

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

SSC4208

FACULTY OF APPLIED SCIENCES

BACHELOR OF SCIENCE HONOURS DEGREE EXAMINATIONS

DEPARTMENT OF SPORTS SCIENCE AND COACHING

THEORY: SSC4208: BASIC LAW, SPORTS LAW AND DIPLOMACY

MAY 2011

3 HOURS (100 MARKS)

INSTRUCTIONS

Answer 4 questions only. Each question carries 25 marks. Where a question contains subdivisions, the mark value for each subdivision is given in brackets. Illustrate your answer where appropriate with large clearly labeled diagrams.

Question 1

- a) Mike an amateur golfer arrives at his local golf club one Sunday morning and at the first hole observes a large billboard that reads “A brand new Toyota Hilux is offered to anyone who gets a hole at one at this hole”. Mike is aware that in terms of his current golf club regulations, only professional golfers can claim prizes. Nevertheless Mike swings his club and gets a hole in one. When Mike claims his prize, the club refuses to deliver the vehicle. Explain whether Mike can succeed in claiming the vehicle [10 marks]
- b) In each of the following instances, briefly comment whether a valid contract has come into existence:
- i) Joy football club wishes to purchase Albert, a talented young defender. Albert’s current club, fantasy football club are of the view that Albert is to be loaned to Joy football club for one season. [3 marks]
- ii) Joy football club wish to purchase Albert, a defender but end up purchasing Mark his twin who looks similar to Albert and is a striker. [3 marks]
- iii) Success Racing club wish to purchase a racehorse from Elizabeth because they think that the horse is a champion racehorse. In fact the horse has never won a competitive race. [3 marks]
- iv) Elite basketball club decide to purchase Tawanda for their team because they believe that Donald (a player of Elite Basket Ball club) has broken his arm and may never play competitive basketball again. Donald in fact has not broken his arm but merely bruised it. [3 marks]
- c) Briefly distinguish between a void and voidable contract. [3 marks]

Question 2

- a) Discuss case law as a source of law and in your answer also discuss the principle of *stare decisis* and hierarchy of courts. [15 marks]
- b) Discuss the 4 juridical rights that any sportsperson can have. [10 marks]

Question 3

Fredrick is a young and talented scrum half. His skill and competence is noted by a scout for Sables Rugby Club. Sables approach Frederick through Kevin and offer a 3 year contract to join their team. Frederick is ecstatic and agrees to join their team as their chief scrum half and team captain, which sables are agreeable to. During negotiations whilst the contract is being concluded, Fredrick suffers multiple fractures to both his legs. The consulting surgeon who attends to Fredrick comes to the conclusion that the injuries Fredrick has suffered are of such a nature that Fredrick will never be able to play competitive rugby again.

What would be the status of the contract if:

- i) He had sustained injuries before concluding the contract? [7 marks]
- ii) He had sustained injuries after the contract had been concluded. [8 marks]
- b) Discuss the requirements that need to be presented before a delict is said to exist. [10 marks]

Question 4

- a) Discuss the requirements of a valid offer. [10 marks]
- b) When does offer lapse? [8 marks]
- c) Define and explain the implications of *volenti non fit iniuria*. Give full reasons for your answer. [7 marks]

Question 5

In each of the following instances, comment on whether breach of contract has occurred. Give full reasons for your answer.

- a) When Mark tries to gain access to the club he finds it locked and cannot gain access. Despite numerous telephone calls to the club, it remains locked. One week later the club is still locked and as a result, Mark is prevented from Rendering services as a striker. [7 marks]

- b) On Saturday, which is match day, Mark arrives half an hour late for the match. At that point in time, Mark's team is trailing the position by a huge 35 points. Mark's late participation in the game makes no difference. [7 marks]
- c) On Friday night, Mark consumes a lot of alcohol such that he becomes extremely intoxicated. As a result he is totally incapable of being fit and prepared for match day. [7 marks]
- d) Mark decides to play a game of rugby on Friday night. He breaks his arm and is therefore unable to play at Match Day for 6 weeks. [4 marks]

Question 6

Discuss the grounds of justification that convert an unlawful Act into a lawful one. [25 marks]

Question 7

- a) Giving sport related examples, discuss the various forms of misrepresentation. [10 marks]
- b) Before an employer can be held vicariously liable, certain requirements need to be present. Name these requirements. [5 marks]
- c) Explain the following terms:
- i) The parol evidence rule. [2 marks]
 - ii) *Lucidum intervallum*. [2 marks]
 - iii) Error in person. [2 marks]
 - iv) *Par delictum* rule. [2 marks]
 - v) *Conditio sine qua non* test. [2 marks]

END OF EXAMINATION