

**UNIVERSITY OF SWAZILAND**

**INSTITUTE OF DISTANCE EDUCATION**

**DEPARTMENT OF LAW**

**MAIN EXAMINATION PAPER, NOVEMBER-DECEMBER 2016**

**TITLE OF PAPER : LAW OF CONTRACT**

**COURSE CODE : DL023**

**TIME ALLOWED : THREE (3) HOURS**

**TOTAL MARKS : 100**

**INSTRUCTIONS:**

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. ALL QUESTIONS CARRY EQUAL MARKS.**

**THIS PAPER SHOULD NOT BE OPENED UNTIL PERMISSION HAS BEEN GIVEN BY THE INVIGILATOR**

### **QUESTION 1**

The essential requirement for the formation of a contract is a *conditio sine qua non* for the validity of a contract.

Discuss.

[25 marks]

### **QUESTION 2**

Agreement contrary to law, public policy or good morals cannot be conferred by legal action.

Do you agree? Discuss.

[25 marks]

### **QUESTION 3**

Discuss each of the following:-

- (i) *Error in persona*; [5 marks]
- (ii) *Error substantialibus*; [5 marks]
- (iii) Common error; [5 marks]
- (iv) Misrepresentation; and [5 marks]
- (v) *Naturalia* of a contract. [5 marks]

[25 marks]

### **QUESTION 4**

Discuss and differentiate between fraudulent, negligent and innocent misrepresentation.

[25 marks]

### **QUESTION 5**

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

[25 marks]

**END OF QUESTION PAPER**