

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY
FACULTY OF THE BUILT ENVIRONMENT
BACHELOR OF QUANTITY SURVEYING

PART 1 SECOND SEMESTER EXAMINATIONS MAY 2013

LAW: CONSTRUCTION AND ENGINEERING 1 – AQS 1205

Time: 3 hours

Total Marks: 100

Instructions to candidates

Answer any **four** questions

QUESTION ONE

- a. State and explain any five principles of law **(10marks)**
- b. Judicial precedent is recognized as one source of law in Zimbabwe; discuss this source of law highlighting the advantages and disadvantages of using this source of law. **(15marks)**

QUESTION TWO

With reference to case law authorities, discuss various ways in which law may invalidate a contract. **(25marks)**

QUESTION THREE

- a. With the aid of relevant case laws and examples discuss the problem associated with contracts concluded through the following;
 - i. Telephone **(5 marks)**
 - ii. Post **(5marks)**
- b. With the aid of relevant examples explain the requirements for valid acceptance. **(15 marks)**

QUESTION FOUR

- a. What is an exclusion clause? **(2 marks)**
- b. What is 'Parol Evidence' rule and when is it applicable **(4 marks)**
- c. Differentiate express terms of a contract to implied terms of a contract **(4 marks)**
- d. Discuss various ways of discharging a contract **(15 marks)**

QUESTION FIVE

- a. Distinguish the scope and objective of tort as compared with contract **(5 marks)**
- b. Name and explain the general defenses in tort **(8 marks)**
- c. Discuss the essential elements of negligence **(12 marks)**

QUESTION SIX

- a. Define trespass and explain its major elements **(6 marks)**
- b. Differentiate the three forms of trespass to a person indicating the defenses and remedies available in each case **(9 marks)**
- c. With the aid of case laws and relevant examples differentiate private nuisance from trespass **(10 marks)**

END OF EXAMINATION