

BINDURA UNIVERSITY OF SCIENCE EDUCATION

FACULTY OF COMMERCE

DEPARTMENT OF ACCOUNTANCY

NOV 2024

PROGRAMMES

Bachelor of Accountancy (Honours) Degree

Bachelor of Business Studies (Marketing)

Bachelor of Business Studies (Banking and Finance)

Bachelor of Business Studies (Human Resources Management)

Bachelor of Commerce (Financial Intelligence)

Bachelor of Business Administration (Police and Security Studies)

Bachelor of Commerce (Purchasing and Supply)

COURSE: BUSINESS LAW (AC102) QUESTION PAPER

Time: 3 hours.

INSTRUCTIONS TO CANDIDATES

1. Answer ALL questions.
2. All questions carry equal marks.
3. Where necessary candidates are encouraged to make reference to case law authorities.
4. No statutes are allowed into the examination room.

Question 1

- a. Distinguish between contractual terms and mere representations. (5 marks)
- b. Write brief notes on the meaning of subsidiary legislation. (5 marks)
- c. What is meant by traditio longa manu? (5 marks)
- d. State three duties of the lessor and two duties of the lessee. (5 marks)

[Total: 20 marks]

Question 2

- a. Compare and contrast the remedies of cancellation and actio quanti minoris. (5 marks)
- b. Outline and explain five ways in which a contract of agency might terminate. (5 marks)
- c. Critically examine the doctrine of vicarious liability in Zimbabwe. (10 marks)

[Total: 20 marks]

Question 3

A large department store advertised its December 2022 sale on a local radio station and in a local newspaper. The advertisement said that the first customer to enter the store when it opened on 20 December 2022 would be able to buy a Samsung tablet for just \$50.00. Joe Lager decides to try to be the first in the department store so that he could buy the tablet. He camped outside the store at midday on 19 December 2022 and was relieved to see that nobody else had joined the queuing. At 7a.m. on 20 December the manager of the department store told Joe Lager that the offer had been called off. Joe Lager refused to accept this. When the department store opened at 8a.m., Joe Lager entered the store and told the manager that he was the first customer and that he wanted to buy the tablet for \$50.00. The manager refused to accept the money and said the tablet was only available at its usual price of \$300.00.

Required:

Advise Joe Lager, citing relevant case law, as to whether or not a contract had been created between him and the departmental store. [20 marks]

Question 4

Samson drives past the scene of a terrible motor collision. He rescues Delilah from the vehicle and drives her to the nearest hospital where he signs all the forms and she is treated. Her life is saved because of his actions. The hospital sends bills to Samson. When he gives them to Delilah, she refuses to pay.

Required:

Explain to Samson his legal position and the various ways in which the contract of agency may arise. [20 marks]

Question 5

Mbinga wants to buy Ben's 2023 Mercedes-Benz GLC, a midsize SUV with 4-cylinder turbo engine and mild hybrid system. He is not sure whether the contract should be in writing. He is also not sure what the consequences would be if they decide to enter into a written contract.

Required:

Advise Mbinga on the validity of an oral or written contract highlighting the application of the parole evidence rule. [20 marks]

END OF EXAMINATION PAPER