



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

**SCOTS PRIVATE LAW
PAPER ONE**

Tuesday 6 February 2018

**0900 – 1200
(Three Hours)**

Candidates should attempt FIVE questions

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Question 1

Jenna is 15. She is bright young woman. Her school grades are good and she is hoping to go to University to study medicine. Her boyfriend, Stuart, is also 15. She discovers she is pregnant and wants to have a termination. Jenna goes to her GP who refuses to refer her to the hospital and advises that Jenna that she must tell her parents about the pregnancy immediately. If she does not he will have to do so.

Advise Jenna.

Question 2

Ian is 13 years old. His parents separated 3 years ago. Since his parents' separation, Ian has lived in Broxburn with his mother, Jane, and her younger step-brother, Dave. Ian has fortnightly contact with his father, Roberto, and spends three weeks of every summer holiday with his father and paternal grandparents in Milan. Roberto wants Ian to move to Italy with him. Ian would love to do this but his mother is strongly opposed to the move.

Advise Ian.

Question 3

Sam and Beth married on 10 March 1990 and separated in 10 March 2007. Before they married, Sam sold his house and used the profit, £10,000, as a down

payment on their present family home, valued at £200,000 on 10 March 2007. The family home is owned jointly by Sam and Beth.

Beth works part-time as a nursery nurse and has a pension valued at £8,000 at 10 March 2007. She has had the pension since 10 March 2000 when she returned to work after having Tom. Sam has a pension with the marketing company for whom he has worked since 1980. The pension was valued at £80,000 at 10 March 2007.

Sam owns shares, valued at £60,000 on 10 March 2007. He has owned the shares since 1970. He also owns two sculptures, worth £20,000 each, which he inherited in 1995 from his grandfather. Beth's parents gave the couple £10,000 in cash as a wedding present. The cash was used to build an extension to the present family home and a small proportion of it was used to pay off joint debt.

Advise Beth.

Question 4

What principles do the courts apply and what factors do they take into account when making decisions in cases involving disagreements between family members about exercising parental responsibilities and rights?

Question 5

Discuss the circumstances in which an aggrieved party may challenge a contract on the grounds of error induced by misrepresentation, and outline the remedies available.

Question 6

In relation to express terms, write notes **on two** of the following:

- a) Rectification
- b) The importance of timing of incorporation of contract terms
- c) Incorporation of contract terms by a notice on a ticket

Question 7

Explain the main principles that the courts take into account in deciding whether or not a restrictive covenant is enforceable.

END OF PAPER