



COLLEGE OF SOCIAL SCIENCES, THEOLOGY, HUMANITIES & EDUCATION

**NHIR 316: LAW OF CONTRACT
END OF SECOND SEMESTER EXAMINATIONS**

NOVEMBER/DECEMBER 2023

LECTURER: DR N. PINDUKA

DURATION: 3 HRS

INSTRUCTIONS

- Answer **THREE** questions.
 - Answer compulsory question in **Section A** and any other **two** in Section B
 - Section A carries 40 Marks and each question in Section B carries 30 Marks.
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SECTION A

QUESTION 1

Mr. Despair is a representative of the Black and White Africa Youth Movement, a non-profit group. His organization signed a deal with the international charitable organization I-Mentor Africa three months ago that was focused on addressing humanitarian concerns. Although the contract was completed, Mr. Despair is now contesting its legality due to circumstances that led to the arrangement. Mr. Despair claims that he felt pressure from I-Mentor Africa staff during the negotiation process. He adds that his ability to reach a free and impartial conclusion in the matter was impacted by the actions of I-Mentor Africa's officials. He says he was made to sign the contract under threat of losing contact with his wife if he did not. Mr. Despair adds that when I-Mentor Africa personnel arrived to his home at around 1 a.m. in the morning with well-known government officials and armed protection, he was forced to comply with some of their requests. He contends that this made it harder for him to negotiate. Additionally, he claims that Carmilla (name of a person) approached and offered him \$5000 if he would agree to the contract between the Black and White Africa Youth Movement and I-Mentor Africa. Last but not least, Mr. Despair observes that he is no longer aware of I-Mentor Africa's contract intents because several of the contract provisions were reached without an honest belief in their genuineness at the time of agreement.

Based on the facts that have been presented to you above, prepare a legal opinion challenging the validity and enforceability of the contract that was signed between Black and White Africa Youth Movement and I-Mentor Africa [40]

SECTION B

QUESTION 2

You work as an intern for the HelpAid Trust, which is international non-governmental organization that assists the forcibly displaced persons in Africa. HelpAid Trust intends to enter into multiple agreements with various organizations that protect the forcibly displaced in Southern Africa. The Director of the organization has given you a task to prepare a legal opinion

on the characteristics of a valid offer in the law of contract. The Director has specified that you should make reference to specific case law in your opinion.

Prepare the legal opinion and consider the specifications from the Director of HelpAid Trust.
[30]

QUESTION 3

- i. Differentiate between a statement of information and an offer in relation to the law of contract.
[10']
- ii. The rules of offer and acceptance constitute a useful, but not essential, analytical tool in understanding the formation of contracts.' Discuss [20]

QUESTION 4

The Board of Directors and Trustees for the organization that intends to hire you for internship has voiced concern regarding the failure of some of the organization's partners to carry out certain contractually mandated duties and obligations in accordance with the established agreements. As part of the interviewing process The Board of Directors and Trustees has tasked you to create a comprehensive document describing legal breaches as they apply in contract law:

Mora debitoris [10]

Mora creditoris [5]

Positive malperformance [5]

Repudiation [5]

Prevention of performance [5]

QUESTION 5

You have been chosen as a potential applicant by the Africa Youth Forum for their six-month Contract Law Research Fellowship Program (January–June 2023). Write a 1000-word essay on the three conditions for a legally binding contract as part of their hiring process. [30]