



**NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY**

**FACULTY OF THE BUILT ENVIRONMENT**

**DEPARTMENT OF QUANTITY SURVEYING/CONSTRUCTION MANAGEMENT**

**PRINCIPLES OF CONSTRUCTION LAW**

**BCS 1202**

**Main Examination Paper**

**October, 2024**

This examination paper consists of two (2) pages.

**Time Allowed: 3 hours**  
**Total Marks: 100**  
**Special Requirements: None**  
**Examiner's Name: Mr B. Gaule /Mr L. Bvute**

**INSTRUCTIONS**

1. Choose **Any Four (4)** Questions

**MARK ALLOCATION**

<b>QUESTION</b>	<b>MARKS</b>
1.	25
2.	25
3.	25
4.	25
5	25
<b>TOTAL</b>	<b>100</b>

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### Question One

- a) Explain briefly your understanding of the delict of negligence. [5 marks]
- b) With the aid of an example, explain Vicarious Liability [5 marks]
- c) Discuss Private Nuisance. [5 marks]
- d) With reference to part c) above, highlight remedies and defences available to:
- i. the injured party. [ 5 marks]
  - ii. the defendant. [ 5 marks]
- [25 marks]**

### Question Two

- a) State **five (5)** vitiating elements affecting consensus. [5 marks]
- b) Discuss misrepresentation, highlighting the various forms and the available remedies in the construction industry? [ 20 marks]
- [25 marks]**

### Question Three

- a) State any **five (5)** requirements of a valid acceptance. [ 5 marks]
- b) Differentiate:
- i. voidable contract from a void contract [5 marks]
  - ii. criminal from civil law [ 5 marks]
- c) Describe any five **(5)** requirements of a valid contract. [10 marks]
- [25 marks]**

### Question Four

- a) Give a brief overview of the **four (4)** types of damages that can be recovered for contract breaches. [12 marks]
- b) Using examples, discuss various ways of terminating contracts. [13 marks]
- [25 marks]**

### Question Five

- a) Explain any **five (5)** general defences in Tort. [10 marks]
- b) With the aid of any **three (3)** case laws, discuss the occupier's liability in the construction industry. [15 marks]
- [25 marks]**

**END OF EXAMINATION**