

**NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
FACULTY OF ARCHITECTURE AND QUANTITY SURVEYING
BACHELOR OF QUANTITY SURVEYING (HONOURS) DEGREE
PART I SECOND SEMESTER SUPPLEMENTARY EXAMINATIONS - JULY 2006**

LAW: CONSTRUCTION AND ENGINEERING I – AQS 1205

TIME: 3 Hours

TOTAL MARKS: 100

INSTRUCTIONS:

Answer both Questions in Part A
Answer any two Questions in Part B

PART A

QUESTION 1

- a) A contract usually comes into being by way of an offer and acceptance. With the aid of examples and case law authorities discuss the requirements for:
- (i) a valid offer (12 marks)
 - (ii) a valid acceptance (8marks)
- b) (i) Outline the circumstances in which an offer lapses. (4 marks)
- (ii) An advertisement does not generally constitute an offer. However there is one special kind of an advertisement which does constitute an offer. With the use of case authorities name and discuss this special kind of an advertisement. (10 marks)

QUESTION 2

- a) Discuss the delict of defamation, the available remedies to the defamed party, and the defenses available to the defendant. (15 marks)
- b) Discuss private nuisance and remedies available to the injured party. (10 marks)
- c) Explain briefly your understanding of the delict of trespass. (5 marks)

PART B

QUESTION 3

- a) What does the work of a quantity surveyor include? (5 marks)

b) Who qualifies to register with the Quantity Surveyors Council of Zimbabwe in terms of the Quantity Surveyors Act (Chapter 27:13). (5 marks)

c) Briefly outline the procedure for application for registration with the Council, and the circumstances under which the Council may refuse to register an applicant. (10 marks)

QUESTION 4

a) When one of the parties to a contract commits a breach of that contract, there are certain remedies available to the innocent party.

Briefly discuss the following remedies:

(i) rescission / cancellation (5 marks)

(ii) damages (5 marks)

b) Discuss specific performance and the circumstances when specific performance will not be ordered. (10 marks)

QUESTION 5

a) Name and discuss the requirement of a valid contract. (10 marks)

Briefly discuss:

(i) the procedure followed by the Quantity Surveyors Council of Zimbabwe in conducting a disciplinary enquiry. (5 marks)

(ii) the orders that may be granted by the Council after the completion of the enquiry. (5 marks)

c) John, an antique dealer sales an apparently worthless Chinese vase to Peter. They agree that Peter will take delivery of the vase as soon as he has arranged for the transport. Before delivery, John discovers to his horror that the vase is worth 1 billion dollars as it dates from the Ming dynasty. In a fit of anger John smashes the vase in preference to allowing Peter the pleasure of possessing something so valuable. Advise Peter. (5 marks)

END OF EXAMINATION

