SA 46, discuss the seller's duty to take care of the goods (10).

[25 MARKS]

QUESTION 4

Write an essay in which you discuss the essential elements of a contract of lease.

[25 MARKS]

END OF PAPER