



**UNIVERSITY OF ESWATINI  
INSTITUTE OF DISTANCE EDUCATION  
DIPLOMA IN LAW  
FINAL EXAMINATION PAPER NOVEMBER 2019**

TITLE OF PAPER : SWAZI LAW AND CUSTOM  
COURSE CODE : IDE - LAW 105  
TIME ALLOWED : THREE (3) HOURS  
TOTAL MARKS : 100  
INSTRUCTIONS : ANSWER ANY FOUR (4) QUESTIONS OF YOUR  
CHOICE.

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INVIGILATOR.

### **QUESTION 1**

Researchers on the subject of customary law have more or less agreed that the term customary law refers to four different aspects. Outline these four aspects.

[25 marks]

### **QUESTION 2**

Legal scholars have advanced different arguments on the advantages and disadvantages of codifying Swazi Law and Custom. Do you think it could work to the advantage of the Swazis to have Swazi Law and Custom codified? Give reasons for your answer.

[25 marks]

### **QUESTION 3**

It has been observed that the reception of Roman Dutch Common Law did not discard the indigenous Law. Swazi Law and Custom was preserved and to be applied into our system. However, it has to pass some tests before it can qualify for application.

Making reference to the Swazi Courts Act No. 80 of 1950, discuss this statement.

[25 marks]

### **QUESTION 4**

Write short notes on the following traditional institutions and persons:

- (a) *Sibaya* (5 marks)
- (b) The Great Council (*Bandlakhulu*) (5 marks)
- (c) The Inner Council (*Bandlancane*) (5 marks)
- (d) The Chief's deputy (*Indvuna*) (5 marks)
- (e) The Messenger (*Umgijimi*) (5 marks)

[Total : 25 marks]

**QUESTION 5**

Referring to the relevant statutory law, discuss the jurisdiction of Swazi Courts in respect of the following;

(a) Persons (10 marks)

(b) Offences (15 marks)

[Total: 25 marks]