



NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

FACULTY OF THE BUILT ENVIRONMENT

DEPARTMENT OF QUANTITY SURVEYING

LAW: CONSTRUCTION AND ENGINEERING 1

AQS1205

May 2016

This examination paper consists of 2 pages

Time Allowed: 3 hours

Total Marks: 100

Special Requirements: None

Examiner's Name: M. E. MAKOTA

INSTRUCTIONS

1. Answer any four (4) questions
2. Each question carries 25 marks

MARK ALLOCATION

QUESTION	MARKS
1.	25
2.	25
3.	25
4.	25
5.	25
TOTAL	

QUESTION ONE

- a) State and explain the principles of law (5)
- b) Give a brief explanation of the purpose of law (5)
- c) Discuss legislation as a source of law that forms the legal system of Zimbabwe (15)

QUESTION TWO

- a) Differentiate unilateral from a bilateral contract (4)
- b) With aid of examples distinguish executory consideration and executed consideration (6)
- c) Describe the essential elements of legally enforceable contract as observed under the common law (15)

QUESTION THREE

- a) If a contract has been formed through misrepresentation the prejudiced party may either uphold to the contract or have the contract cancelled and claim restitution. Explain the requirements of successful restitution (10)
- b) With reference to case laws and examples discuss ways in which a contract can be invalidated (15)

QUESTION FOUR

- a) With aid of case laws discuss the effects of the postal method as way of communicating acceptance (10)
- b) Explain the following ways of discharging a contract
 - i. Frustration (7)
 - ii. Agreement (8)

QUESTION FIVE

- a) Outline the concept of vicarious liability in tort (5)
- a) Discuss the tort of negligence including remedies available to the wronged party (20)