

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DIPLOMA IN LAW
MAIN EXAMINATION PAPER – DECEMBER 2010

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| TITLE OF PAPER LAW | : | LAW OF CONTRACT |
| COURSE CODE | : | DL023 |
| TIME | : | THREE (3) HOURS |
| INSTRUCTIONS | : | ANSWER ANY FOUR (4) QUESTIONS |
| | : | ALL QUESTIONS CARRY EQUAL MARKS |
| TOTAL MARKS | : | 100 |

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

QUESTION 1

- (a) What do you understand by the term "contract"? Define. [5 marks]
- (b) All contracts are agreements but not all agreements are contracts – do you agree? Discuss. [20 marks]

QUESTION 2

An unforceable 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 copore | [5 marks] |
| (ii) | Essentialia of a contract | [5 marks] |
| (iii) | Duress | [5 marks] |
| (iv) | Novation | [5 marks] |
| (v) | Negligent misrepresentation | [5 marks] |

QUESTION 4

Zandile writes a letter to Cebi in which she offers to buy Cebi's flat in Mbabane for E150,000. Cebi 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 differentiate between repudiation, *mora debitoris* and *mora creditoris*.

[25 marks]