



**REFORMED CHURCH UNIVERSITY**

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**FACULTY OF COMMERCE**

**BACHELOR OF COMMERCE HONOURS DEGREE IN BUSINESS  
MANAGEMENT**

**COMMERCIAL LAW**

**HBUM 119**

**PART 1 SEMESTER 2**

**Total Marks [100]**

**DATE: APRIL 2024**

**Time: 3 Hours**

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**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**

- (a) Explain Judicial precedence as a source of law (12)  
(b) Analyze the functions of a Judge. (13)

**Question 2**

Explain the following terms as applied under law of lease.

- (i) Holding over by the lessee. (5)  
(ii) Huur Gaat Voor Koop (5)  
(iii) Hypothec for rent (5)  
(iv) Vacua possession (5)  
(v) Tacit relocation (5)

**Question 3**

Explain the common law duties of a Seller and a Buyer in a contract of Sale. (25)

**Question 4**

Chakaza is an illiterate businessman who signs a written contract of Sale without understanding its contents. Discuss the validity of contract. (25)

**Question 5**

Explain any five (5) implied duties of the landlord at common law. (25)

**Question 6**

Explain any four ways of creating agency. (25)

**END OF PAPER**