

UNIVERSITY OF SWAZILAND

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INSTITUTE OF DISTANCE EDUCATION

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2014

TITLE OF PAPER : **LAW OF CONTRACT**

COURSE CODE : **DL023**

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

INSTRUCTIONS : **1. ANSWER ANY FOUR QUESTIONS**
2. ALL QUESTIONS CARRY EQUAL MARKS

TOTAL MARKS : **100**

**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)