Faculty	Commerce, Management and Law
Department	School of Accounting
Subject	Commercial Law A
Subject code	ACL3631
Date	June 2026
Time allowed	3 hours
Marks	100

First Opportunity Examination

Examiner: Mr. Johannes Uusiku (University of Namibia)

Moderator: Prof. Marvin Awarab (Welwitchia University)

Instructions to students:

1. This paper consists of three (3) pages including this cover page.
2. Answer ALL questions.
3. Answers to all the questions must be written in full in the answer booklet provided.
4. No books, dictionaries, papers, cellular phones, or any other written materials are allowed in the examination room/hall.
5. Clearly indicate on the answer booklet the mode of study i.e., fulltime/ distance.
6. Candidates who break the University of Namibia Examinations Regulations or commit malpractice will be disqualified from this examination.

UNIVERSITY OF NAMIBIA

EXAMINATION

Question 1 (20 Marks)

Read the following scenario below and answer the questions that follows.

Philip is a member of a criminal syndicate that sells pangolin scales that he obtains from poachers. Mike knows Philip sells illegally obtained pangolin scales. Mike places an order for 10 kg scales that he wishes to export to the East. They agree on the purchase price of N$100 000 for the scales and Mike transfers the money to Philip's account. Both parties have the capacity to act, and the agreement is physically possible. Peter delivers elephant tusks instead of pangolin scales to Mike. Mike refuses to accept the elephant tusks and claims his money back from Philip.

Answer the following:

(a) Discuss the requirements of a valid contract. (10)

(b) With reference to the above-mentioned scenario evaluate if the requirements for a valid contract were met. In your answer also indicate if Mike can claim the N$100 000 back from Philip as Mike did not take delivery of the tusks. (15)

Question 2 (20 marks)

Discuss if a valid contract was concluded in each of the following cases as well as the effect it will have on the contract if a valid contract was indeed concluded.

(a) Sophia is in hospital for heart surgery and fears that she will not survive the operation. Her neighbour, Peter, visits her every day and agrees to feed her Koi fish back home. In return for feeding the fish, he persuades her to sell him her Kruger Rand for far less than its market value. Sophia has no other choice but to agree to the sale of the Kruger Rand as there is no one else to feed her Koi fish. (10)

(b) Prof Radebe parks his car in front of a shopping mall. After having done his shopping, he cannot find his car. Under the impression that it has been stolen, he buys a second hand car from Mlungisi. An hour after he has concluded the contract of sale with Mlungisi, the police inform him that his car has not been stolen but was parked a few parking spaces from where he thought he had parked it. (10)

Question 3 (25 marks)

Name and describe five different remedies for breach of contract?

Question 4 (10 marks)

Discuss the distinction between a void and a voidable contract.

Question 5 (16 marks)

Fully discuss the distinction between an offer and an invitation to treat.

Question 6 (4 marks)

List at least four types of contracts which must comply with the formalities of being in writing.

END OF PAPER: BEST WISHES!!!!