



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

**SCOTS PRIVATE LAW
PAPER ONE**

Tuesday 9 August 2016

**0900 – 1200
(Three Hours)**

Candidates should attempt FIVE questions

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Question 1

William and Mary began living together in 2010. Mary bought a property for £200,000 in 2014, with William contributing £50,000 to the purchase price. Title is in Mary's name. William also paid for refurbishment of the kitchen. William also contributed to paying for the food and paid for the electricity and gas bills. In 2016, Mary bought herself a wristwatch for £1,500. Mary walked in on William having sex with Angie in June 2016. She told him to leave the house. The relationship has broken down. William wants to continue staying in the property until he can move into another property at the end of the year. Mary has told William that he has no rights to the property.

Advise the parties

Question 2

Herbert and Eliette married in 1996. They lived in a house, title to which was in Herbert's name and which he had bought in 1991 when he was living with Eliette with the intention that it should be a family home for both of them. In

1996, Eliette gave up her job as a model when she discovered that she was pregnant. Twins were born in later that year. In 2006, Eliette inherited her mother's fur coat and £100K from her mother's estate. She invested the money in three paintings.

In 2016, the couple separated. At that time the house is worth £800K, the fur coat £30K and the paintings £250,000. In addition, Herbert has investments made from income worth £100K. His interest under a pension scheme of which he has been a member for thirty years is valued at £300K. Both twins are seriously autistic and require full time care. Herbert has moved in with Janice, who has a three year old son.

Advise Eliette on the financial provision she is likely to obtain if she divorces Herbert.

Question 3

In 2016, David aged 16 registered a civil partnership with Chris aged 46. Unknown to David, Chris was married to Bethany at the time. Bethany divorced Chris four months later. David and Chris live in a flat owned by Chris. With encouragement, David has embarked on a course of further education. Chris has been an alcoholic for 15 years and whenever he has a drink he becomes angry. On three occasions he has hit David. David is in a state of fear but has no place to go.

Advise David:

- a) on the validity of the civil partnership;
- b) on whether he has a right to be alimented by Chris; and
- c) on whether Chris can be compelled to leave the flat.

Question 4

Write notes on TWO of the following:

- (i) The duties of local authorities to children in need;
- (ii) The nature and extent of the obligation of aliment;
- (iii) Irregular marriages

Question 5

Bill and Ben are both noted stamp collectors. Bill has in his collection a specimen which Ben covets. One year, on his Christmas card to Bill, Ben writes: 'Remember, if you want to sell yon stamp, I'm to be the first at £150,000!' Five years later, the value of the stamp having declined to around £75,000, Bill writes to Ben that the stamp is for sale and that he is happy to accept the offer of £150,000. Advise Ben.

Question 6

Albert contracts to sell and Bertie to buy:

- a) 'four dozen of 2014 claret for laying down';
- b) 'the last dozen bottles of '60 Dow in our Park Street Cellar';
- c) 'three dozen of the 2005 Margaux from our Park Street Cellar'.

The Park Street Cellar is destroyed by fire and Albert is unable to meet any of these orders. What are the rights and liabilities of Bertie?

Question 7

Write notes on TWO of the following:-

- a) Exemption clauses at common law;
- b) Error ;
- c) The Consumer Rights Act 2015

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