



**PAMIBIA UNIVERSITY**  
OF SCIENCE AND TECHNOLOGY

**FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION**  
**DEPARTMENT OF SOCIAL SCIENCES**

<b>QUALIFICATION:</b> BACHELOR OF SPORTS MANAGEMENT	
<b>QUALIFICATION CODE:</b> 07BOSM	<b>LEVEL:</b> 6
<b>COURSE CODE:</b> SLR611SS	<b>COURSE NAME:</b> SPORTS LAW AND REGULATIONS
<b>SESSION:</b> JUNE 2025	<b>PAPER:</b> THEORY AND CASE STUDIES
<b>DURATION:</b> 3 HOURS	<b>MARKS:</b> 100

<b>FIRST OPPORTUNITY EXAMINATION</b>	
<b>EXAMINER</b>	Mariette Hanekom
<b>MODERATOR</b>	Kirby Claasen

<b>INSTRUCTIONS</b>
<ol style="list-style-type: none"><li>1. The paper has 6 main questions.</li><li>2. ALL the questions are compulsory.</li><li>3. Read carefully before answering.</li><li>4. Write clearly and neatly.</li><li>5. Number the answers clearly and according the structure in the examination question paper.</li><li>6. Candidates will be penalised for incorrect spelling and illegible handwriting.</li></ol>

**PERMISSIBLE MATERIAL**

None

**THIS EXAMINATION PAPER CONSISTS OF 6 PAGES** (Including this front page)

## **QUESTION 1**

**Choose a correct answer from the options given in each of the following statements. Only write down the letter with a correct answer for each statement. Use BLOCK CAPITAL LETTERS.**

- 1.1 Which one of the following requirements for a valid acceptance is **incorrect**?
- A. Acceptance must be unconditional and unequivocal
  - B. Must be in response to an offer
  - C. Acceptance need not be made by the person to whom the offer is made.
  - D. Acceptance must be communicated to the offeror in the manner prescribed, within the time stipulated and at the place prescribed by the offeror
  - E. Acceptance must be made while the offer still exists, i.e. before the offer lapses.
- 1.2 Which factor will make the contract voidable?
- A. Mistake regarding the nature of the transaction
  - B. Mistake regarding the motive for the conclusion of the contract
  - C. Mistake regarding the identity of the person
  - D. Mistake regarding performance
  - E. Misrepresentation
- 1.3 The following are clauses from a contract. Indicate which one of the clauses is a penalty clause:
- A. "The parties hereto consent that there shall be no variation of the terms or conditions of the contract unless such variation is reduced to writing and signed by both parties".
  - B. "Should the supplier fail to supply the goods on the dates as indicated in Annexure A, the supplier shall be liable for the payment of N\$ 500.00 (Five Hundred Namibia Dollars) for each day of non-delivery".
  - C. "The lessor shall be entitled to cancel the contract in the event of the lessee's failure to pay the rental due as stipulated in this Agreement".
  - D. "The purchaser guarantees that the motor vehicle is a 1990 model."
  - E. None of the above
- 1.4 "Progressive discipline" means that:
- A. An employee may not be dismissed without substantive and procedural fairness
  - B. An employee may not be dismissed without a hearing
  - C. Discipline should be corrective, not punitive
  - D. You should always give an employee a written warning before he/she may be dismissed
  - E. All of these answers

**QUESTION 1 continues on the next page**

- 1.5 Which form of breach of contract is committed where the creditor fails to provide the debtor with the materials necessary for completing a contract?
- Mora debitoris ex re
  - Mora creditoris
  - Defective performance
  - Prevention of performance
  - Mora debitoris ex persona
- 1.6 The following agreement is subject to a condition:
- E can work as a waiter in F's restaurant until the end of October 2025
  - Sam undertakes to give his old shoes to Martin as soon as the sun rises again.
  - Roy promises that his eldest son can inherit his farm upon his wife's death.
  - Harry can borrow Tom's umbrella as soon as it rains again in Windhoek.
  - Peter undertakes to give his wife a brand new BMW if she loses a minimum of 10 kg in weight within the next six months
- 1.7 The requirements for a plaintiff to prove that a delict has been committed are:
- Act committed by a wild animal; Wrongfulness; Fault; Causation; Damage.
  - Act; Wrongfulness; Fault (only negligently); Causation; Damage.
  - Act; Wrongfulness; Fault; Causation; Damage(not patrimonial losses).
  - Act; Wrongfulness; Fault; Causation; Damage.
  - None of the above.
- 1.8 Jojo's girlfriend is pregnant and he is concerned about how this will impact on them financially. He asks the Sports Law class for advice.
- WIETZ says she is entitled to 12 weeks of fully paid maternity leave.
  - GREG says that during her maternity leave she is entitled to her usual remuneration payable except for the basic wage.
  - DENZEL says that during her maternity leave her employer must continue to pay her basic wage.
  - MANGALISO says this is a disaster and they are doomed to a life of poverty.
- Who is the MOST CORRECT?**
- Wietz
  - Greg
  - Denzel
  - Mangaliso
  - They are all wrong
- 1.9 Mr. Kavari eagerly wants to buy Mr. Louw's car, but Mr. Louw is not interested in selling it at this stage. The parties conclude an agreement in terms of which Mr. Louw will offer his car for sale to Mr. Kavari the moment when he decides to sell it. This legal concept is known as:
- Option
  - Contract of purchase and sale
  - Right of pre-emption
  - Novation
  - Merger

- 1.10 A and B conclude a contract in terms of which A sells his jet ski to B for R 15 000. The contract states that B must pay the purchase price in full by no later than 10 April 2025. By 11 April 2025 B still has not paid. This form of breach is known as:
- A. Defective performance
  - B. Mora debitoris
  - C. Prevention of performance
  - D. Repudiation
  - E. Cancellation

*Two marks each [20]*

## **QUESTION 2**

**Identify the following legal concepts:**

- 2.1 The trade union which represents 50% plus one of the employees of a group of employees sharing the same interest within a company.
- 2.2 Maroeshka ordered and paid for a tennis racket which Lemkus Sports ordered for her. Lemkus Sports attempted to deliver the tennis racket but Maroeshka failed to take delivery of the tennis racket.
- 2.3 A court order which orders that a person must comply with the contract as agreed.
- 2.4 The clause in a contract where UNAM agrees with NUST that NUST's rugby team can use their sports facilities for training purposes until the end of August 2025.
- 2.5 Provision for an hour after each period of five hours worked, during which time an employee may not be allowed to work.
- 2.6 When an employee exceeds the maximum hours on an ordinary day worked
- 2.7 An offer to conclude a specific contract and an additional offer to keep the first-mentioned offer "open" for a specified period of time
- 2.8 A contract that is valid but can be set aside because consensus is defective
- 2.9 The situation where an agent acted without authority, but the principal decides to accept the act.
- 2.10 A person directed his will at a certain result while conscious of the wrongfulness of his conduct

*Two marks each [20]*

### **QUESTION 3**

Jonathan approaches Peter to buy 40 Spalding soccer balls at a discounted price of N\$1800 in total. Peter verbally agreed. Has a valid contract been concluded? Discuss in full.

[15]

### **QUESTION 4**

**Briefly answer the following questions:**

- 4.1 What must a plaintiff prove to claim damages based on breach of contract? (5)
- 4.2 List the elements of a delict (5)
- 4.3 When will a dismissal be considered unfair? (2)
- 4.4 What are the requirements for “negligence” in terms of the law of delict? (4)
- 4.5 Distinguish between individual labour law and collective labour law. (2)
- 4.6 How is severance pay calculated? (2)
- [20]

### **QUESTION 5**

The following article was published by Yahoo Sport Australia shortly after the Paris Olympic Games in 2024:

Australia is exploring whether triple Olympic medallist Matthew Richardson can be banned from competing on the international cycling stage for two years following his defection to Great Britain. Australian cycling was left reeling when Richardson announced on social media earlier this week that he had decided to switch international allegiances hot off the heels of winning silver for Australia in both the men's keirin and sprint and bronze in the men's team sprint in Paris.

**Answer the following questions, USING NAMIBIAN LAW.**

- 5.1 Suppose there was an agreement between the cyclist and the relevant National Sports Body that the cyclist would not be allowed to represent another country in international competitions for a period of two years. What is this type of agreement called? (1)
- 5.2 Is this type of agreement enforceable in Namibia? Discuss in full. (9)

**QUESTION 5 continues on the next page**

**5.3** Imagine that the cyclist was represented by his agent, Clyde, when his original contract with the relevant National Sports Body in Australia was negotiated. The cyclist subsequently discovered that Clyde was offered a substantial amount of money if he could persuade the cyclist to enter into their proposed contract. Discuss whether Clyde's actions comply with an agent's duties and what the cyclist's rights are in this regard.

**(5)**

**[15]**

**QUESTION 6**

Discuss the procedures which need to be followed before employees can embark on a lawful strike.

**[10]**

**TOTAL MARKS 100**