



# ICM

MARCH 2017

BUSINESS LAW

**Instructions to candidates:**

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
- b) Answer any FIVE questions
- c) All questions carry equal marks. Marks for each question are shown in [ ]

1. Describe the different kinds of misrepresentation and explain the effects on a contract of EACH kind of misrepresentation. [20]
  
2. Read the following case and answer the questions at the end:  
John drove his car into a multi-storey car park. He had not been there before. He drove up the entrance to where he had to take a ticket from a machine. There was a notice just above the machine which stated: 'The owners of the car park will take no responsibility for damage to cars left in the park.' John read the notice, took a ticket and drove into the car park. He found a place to park his car on the top floor. As he was walking out he saw a notice on one of the pillars of the car park which stated that the owners would take no responsibility for personal injuries. Later on, as he was unlocking the door of the car, a piece of boarding from the roof of the garage fell onto his head and injured him. It also damaged the side of the car. He claimed damages from the owners of the car park.
  - a) State what area of law this problem relates to.
  - b) Explain whether or not John can succeed in his case for damages for personal injury.
  - c) Explain whether or not John can succeed in his case for compensation for the damage done to his car.
  - d) Would it make any difference if the notices had been put on the back of the car park ticket? [20]
  
3. Explain the difference between public and private nuisance. [20]
  
4.
  - a) Write an account of the tort of **defamation**.
  - b) James had written a novel in which the villain was called Horace Savin. The name was made up by James who knew nobody called that name. Unfortunately there was a real Horace Savin living in London and he sued James for defamation. What do you think would be the outcome of this case? [20]
  
5. Describe the role of offer and acceptance in the formation of a contract. [20]
  
6.
  - a) What is an **agency**? Explain the different ways that an agency can come into being. What kinds of agent are there? What are the duties of an agent?
  - b) Consider the following case and say what you think the result will be:  
Harold had made a contract for a consignment of tomatoes to be shipped to a port on the south coast of England and then sent by train to London for sale. When they arrived at the port the tomatoes were starting to go bad and the port official in charge of the unloading decided to sell them at the port rather than send them by train to London. The amount of money from the sale was less than they would have made had they been sold in London. Harold sued the port official for the difference. [20]

*continued overleaf*

7. a) What is a **partnership**?
- b) Give an account of the powers and responsibilities of:
- i a general partner
  - ii a dormant partner
  - iii a salaried partner
  - iv a partner by estoppel
- c) What is the difference between a partner's actual authority and a partner's apparent authority? [20]
8. Describe briefly the main changes made by the Consumer Rights Act 2015 on the Sale of Goods Act 1979. [20]