

**UNIVERSITY OF SWAZILAND**  
**INSTITUTE OF DISTANCE EDUCATION**  
**DEPARTMENT OF LAW**

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**SUPPLEMENTARY EXAMINATION PAPER, JULY 2014**

<b>TITLE OF PAPER</b>	<b>:</b>	<b>LAW OF CONTRACT</b>
<b>COURSE CODE</b>	<b>:</b>	<b>DL023</b>
<b>TIME ALLOCATION</b>	<b>:</b>	<b>THREE (3) HOURS</b>
<b>INSTRUCTIONS</b>	<b>:</b>	<b>1. ANSWER ANY FOUR QUESTIONS</b> <b>2. ALL QUESTIONS CARRY EQUAL MARKS</b>
<b>TOTAL MARKS</b>	<b>:</b>	<b>100</b>

**THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY  
THE INVIGILATOR**

### **QUESTION 1**

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All contracts are agreements but not all agreements are contracts. Do you agree?  
Discuss.

(25 marks)

### **QUESTION 2**

An unenforceable contract is a contract that cannot be conferred by legal action. Do you agree?  
Discuss.

(25 marks)

### **QUESTION 3**

Discuss each of the following topics:-

- (i) Error in Corpore
- (ii) Essentialia of a contract
- (iii) Duress
- (iv) Undue influence
- (v) Stipulatio alteri

### **QUESTION 4**

Cebile writes a letter to Sibongile in which she offers to buy Sibongile's house in Manzini for E200 000. Sibongile thinks that this is a good price and replies accepting the offer. At what stage will the contract be concluded? Discuss.

(25 marks)

### **QUESTION 5**

Distinguish and discuss merger, set-off and supervening impossibility of performance.

(25 marks)