

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

FACULTY OF THE BUILT ENVIRONMENT

BACHELOR OF QUANTITY SURVEYING

PART SUPPLEMENTARY EXAMINATIONS AUGUST 2013

LAW: CONSTRUCTION AND ENGINEERING 1 – AQS 1205

Time: 3 hours

Total Marks: 100

Instructions to candidates

Answer any **four** questions

QUESTION ONE

- a. What is law? **(2 marks)**
- b. What is the purpose of having law **(5 marks)**
- c. Name and explain the major sources of law **(8 marks)**
- d. With aid of examples highlight the major difference between criminal law and civil law **(10 marks)**

QUESTION TWO

- a. What is a contract **(2 marks)**
- b. What is meant by the term contra proferentum rule and when is it applicable **(4 marks)**
- c. Explain the following contracts
 - i. Null and Void contracts **(3 marks)**
 - ii. Voidable contracts **(3 marks)**
 - iii. Unenforceable contracts **(3 marks)**
- d. Highlight and explain the requirements for the formation of a valid contract **(10 marks)**

QUESTION THREE

- a. Highlight the most important facts which should be considered for effective revocation **(5 marks)**
- b. If a contract has been formed through misrepresentation the prejudiced party may decide to have the contract cancelled and claim restitution. Discuss the requirements for successful restitution **(10 marks)**
- c. Explain any 5 types of mistakes and their effects to contracts **(10 marks)**

QUESTION FOUR

- a. Highlight the circumstances which result in termination of an offer **(10 marks)**
- b. Discuss factors which affect capacity to contract **(15 marks)**

QUESTION FIVE

- a. Why negligence is considered as the most important tort **(5 marks)**
- b. With the aid of case law authorities, discuss the major elements of negligence tort **(20 marks)**

END OF EXAMINATION