

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
FACULTY OF BUILT ENVIRONMENT
BACHELOR OF QUANTITY SURVEYING (HONOURS) DEGREE
PART I SUPPLEMENTARY EXAMINATIONS OCTOBER 2009
Law: Construction and Engineering AQS 1205

TIME: 3 Hours

TOTAL MARKS: 100

Instructions to candidates

Answer any four questions

Question 1

- a) What is a contract? (2 marks)
- b) What does the law of contracts states? (3 marks)
- c) State and discuss the requirements for a valid contract. (10 marks)
- d) Discuss various ways of terminating an offer in construction contracts. (10 marks)

Question 2

- a) Explain the following terms as they are applied in law.
 - i) Tacit emancipation (2 marks)
 - ii) Fraudulent misrepresentation (2 marks)
 - iii) Ratification (2 marks)
 - iv) Unjust Enrichment (2 marks)
 - v) Prodigals (2 marks)
- b) What is misrepresentation? (5 marks)
- c) State and explain any two types of misrepresentation. (10 marks)

Question 3

- a) Differentiate between a mistake and misrepresentation. (5 marks)
- b) Discuss various kinds of mistakes which are encountered in the Construction industry. (10 marks)
- c) What are remedies for misrepresentation? (10 marks)

Question 4

- a) How does the Law of Tort differ from the Law of Contract? (10 marks)
- b) Explain in detail various causes of breaching contract and possible remedies. (10 marks)
- c) What are liquidated damages and how do they differ from unliquidated damages? (5 marks)

Question 5

- a) Discuss remedies for tortious behaviour. (10 marks)
- b) With relevance case law discuss Negligence Tort (10 marks)
- c) Discuss various forms of defamation. (5 marks)

Question 6

- a) Discuss with relevant case laws the general defences in Tort. (10 marks)
- b) Why is subcontracting prevalent in the Construction industry? (15 marks)