

# Law of Obligations

Tuesday 23 July 2024

08.30 – 11.30

(three hours)

Candidates should answer **THREE** questions.

Candidates are required to:

- Answer **one** question from **Section A** and **Section B**.
- Candidates **must answer** a third question chosen **from either** Section A **or** Section B.
- Candidates must answer **a total of three** questions.
- All questions are worth 100 marks.

**Candidates should answer THREE questions, ONE question from Section A, ONE question from Section B and ONE other from either section.**

## **Section A – Contract Law**

### Question 1

Explain the main principles of contractual interpretation employed by the Scottish courts.

Illustrate your answer with reference to caselaw.

### Question 2

Outline the types of events that may lead to frustration of a contract and the main legal consequences of a contract being frustrated.

Illustrate your answer with reference to caselaw.

### Question 3

Leslie is opening a fitness studio. He has drafted a set of standard terms and conditions for his customers.

Advise Leslie about the main principles of Part 2 of the Consumer Rights Act 2015 so that he can try to ensure that none of the terms will be deemed unfair under its provisions.

**END OF SECTION A**

## **Section B - Delict**

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

### Question 4

Outline the main civil remedies available in the law of Delict. Illustrate which remedy may be most appropriate depending on the facts of a case.

### Question 5

Elsbeth Reid notes that “even where wrongdoing by D is established as a factual cause of harm suffered by P, it may nonetheless be determined, as a matter of legal policy, that D should not be found liable for P’s harm” *The Law of Delict in Scotland*, p471.

Outline and illustrate with reference to caselaw, what is meant by “legal causation”.

### Question 6

The case of *Hunter v Hanley* 1955 SC 200 refers to the professional of “ordinary skill”. Outline and illustrate with reference to caselaw, the concept of “professional negligence” in Scots law in respect of tradespersons, surveyors and members of the medical profession.

**END OF SECTION B**

**END OF PAPER**