



**Law Society
of Scotland**

**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

**SCOTS PRIVATE LAW
PAPER TWO**

Tuesday 6 February 2018

**1330 – 1630
(Three Hours)**

Candidates should attempt FIVE questions

LAW SOCIETY OF SCOTLAND EXAMINATIONS

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Candidates should answer FIVE questions.

Question 1

Anderson is owed £100,000 by Ken and Clare for an extension to their ground floor flat on Marmitte Road, North Berwick. The extension cost £125,000. Ken and Clare have not replied to his letters for the outstanding monies owed to him. Anderson instructed you to start legal proceedings three weeks ago. An initial writ has been drafted and you are awaiting his instructions. Driving past the flat on his way to your office, Anderson noticed a "For Sale" sign.

Advise Anderson.

Question 2

Write notes on two of the following:

- a) Occupier's liability
- b) Nuisance
- c) The standard of care in negligence

Question 3

James is the sole beneficiary of a trust set up by his great-grandparents. His grandfather and his own father and aunt all were beneficiaries of the trust. James has no siblings, no cousins nor children of his own. James feels that there is no longer any need for the trust. He would like to end the trust.

Advise James.

Question 4

Susan is 75 years old. She inherited from her parents' a house in Morningside worth £750, 000. The property was rented out but she intends to sell it. She has two adult children and three grandchildren aged 22, 13 and 10. Her husband, who originally bought the matrimonial home died two years ago in 2016. The house was valued at £1,000,000 at the time of his executory in 2016.

Susan wants to prepare a new Will. Susan has two competing concerns. How to provide for her own care in the future, especially if she becomes incapacitated. The second, as a loving grandmother is to pass on money to her grandchildren.

Advise Susan.

Question 5

Write notes on two of the following:

- a) Prior rights.
- b) Legitim.
- c) Plenishings.

Question 6

McPlant is a small engineering firm based in Coatbridge. Due to the nature of the work the manager is careful to ensure that all employees are issued with safety equipment. This includes safety goggles, safety gloves and overalls. Washing facilities are provided with shampoos and soaps carefully chosen to ensure they do not irritate scalp or skin.

Harry has worked at McPlant for three years. He has received a verbal warning from a foreman for not wearing his safety goggles. More recently, a written warning was discussed by the foreman and manager. They did not issue the written warning. The foreman simply chastised Harry for not wearing or keeping on the safety items provided.

A month after the foreman chastised Harry, when he was not wearing his goggles a sharp sliver of hot metal pierced Harry's left eye. Despite surgery, the sight has been significantly reduced in his left eye. Harry wants compensation.

Advise McPlant about their liability.

[Please turn over]

Question 7

What factors must be considered in order to establish whether there has been a breach of a duty of care?

END OF PAPER