



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education Advanced Level

LAW

9084/31

Paper 3 Law of Contract

May/June 2011

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.

The number of marks is given in brackets [] at the end of each question or part question.

This document consists of **4** printed pages.



Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

- 1 The decision in *Williams v Roffey Bros* resulted in a more realistic approach to the enforcement of contracts.

Analyse how the development of the doctrine of consideration has been impacted by that decision. [25]

- 2 Contracts are sometimes induced by misrepresentation.

Identify the three recognised types of misrepresentation and critically assess the suitability of the remedies available to a person who has entered into a contract on the basis of misrepresentation. [25]

- 3 Using appropriate case law examples, critically examine the contrasting effects of breaches of warranties, conditions and innominate terms of contract. [25]

Section B

- 4 The following advertisement appears in the Bradford Bugle newspaper:

FOR SALE

Apple iPod Player
Brand new and unused; still in original box.
Don't delay!
Sensible offers in the region of £100.

Telephone Skinner on 0777 77777

Madge sees the advertisement, telephones Skinner, and arranges to see the iPod at 18:00h.

Skinner receives a second telephone call from Bart and arranges for him to see the iPod at 19:00h.

Madge inspects the iPod and says that she will give Skinner £100 for it. Skinner says that he now wants £120 for it. Madge agrees to pay the £120, but only if Skinner agrees to wait for payment until the end of the week when Madge gets paid. Skinner agrees to the arrangement. At 19:00h, Bart arrives and offers to pay £125 in cash. Skinner takes his money and Bart takes the iPod home.

When Madge returns with the money at the end of the week, Skinner informs her that she is too late and that the iPod has gone.

Consider Skinner's potential contractual liability towards Madge and the possible remedies that she might be entitled to pursue. [25]

- 5 Laurent buys a ticket to travel on the Condor Airlines flight from London to Kuala Lumpur. He downloads his ticket from the Internet and, without reading the terms and conditions, he files it safely until he is due to travel.

Laurent still hasn't read the terms by the time he attempts to board the aircraft in London. As he climbs the steps onto the aircraft he slips, falls down backwards and severely injures his neck and spine. When Laurent applies to Condor Airlines for compensation for his injury, the company seeks to rely on a term which excludes its liability for breach of the contract of carriage made with its passengers.

Advise Condor Airlines of their contractual liability for Laurent's injuries. [25]

6 Jorge, aged 16, sees the following on his college's notice board.

PHOTOGRAPHIC MODELS
REQUIRED

to model clothing for
new fashion house.

Models must be at least
18 years of age.

£250 per photo shoot.

Contact Laura Craft via the
Students' Union Office.

Jorge contacts Laura and she agrees to use him as a model. A written contract is signed by both of them, the terms of which state that payment will be made within 8 weeks of the end of any photo shoot for which Jorge is called. Jorge also signs to say that he is at least 18 years of age.

Discuss the legal liability of the respective parties and any defences that might be raised if:

- (a) Laura calls Jorge for a photo shoot, but Jorge is nervous and fails to turn up as agreed;
- (b) Laura persuades him to turn up on a second photo shoot but has failed to pay him by 12 weeks after the event.

[25]

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