

Obligations

Wednesday 14 May 2025

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

The Pentland Scenic Steam Company plan to develop a steam train ride through the Pentland Hills Park. Based on their discussions with various authorities they believe that there are no issues with their plans. As part of their initial investment, their Financial Officer has issued a prospectus to invite individuals to buy shares in the company. In the prospectus, they refer to the right to use steam trains.

Bill, a keen Steam Train enthusiast, is excited by the idea and buys £50,000 of shares.

A couple of months later, Pentland Scenic Steam Company's planning application for a steam rail development is rejected. Bill is upset and feels that he was misled by the prospectus.

Advise Bill if he can recover his money.

Question 2

Chris Jones is a well-known Scottish artist based in East Lothian. He has been busy showing new work in a range of galleries in Edinburgh, Glasgow and Inverness. At a recent gallery opening of his work, Chris met James McTaggart. James is a wealthy businessman, and he collects paintings by emerging Scottish artists. James later contacted the gallery owner for Chris's contact details. The gallery owner suggested that it would be better if he passed James's contact details to Chris. Chris received an email from the gallery owner who explained that James would like to hear from Chris.

Chris wrote a short introductory email. James replied to Chris, by email, to say that he really liked Chris's work. After discussion with his wife, and after returning to the gallery to look at Chris's show again, James and his wife would like to help support Chris. James says that he will send Chris, by bank transfer, £10,000 to support his work.

Chris is delighted and provided James with his bank details. However, after a month no money has been transferred to him from James.

Advise Chris.

END OF SECTION A

Section B - Delict

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

Question 3

Jane drives regularly across Scotland for business meetings. Craig is a delivery driver and drives a large white transit van.

Driving up the A9 on an undualled section of road, Craig pulls out to overtake a series of vehicles travelling north. The rearmost car is driven by Jane. Approaching in the southbound lane, is a small Kia, driven by Tabitha. The northbound line of traffic have to break sharply to allow Craig and his van back into the line of traffic. Craig manages to do this just in time avoiding a collision with Tabitha. Craig drives on without stopping. Unfortunately, Jane had left inadequate braking distance from the car in front of her and was distracted by an incoming phone call on her handsfree device. A glancing impact with the car in front of her knocked Jane's car across the centre of the road, colliding with Tabitha's car and injuring Tabitha.

The police arrive and are checking the traffic cameras for further information about the incident.

Advise Tabitha.

Question 4

Tabitha's car was written off after the accident on the A9. Tabitha suffered several injuries from the accident. A month after the accident, and after initially seeking advice, Tabitha died from a brain haemorrhage. The brain haemorrhage is believed to have been caused by the accident and her head injuries. No legal action has been raised by Tabitha at the time of her death. Her brother, Tony, is her executor under her Will. Tabitha is divorced with two teenage children, both under 18 years of age. Tony has become the guardian of his sister's two children.

Advise Tony in his capacity as executor and guardian.

END OF SECTION B

END OF PAPER