



SYLLABUS

PRINCIPLES OF LAW, ZIMBABWE

LEARNING OUTCOMES OF THE COURSE

The student will be able to apply the legal principles as described in the syllabus when they have completed the study of “Principles of Business Law, Zimbabwe”.

RECOMMENDED TEXTBOOKS

Business Law in Zimbabwe by Christie (published by Juta)
Zimbabwean Company Law by Tett and Chadwick (published by Zimbabwe Law Journal)

SYLLABUS

General Principles of Law and Structure of Zimbabwe Courts

- ❑ The concept of Law – Define what is meant by the term Law
- ❑ The elements of Law and the difference between real and personal rights
- ❑ The concept of legal personality and the difference between natural and juristic persons
- ❑ The purposes and functions of the law
- ❑ The sources of Law – legislation, judicial precedent, common law, etc.
- ❑ Understanding of the structure, hierarchy and composition of the Courts
- ❑ The distinction between civil and criminal processes

Introduction to Corporate Law

- ❑ The distinction between companies, private business corporations, partnerships, voluntary organisations and sole traders, and other incorporated and statutory bodies
- ❑ Understanding the steps in forming and dissolving a company
- ❑ Introduction to corporate personality limited liability through share capital
- ❑ The function and powers of directors
- ❑ Introduction to company meetings and the requisite administrative practice

Contracts

- ❑ Definition of a contract
- ❑ The essentials for a valid contract – to be studied in detail viz.: the lawfulness of the agreement, contractual capacity, intention to contract, agreement to be communicated and not vague, parties must be of the same mind, the contract must be possible to perform.
- ❑ The role and rules of offer and acceptance in contracts
- ❑ Contracts accepted through the post in relation to the various legal theories

- ❑ Contracts accepted by telephone and offers that introduce special terms such as signs, tickets and receipts
- ❑ The effect of counter offers on the contract
- ❑ The difference between void and avoidable contracts
- ❑ The effect of mistake, misrepresentation and undue influence of contracts
- ❑ Possibility of performance – physical and legal possibility
- ❑ Agreements in restraint of trade
- ❑ The par delictum rule and relaxation of the rule
- ❑ Contracts subject to suspension and resolute conditions
- ❑ Contracts for the benefit of third parties
- ❑ Assignment, cession and delegation
- ❑ Termination of contracts viz. performance, release, novation, merger, set off, prescription
- ❑ Forms of Breach of Contract and remedies for such breach

Sale

- ❑ Definition of a Contract of Sale
- ❑ The essential elements of a Contract of Sale viz. agreement to deliver, agreement of the things to be sold, agreement of the price to be paid
- ❑ Obligations of the seller in Contracts of Sale
- ❑ Different forms of delivery, carriage of goods
- ❑ Duties of the buyer in Contracts of Sale
- ❑ Special kinds of sale viz. sales by auction, CIF sales, FOB sales, FOR sales
- ❑ The passing of the risk and the passing of ownership of movable and immovable property
- ❑ Introduction to insurance law
- ❑ Warranties in Contracts of Sale viz. Implied warranty against eviction and implied warranties against latent defects – the actio redhibitoria, the actio quanti moris – the role of a voetstoots clause – the actio ex empti

Consumer Law

A broad understanding of The Hire purchase Act [Chapter 14:09], The Consumer Contracts Act [Chapter 8:03] and The Contractual Penalties Act [Chapter 8:04] as they affect the relationship between buyers and sellers.

Lease

- ❑ The definition of the Contract of Lease
- ❑ The essentials of a valid lease viz. what is to be leased, the duration of the lease, the rent to be paid, and how leases are terminated
- ❑ Rules for leases of 10 years or more
- ❑ Duties of the landlord and of the tenant
- ❑ The principle of Huur gaat voor koop
- ❑ Remedies of landlords and tenants in the event of Breach of Contract

Agency

- ❑ Definition of a Contract of Agency
- ❑ Types of agency and the principal
- ❑ Special types of agents
- ❑ Liability of the parties of contracts entered into by the agent

- ❑ Termination of the agent's authority
- ❑ Advantages and disadvantages of employees and independent contractors
- ❑ The Common law duties of the employer and the employee
- ❑ The liability of the employer for the delicts of the employee

Partnership

- ❑ Definition of a Contract of Partnership
- ❑ Essential elements of partnership
- ❑ Nature of partnership
- ❑ Rights and duties of partners
- ❑ Remedies for breach of duties by partners
- ❑ Termination of partnerships of consequences thereof

Negotiable Instruments

- ❑ The nature of negotiable instruments
- ❑ Types of negotiable Instruments viz. Bills of Exchange, cheques, promissory notes
- ❑ Elements of the definition of a Bill of Exchange
- ❑ Parties to a Bill of Exchange, cheque or promissory note
- ❑ Definition of a holder and a holder in due course
- ❑ Liability on a Bill of Exchange
- ❑ Absolute and relative defences
- ❑ Cheques – effect of cash or “to order” cheques, forged cheques, alterations on documents, crossings and marking of cheques, protection for the drawer on a crossed cheque, protection for the banker on a crossed cheque.

Security

- ❑ Difference between real and personal securities
- ❑ Definition of Mortgage, how entered into and how terminated
- ❑ A special mortgage – Kusting brief
- ❑ Definition of Pledge – how entered into, rights and duties of the parties
- ❑ Liens – brief definition and the elements of possession through liens
- ❑ Debtor and creditor liens and enrichment liens
- ❑ Suretyship – definition
- ❑ Suretyship the nature of the principle debt
- ❑ The rights of the surety and the right of contribution from co-sureties
- ❑ Special defences against creditors viz. benefit of excussion, benefit of division and benefit of cession of action
- ❑ Termination of the Contract of Suretyship

The Law of Insolvency

- ❑ An understanding of the process and consequences of voluntary surrender and sequestration in terms of the Insolvency Act [Chapter 6:04]
- ❑ The administration and winding up of an insolvent estate including schemes and rehabilitation

THE EXAMINATION

1. Students will write one three-hour in the subject Principles of Law, Zimbabwe, and the examination is conducted twice per annum, in May and October.

2. The examination paper will comprise sufficient questions to allow the student a choice in answering. The total marks awarded will be 100 marks.
3. The questions will comprise a mixture of straightforward recall type questions and also situational type questions in which the student's ability to apply legal principles to a given situation is tested.

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