

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
FACULTY OF BUILT ENVIRONMENT
DEPARTMENT OF QUANTITY SURVEYING
PART I SECOND SEMESTER EXAMINATIONS – JUNE 2010
LAW: CONSTRUCTION AND ENGINEERING I – AQS1205

Time: 3 hours

Total Marks: 100

INSTRUCTIONS:

Answer any four questions, all questions carry equal marks.

QUESTION ONE

- a) What is an offer? (2 marks)
- b) For an offer to be valid there are some requirements which need to be satisfied. Discuss these requirements with the aid of examples and case law authorities. (10 marks)
- c) Discuss various ways in which an offer can be terminated. (10 marks)
- d) Clarify what is meant by the term consensus ad idem. (3 marks)

QUESTION TWO

- a) What is law? (2 marks)
- b) In order to have a valid contract, both parties must have capacity to the contract however; certain groups of people may not have full capacity. Discuss these groups of people. (8 marks)
- a) Briefly discuss the law of contract outlining the requirements for a valid contract. (15 marks)

QUESTION THREE

- a) What is misrepresentation? (2 marks)
- b) Discuss various forms of misrepresentation stating examples where possible. (10 marks)
- c) What are the remedies for misrepresentation? (8 marks)

- d) Outline various ways of improperly obtaining consensus. (5 marks)

QUESTION FOUR

- a) Give brief explanations on each of the following types of mistakes :-
- i) Error in negotio (2 1/2 marks)
 - ii) Error in persona (2 1/2 marks)
 - iii) Error in substantia (2 1/2 marks)
 - iv) Error in corpore (2 1/2 marks)
- b) What are the causes for breaching of contract and the remedies applied. (10 marks)
- c) What do you understand by delict of trespass? (5 marks)

QUESTION FIVE

- a) Differentiate between the Law of Contract and the Law of Tort. (5 marks)
- b) Discuss the types of wrongs which are dealt with in the Law of Tort giving examples where applicable. (5 marks)
- c) What are the general defences in Tort? (5 marks)
- d) Remedies for tortious behaviour include damages and injunction. Briefly discuss these damages giving examples. (10 marks)

QUESTION SIX

- a) What are the liabilities of a sub-contractor to the main contractor in the event of a breach of any term of the sub-contract? Relate your answer to the Law of Tort and Contract. (15 marks)
- b) Briefly outline the reasons why sub-contracting is prevalent in the construction industry. (10 marks)

