

Obligations

Wednesday 15th May 2024

12pm to 1.30pm

Candidates must answer two questions in total – **one** questions from section A and **one** from Sections B. All questions carry the same marks.

No marks will be awarded for copying out the text of materials which candidates are permitted to take into the exam.

Answers to each SECTION should be written in a separate answer book.

Section A – Contract Law

Candidates **must** answer **one** question from Section A.

Question 1

A well-dressed gentleman enters Bill's jewellery shop and introduces himself as James Kardashian from Los Angeles, a member of a famous family of tv celebrities. James Kardashian explains that he wants to purchase several hundred thousand pounds worth of jewellery from Bill's shop. Bill is facing financial hardship due to his dispute with his neighbour, Mr Clark. Bill is eager to make such a large sale.

James explains that, as a wealthy person, he never carries money but he will take the goods on credit and later send an employee to pay Bill in cash. Bill knows the Kardashians are rich and agrees to this suggestion. James leaves the shop with the jewellery. Unfortunately, James Kardashian is Jimmy Dodd, a professional con-artist who makes his living defrauding innocent merchants. James takes the jewellery and sells it to an innocent third party named Ken.

Bill eventually realises he has been duped and calls the police. The police eventually find the jewellery in Ken's possession.

Advise Bill on whether he can recover the goods. Cite case law as appropriate in support of your advice.

Question 2

Faced with the prospect of mounting credit card debt, Craig decides to sell off his high-end mountain bike. He writes out an advertisement card and places it in the window of the local shop. It reads, "For sale: one black mountain bike, almost new. Original price: £1,200. Make me an offer."

A little later, Simon calls him and asks how much he wants. Craig replies that he would not accept less than £400. Simon replies "Sold!"

The next day he shows up at Craig's house with £400 in his hand and asks for the bike. Craig declines to sell it because, in the interim, he has received a call from Tom who offered £600. Simon insists that Craig made him an offer to sell for £400 and that a contract of sale has therefore been concluded.

Prepare a written note advising Craig. Cite case law as appropriate in support of your advice.

END OF SECTION A

Section B - Delict

Candidates **must** answer **one** question from Section B.

Question 3

Frazer and Angela have three children. Concerned about the cost of living, Frazer and Angela agree to have no more children. Frazer underwent a vasectomy at his local hospital. There were no complications, and he was assured by the supervising surgeon that the operation was successful. A year after the operation, Angela realised that she is pregnant.

The pregnancy went smoothly until the delivery. During the delivery, the baby became distressed in the womb. Anaesthetic was badly injected into Angela by a junior doctor, causing Angela significant pain. When born, the baby boy was diagnosed to be brain damaged due to the umbilical cord restricting his neck in the womb.

Prepare written advice for Frazer and Angela outlining any legal issues that arise from their experiences. Cite case law as appropriate in support of your advice.

Question 4

James lives in a small house surrounded by four acres of land near Dumfries. On one side of his property flows a river, the Eamont. The Eamont contains salmon. His neighbour, Ken owns the land and property on the opposite side of the river. He wants to offer salmon fishing to make some money. He builds a large pontoon on his side of the river. The pontoon causes the river current to undercut the riverbank on James's side of the river.

Lesley-Anne has recently moved into the property immediately adjacent to James. Lesley-Anne is a sculptor who works in metal. She has built a large new workshop which contains a large furnace, used to smelt the materials that she uses to create her art. The noise and smell from the workshop are significant. Lesley-Anne is most creative at night and often works in the workshop between mid-night and 05:00. The smell and lack of sleep are affecting James.

Outline any legal issues and your advice, including legal remedies, to James. Cite case law as appropriate to support your advice.

END OF SECTION B

END OF PAPER