

UNIVERSITY OF BOLTON

OFF CAMPUS DIVISION

IDM - BOTSWANA

BA (HONS) ACCOUNTANCY

SEMESTER 1 EXAMINATIONS 2018/19

INTRODUCTION TO LAW FOR ACCOUNTANTS

MODULE NO: ACC4014

Date: 15th January 2019

Time: 2 hours

INSTRUCTIONS TO CANDIDATES:

There are 2 questions on this paper.

You must answer ALL questions.

The questions carry equal marks.

Answer ALL Questions

Question 1

Refilwe is a specialist surgeon employed by Marina Public Hospital. She examined Obakeng, a patient at the hospital and recommended a diagnostic operation to determine whether Obakeng had a malignant growth affecting his prostate gland. Refilwe did not notify Obakeng before the operation that there was a slight statistical possibility that the operation, even if skilfully done, would cause permanent sterility. In failing to give this information Refilwe overlooked a written instruction by Marina Public Hospital to its specialist surgeons prohibiting operations of this kind unless full information about associated risks had been given to patients.

The diagnostic operation was performed skillfully and successfully by Refilwe, after Obakeng had given his consent, and it was ascertained that Obakeng did not have a malignant growth. However, as a result of the operation Obakeng became permanently sterile.

Required

Advise Obakeng of the principles of tort law relevant to any claim he may wish to bring against the Hospital. **(50 marks)**

Question 2

Basisi is a car dealer in Gaborone. He placed an advertisement in the Botswana Sunday Standard on 7 October 2018. The advertisement stated 'Once in a lifetime chance to own a 2018 edition Range Rover for only P450,000 – cash only. This is a serious offer – the car will go to the first person who accepts it – offer is valid for one day only – today Sunday 7 October 2018.'

In the morning of 7 October 2018, **Naledi** saw the advert in the Botswana Sunday Standard, she immediately posted a letter of acceptance of Basisi's offer of the Range Rover for P450,000 cash in order to make sure she got the car, as she was staying some 400 km away from Gaborone, where the car was being sold.

Kgopolo also saw the advert and asked his mechanic to inspect the car and offered Basisi a cheque for P450,000, but he refused to accept the cheque and told him he could not have the car as he wanted strictly cash.

**Question 2 continues over the page
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Question 2 continued...

Later in the day, **Wame** asked Basisi if he would keep the offer open until she could get to her bank to arrange a loan on Monday the 8th of October. Basisi agreed, but subsequently, when Thabang offered to pay P500,000 in cash for the Range Rover, Basisi sold the car to him.

On Monday morning Naledi's letter arrived, and Wame returned to complete her purchase of the car.

Required

Required: In the context of the rules governing the creation of contracts, advise: as to the precise legal nature of Basisi's advertisement and explain whether Naledi has entered into a binding contract with Basisi and whether Kgopolo has any right of action against Basisi and whether Wame has any right of action against Basisi.

(50 Marks)

END OF QUESTIONS