



“Investing in Africa’s future”

COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE

MM203: BUSINESS LAW

END OF SECOND SEMESTER FINAL EXAMINATIONS

APRIL /MAY 2020

LECTURER: C. MUNGUMA

DURATION: 48 HRS

INSTRUCTIONS

Answer 1 **QUESTION** from **the THREE** questions in the question paper.

You have 48 hours (2 days) to complete and submit your answer on moodle or to the examiner on email on mungumac@africau.edu

Question 1

John went into a self-service shop to buy cigarettes that were in short supply in the country due to the lockdown measures. On this occasion he was so happy that he found a shop that had supplies. He immediately took two packs of 20 to the till point and paid. He went away. After the purchase but a few meters from the shop he met his other smoking friend who asked where he had found the tobacco supplies. John and the friend decided to go back to the shop for more supplies. This time around John decided to buy a brick (which is a pack of 6 boxes) of tobacco. The till operator allowed John to pay for the brick with his debit/swipe card. After the payment went through and before John could leave the shop, the shop manager Mr Favours came to the scene. By then John had the purchase receipt in his hand.

The shop Manager rebuked the till operator for making a mistake in selling a brick to John when there was a tobacco shortage nationally. He immediately started counting some bank notes to give to John for the extra boxes he had purchased. He indicated that he had previously advised all till operators to sale a maximum of two packs of twenties of cigarettes per customer whatever the circumstances. As a result, he ordered John to return the extra boxes and to retain only two packs of cigarettes. He threatened to call the police if John failed to return the brick he had bought. John and his friend tried to explain their position to no avail. In order to prevent a scene in the shop John and his friend gave in and accepted the “change” that the manager was giving them and went away with only two packs of cigarettes each.

John and his friend are seriously aggrieved and have decided to go to the courts on the ground that the shop manager had acted unfairly and in breach of contract.

- a) Explain the chances of success of the two friends in their court case against the shop. [20 marks].
- b) Analyse lawfulness as requirement of a valid contract in Zimbabwe? Provide examples to support your answer. [5 marks]

Question 3

- a) Jacob a radical lawyer who supports the legalization of marijuana for entertainment purposes was heard saying that, “it is not the business of law to tell adult persons what contracts they should enter into or not. All adult persons of full capacity should be free to enter into any contract of their choice without any limitation of the law whatsoever”. As a student of business law analyse whether this statement is an accurate reflection of the law or not? In your answer you must deal with the following:
 - i) Contracts generally
 - ii) Contracts of sale

- iii) Choice of businesses
- iv) Contracts of employment [25marks]

Question 3

Discuss the view that employment law in Zimbabwe is skewed in favour of those with money and does not favour the poor. You must fully justify your answer. [25marks]

End of Paper