

NATIONAL UNIVERSITY OF LESOTHO

FACULTY OF LAW

**LAW OF EXPORT TRADE – L592-3
SUPPLEMENTARY EXAMINATION 1**

JULY 2009

MARKS:100

TIME: 3 HRS

INSTRUCTIONS

1. Answer any four questions
 2. Each question carries 25 marks
 3. The use of cases **AND** relevant factual examples shall be rewarded
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Question 1

Dd is on his way to London, boarding at **OR Tambo International Airport**. He leaves his aeroplane seat just before takeoff and approaches the open door of the aircraft in order to wave goodbye to his parents and friends, who are watching from the airport terminal. As he waves goodbye, the boarding ramp is pulled away from the aircraft and he falls from the plane. The 'fasten seat belt' sign was on when he left his seat. South Africa incorporated the Warsaw Convention into its legislation.

Should the airline carrier be responsible for **Dd's** injuries?
[25 MARKS]

Question 2

Mr X is a farmer producing papaya at Masianokeng for consumption purposes. He now wants to sell the product overseas. Write a memorandum advising Mr X as to what steps he must take in order to establish a business exporting papaya in Lesotho.

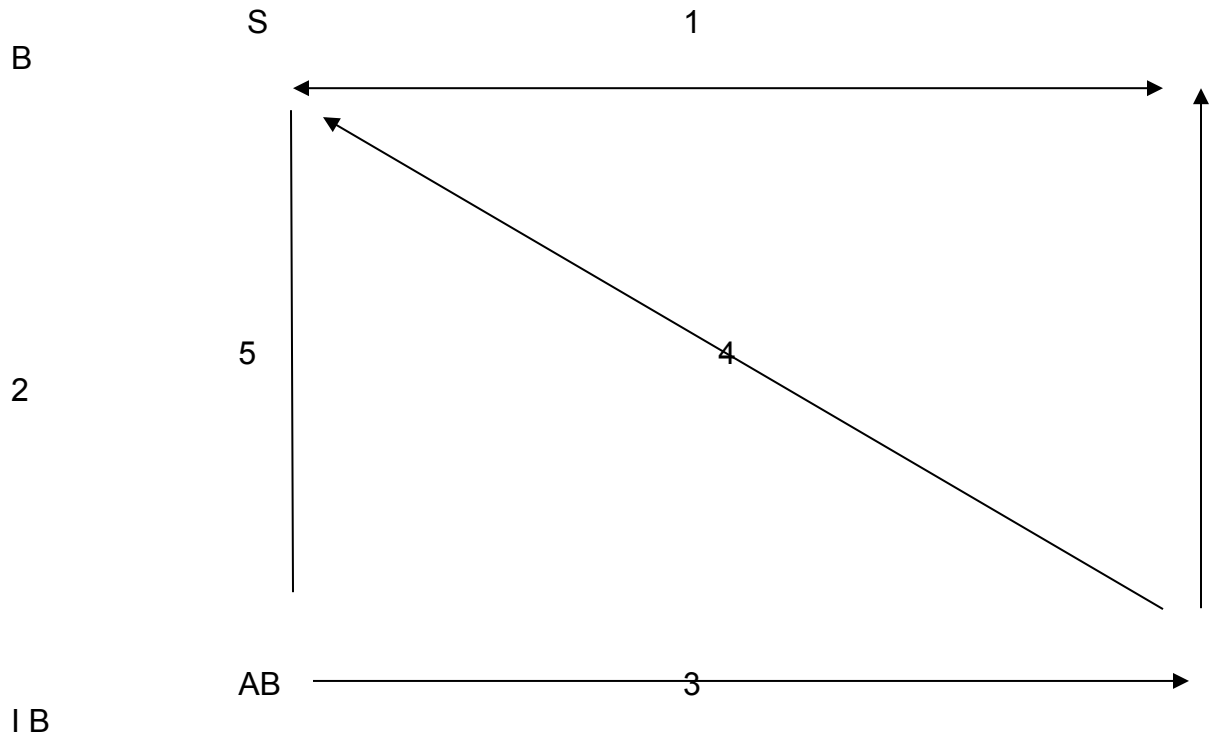
[25 Marks]

Question 3

In the case of **Pyrene v Scindia** the contract of the third type of FOB contracts was in issue.

- What were the material facts of this case?
[5MARKS]
- What was the type of fob contract involved?
[5MARKS]
- What was the courts decision?
[5MARKS]
- Which law was applied?
[5MARKS]
- What is the importance of distinguishing the various types of FOB contracts.
[5MARKS]

Question 4



Key:

S = Seller
 B = Buyer
 AB = Advising Bank
 IB = Issuing Bank

The above diagram represents contractual undertakings in an irrevocable documentary credit; interpret and analyze these undertakings as represented by numbers 1 to 5

[25 MARKS]

Question 5

- (i) Describe the parties involved in the bill of exchange below.
[10 MARKS]

<p style="text-align: center;">Maseru</p> <p style="text-align: center;">February 15</p> <p style="text-align: center;">Loti Brick (A)</p> <p>On demand pay the Brittanica Bank ltd (C) or order the sum of ten thousand Pounds for value received.</p> <p>To Milestone construction ltd (B) Mollies Lane New York</p>
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- (ii) Distinguish between the different types of charter parties.
[15 MARKS]

Question 6

A and **B** agree on a sale of unprocessed wool. They have chosen South African law as the governing law of their contract. South African law had incorporated the convention at the time of the contract. The buyer was located in Malawi, which was a member of the convention when the contract was concluded. The seller was located in Lesotho, which became a member of the convention after the conclusion of the contract.

Is the CISG applicable?
[25 MARKS]