

ZIMBABWE EZEKIEL GUTI UNIVERSITY OF ZIMBABWE



FACULTY OF COMMERCE

B. COM (HONS) IN ACCOUNTING

B. COM (HONS) IN ENTREPRENEURSHIP

B. COM (HONS) IN MARKETING

COURSE NAME : COMMERCIAL LAW II

COURSE CODE : CAC 104

DURATION : 3 HOURS

14 JUNE 2018

INSTRUCTIONS TO CANDIDATES

1. Begin each question on a new page.
2. The number of marks for each question or part question is shown in brackets.
3. This paper contains seven (7) questions.
4. Answer any Four (4) questions.

Question 1

Using case law authority and examples, explain what a valid contract entails, the contractual capacity, disqualification and termination of a contract at law. [25 Marks]

Question 2

Using examples; explain the legal effects of a contract of sale. Explore further how movables, immovable and incorporeal property is delivered under contract of sale. [25 marks]

Question 3

Mr Dokotera is a public transport operator who owns a fleet of trucks under the name Dokotera Transporters (Pvt) Ltd. Munanzvo Food Processors (Pvt) Ltd has approached Dokotera Transporters with a request for transportation of 80 tonnes of maize it harvested from the Command agriculture program. The consignment is supposed to be carried from Nyamapanda to Plumtree GMB over 780 km distance. The public carrier charges \$2.00 per kilometer.

- a) discuss the essential elements that the parties should fulfill at the conclusion of the contract.
- b) discuss the legal principles that the parties should consider when concluding this contract.
- c) what defences can be raised by the public carrier in the event of any eventuality during the execution of this contract.

[Total 25 marks]

Question 4

The law of agency is derived from the Roman law word "*mandatum*" meaning mandate in English. Explain the types of Agency and further discuss the essential elements that make up Agency at law. [25 marks]

Question 5

Law of lease is basically premised on a special relationship that is concerned with immovable property. Discuss the implied duties that the lessor owes to the lessee and those that the lessee owes to the lessor. [25 marks]

Question 6

Explain the provisions of the Consumer Protection Bill and how good such provisions are in as far as protecting consumers is concerned in Zimbabwe. **[25 marks]**

Question 7

Write notes of the following:

- a) Option and right of first refusal. (10 marks)
- b) Conditional Sales (10 marks)
- c) Hire purchase agreement. (5 marks)

[Total: 25 marks]

END OF EXAMINATION