



<b>Assignment</b>	
<b>Student Name &amp; Nr:</b>	<b>100%</b>

**Brief:**

This assignment is based on the work you covered in Module 21 Hospitality Law II.

**By the rules of common law, seven essential elements are required to ensure the validity of a contract:**

- **Serious intent**
- **Communication of intention through offer and acceptance**
- **Terms of agreement must not be vague**
- **Voluntary consent (consensus)**
- **Contractual capacity of parties**
- **Possibility of performance**
- **Lawful purpose**

The assignment requires you to research Law of Contract in South Africa and report on the following:

- (a) Choose one of the abovementioned elements and write a detailed discussion thereof.
- (b) Find at least two (2) South African court cases that were instrumental in the development of your chosen element. You are required to discuss the main facts of the case, the *ratio decidendi* and the outcome of the case.
- (c) The purpose of exclusionary terms is to limit or exclude one party's responsibility under a contract. Analyse the legal position where parties are exempt from liability i.e exemption/disclaimer clauses according to South African law.
- (d) Do an examination of the impact that the Consumer Protection Act 68 of 2008 may have on the enforcement of exemption clauses.

Marks will be awarded for your ability to gather and analyse data and to formulate the information into an academic report.

**Structure:**

Assignments must be formatted according to the IHT Assignment template using the following structure.

Marks will be awarded for the structuring, formatting and technical care of your assignment.

**Front Matter**

- 1.1 Cover page with Declaration
- 1.2 Executive Summary
- 1.3 Table of Contents

**Body Matter**

- 2.1 Introduction
- 2.2 Discussion of chosen element
- 2.3 Discussion of two (2) cases:
  - Main facts
  - Reasons for court's decision
  - Outcome of case
- 2.4 Analysis of exemption clauses in South Africa
- 2.5 Examination of the impact that the Consumer Protection Act 68 may have on the enforcement of exemption clauses.
- 2.6 Conclusion

**End Matter**

- 3.1 Reference list
- 3.2 Appendices

<b>Submission date</b>	<b>22 March 2022</b>
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**Marking Criteria:**

The following criteria will be used to mark your assignment, acting as a good guideline for setting up your assignment.

**Content**

Discussion of chosen element	(10)
Discussion of two (2) cases:	
- First case: Main facts, <i>ratio decidendi</i> and outcome	(15)
- Second case: Main facts, <i>ratio decidendi</i> and outcome	(15)
Analysis of exemption clauses in South Africa	(20)
Examination of the impact that the Consumer Protection Act 68 may have on the enforcement of exemption clauses.	(20)
<b>Total</b>	<b>[80]</b>

**Structure, Formatting and technical care**

1.1	Cover page with Declaration	(5)
1.2	Executive Summary	(15)
1.3	Table of Contents	(10)
2.1	Introduction	(10)
2.2–2.5	Content	
2.6	Conclusion	(10)
3.1	Reference list	(10)
3.2	Appendices	(5)
4.	Writing Skills and Technical care	(15)
<b>Total</b>		<b>[80]</b>

**Summary of marks:**

<b>Content Mark</b>	<b>80</b>	
<b>Content Weight</b>	<b>70%</b>	
<b>Technical Care Mark</b>	<b>80</b>	
<b>Technical Care Weight</b>	<b>30%</b>	
<b>ASSIGNMENT TOTAL %</b>	<b>100%</b>	