



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

COURSE CODE : LLB 312

COURSE TITLE : Commercial Law

DURATION : 3 Hours

LEVEL : 3.1

DATE :

01 AUG 2023

INSTRUCTIONS TO CANDIDATES:

1. Answer ALL questions.
2. Do not separate subsections of questions.
3. Refer to case law, statute and/or any relevant authority, where applicable. Underline all your references to cases and statutory provisions.
4. Pay careful attention to marks allocated.
5. WRITE LEGIBLY. If in doubt as to whether your hand writing is easy to read, consider writing some of your words or points in large caps.

Question one

In relation to the law of agency, write shorts notes on the following:

- (i) Agent's lien 5 marks
- (ii) Auctioneers 5 marks
- (iii) Liability by estoppel 5 marks
- (iv) Indemnity 5 marks
- (v) Undisclosed principal 5 marks

Remember to always refer to relevant legislative provisions and case law

[25 marks]

Question two

Y let premises to X. The lease contained a clause prohibiting X from sub-letting the premises without the written consent of Y. A further clause of the lease required that any variation of the terms of the lease had to be in writing and signed by both parties. Later Y told X that he (X) could sub-let a portion of the premises. After X had sub-let a portion of the premises to a third party, Y changed his mind and informed X that both X and the sub-lessee (third party) must vacate the premises because X had breached the contract. Discuss X's position with reference to case law

[25 marks]

Question three

Thomas applied for and got a job as a nurse aid in the United Kingdom. He is set to move to the United Kingdom to start his new job on 5 July 2023. As part of the preparations, Thomas is selling almost all of his assets since he does not have a family yet. He intends to start a family in the United Kingdom. One of Thomas' assets that are on sale is his house, located in Bindura. Tarcar Airnder intends to buy Thomas' house. With reference to case law, discuss the duties of both parties in relation to the contract they intend to conclude.

[25 marks]

Question four

Critically discuss the duties of a principal to an agent and the principal's liability to a third party.

[25 marks]

I AM