



SUPPLEMENTARY EXAMINATION
MEMORANDUM

SUBJECT : CONSTRUCTION LAW 2B

CODE : CLWCOB2

DATE : NOVEMBER 2021

DURATION : 3 HOURS

TOTAL MARKS : 100

EXAMINER : MISS N ISMAIL

MODERATOR : MRS S HASSEN

NUMBER OF PAGES : 4 PAGES

QUESTION 1

1. **signatory is bound by the written agreement**
2. **Misinterpretation**
3. **The agreement must be reduced to writing or integrated into a single complete document**
4. **To remedy a reasonable error that transpired when the agreement was put into writing**
5. **correct something (usually an error)**
6. **Only i, iii, iv and v are correct**
7. **Novation**
8. **Only iii and iv are correct**
9. **Supervening impossibility of performance**
10. **Initial impossibility of performance**
11. **Prevention of performance**
12. **A debt secured by mortgage bond, judgment debt, a debt in respect of any taxation imposed or levied by or under the law will only prescribe after a period of 30 years**
13. **Merger**
14. **Only ii and iii are correct**
15. **Only ii and v are correct**
16. **Only a judge can interpret the true meaning of a contract**
17. **i, ii, iv are correct**
18. **Performance must be impossible**
19. **Prevention of performance**
20. **Positive malperformance**
21. **Where one party acts contrary to the terms of the contract without lawful justification and causes another party a loss**
22. **Only i, iv and v are correct**
23. **Only i, iv and v are incorrect**

QUESTION 2

1. **F**
 2. **T**
 3. **T**
 4. **T**
 5. **F**
 6. **T**
 7. **F**
 8. **F**
 9. **T**
 10. **T**
 11. **T**
-

QUESTION 3

1. **intention**
2. **signatory**
3. **ordinary**
4. **creditor**
5. **performance**
6. **cessionary**
7. **duties**
8. **foreseen**
9. **liability**
10. **damages**
11. **reasonably**
12. **plaintiff**

QUESTION 4

- 1.1.1 **Limited**
- 1.1.2 **Trustee**
- 1.2.1 ***Infans***
- 1.2.2 **No CC**
- 1.2.3 **None**
- 1.3 **Limited**

QUESTION 5

1. **Warranty**
2. **Penalty**
3. **Forfeiture**
4. **Entrenchment**

QUESTION 6

1. **Resolutive condition**
2. **Resolutive time clause**
3. **Resolutive time clause**
4. **Suspensive condition**

QUESTION 7

1	2	3	4	5	6	7	8	9	10	11	12
T	O	H	K	D	L	I	C	J	A	R	M

QUESTION 8

Interrupted

Lapse + start *de novo*

Service of process

QUESTION 9

9.1.1 Set off

Extinguishing of debts owed reciprocally by the two parties

9.1.2 Similar nature

Liquidated

Claimable

Between the same persons

9.2.1 Written document = only record of the agreement

Written document is the only evidence that may be placed before the court to prove the contract or any terms

No other evidence may be placed before the court

9.2.2 Rectification

Amendment of written document → record the parties' true intention

Requirements

9.3.1 Prevention of performance by the debtor

9.3.2 Cancellation + damages

Specific performance may not be utilized

9.3.3 Supervening impossibility

Termination

END OF MEMORANDUM

TOTAL: 100 MARKS