



ZIMBABWE EZEKIEL GUTI UNIVERSITY
FACULTY OF BUSINESS SCIENCES, ECONOMICS AND ACCOUNTING
DEPARTMENT OF ACCOUNTING AND FINANCE

EXAMINATION PAPER

COURSE CODE : CAC 110
COURSE TITLE : COMMERCIAL LAW
DURATION : 3 Hours
DATE :

INSTRUCTIONS TO CANDIDATES:

1. This question paper comprises of two printed pages.
2. This question paper comprise of five questions.
3. Answer 4 questions, 1 question from section A and 3 questions from section B.
4. Each question carries 25 Marks.

Question 1

(This question is compulsory)

Mambokadzi is a Zimbabwean businesswoman based in China. She deals in solar panels and batteries. From time to time she would have business trips to Zimbabwe to see how her businesses were performing. However, due to the Covid 19 pandemic, Mambokadzi can no longer freely travel between the two countries. She hires the services of one Dhiredhi so that he can oversee her Zimbabwean businesses. Dhiredhi is paid on commission. Dhiredhi took advantage of the fact that Mambokadzi's movements were restricted and started selling the solar products and converted the money for his personal use. He would restore the solar products before Mambokadzi's next visit. On another occasion Dhiredhi entered into contract with Musodzi in which thirty solar panels and batteries would be delivered to her within three weeks. However, Dhiredhi failed to deliver the property due to the lockdown necessitated by the Covid 19 pandemic. Musodzi approaches you for advice.

- a) What are the duties of an agent? **[10 Marks]**
- b) What remedies are available to Mambokadzi in the circumstances? **[5 Marks]**
- c) What advice did you give Musodzi? **[5 Marks]**
- d) How is the contract of agency terminated? **[5 Marks]**

[Total 25 Marks]

SECTION B (Answer any 3 questions from this section)

Question 2

Examine any five sources of law shaping commercial law in Zimbabwe **[25 marks]**

Question 3

- a) Identify and discuss the various methods of delivery. **[10 Marks]**
- b) Discuss the duties of a seller under the contract of sale. **[15 marks]**

[Total 25 marks]

Question 4

What is the meaning of **any 5** of the following terms as they are used in commercial law,

- a) Offer and acceptance **[5]**
- b) Initial impossibility to perform **[5]**
- c) Supervening impossibility **[5]**
- d) Caveat subscriptor rule **[5]**
- e) Contractual capacity **[5]**
- f) Voetstoets **[5]**
- g) Subletting and assignment **[5]**

[Total 25 Marks]

Question 5

- a) What are the essential elements of a contract of lease? **[10 marks]**
- b) How is a contract of lease terminated? **[10 Marks]**
- c) What is the meaning of the term *huur gaat voor koop*? **[5Marks]**

[Total 25 Marks]

******END OF PAPER******