



REFORMED CHURCH UNIVERSITY

FACULTY OF COMMERCE

**BACHELOR OF COMMERCE HONOURS DEGREE IN
LOGISTICS AND SUPPLY CHAIN MANAGEMENT**

COMMERCIAL LAW

HLSM 234

PART 2 SEMESTER 1

TOTAL MARKS [100]

DATE: JUNE 2023

Time: 3 Hours

INSTRUCTIONS

1. This paper has *six (6)* questions
2. Answer question *one (1)* and *any* other *three (3)*
3. Each question carries *25 marks*
4. Start each question on a new page

Question 1

Explain the following terms as they relate to commercial law:

- (a). Tacit emancipation. (5)
- (b). Suspensive Condition (5)
- (c). The Parol Evidence or Intergration Rule (5)
- (d). Contracts in restraint of trade (5)
- (e). Aedilition Remedies (5)

Question 2

Examine the requirements for the voiding of a contract on the grounds of:

- (a). Duress (13)
- (b). Undue influence (12)

Question 3

Mr Nkonde bought 200 bags of maize from GMB without taking a delivery which was agreed to be done by GMB five days later. On the sixth day the GMB was gutted by fire which was started by its workers who were cleaning the premises. Mr Nkonde saw the incident on social media and rushed to the GMB. Upon arrival he met the manager who told him that his 200 bags of maize were still among the stock which was burned down and that was that.

Advise Mr Nkonde.

(25)

Question 4

An act done by an agent without authority is capable of being ratified by the principal. Discuss the concept of and the requirements of ratification. (25)

Question 5

Discuss the concept of vicarious liability in relation to the law of employment. (25)

Question 6

Discuss the common law duties of the lessor and lessee in a contract of lease. (25)

End of Paper