

UNIVERSITY OF SWAZILAND
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION PAPER JULY 2016

TITLE OF PAPER : SWAZI LAW AND CUSTOM
COURSE CODE : DL 012
TIME ALLOWED : THREE (3) HOURS
INSTRUCTIONS : 1. ANSWER ANY FOUR (4) QUESTIONS.
2. ALL QUESTIONS CARRY EQUAL MARKS.

TOTAL MARKS : 100

**DO NOT OPEN THIS PAPER UNTIL PERMISSION HAS BEEN GRANTED BY THE
INVIGILATOR**

QUESTION ONE

- (a) Classify customary into its different aspects and discuss each. [8 Marks]
- (b) What characteristics of Swazi Customary law make it markedly different from other legal systems? [8 Marks]
- (c) Discuss the various sources of Swazi Customary Law. [9 Marks]
- [25 Marks]

QUESTION TWO

- (a) What are the major distinguishing factors between marriage by civil rites and marriage in terms of Swazi Law and Custom? [8 Marks]
- (b) Dlamini married LaShongwe in terms of Swazi Law and Custom in 2000. In 2008 Dlamini married LaSikhondze by civil rites. Discuss the validity of the marriage between Dlamini and LaShongwe and the validity of the later marriage between Dlamini and LaSikhondze. [9 Marks]
- (c) Khumalo decided to marry LaVilakati in 2009, by Swazi Law and Custom and again by civil rites in 2015. Is the civil rites marriage between Khumalo and LaVilakati valid? [8 Marks]
- [25 Marks]

QUESTION THREE

- (a) Discuss the meaning of marriage under common law, the essentials of a valid civil rites marriage ceremony, as well as three classes of persons who are absolutely incompetent to marry under civil rites. [15 marks]
- (b) Discuss what is meant by a deceased estate and the person on whom it rests and make a distinction between a will and a codicil in the devolution of a deceased estate. [10 marks]

Total Marks [25 Marks]

QUESTION FOUR

Define intestate succession, its general principles as well as the order of intestate succession in terms of the Intestate Succession Act 3/1953. [25 Marks]

QUESTION FIVE

Discuss acquisition and loss of private as well as Swazi Nation land. [25 Marks]