THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS

SCOTS PRIVATE LAW
PAPER ONE

Tuesday 13 August 2019

0900 – 1200
(Three Hours)

Candidates should attempt FIVE questions
Candidates should answer FIVE questions.

Question 1

a. Explain the four categories of terms implied in law.
b. Explain how the courts decide whether a contract includes a term implied in fact.

Question 2

Explain how the courts decide if a contract term is unfair under part 2 of the Consumer Rights Act 2015, and explain the legal effect of a term being declared unfair under that Act.

Question 3

Explain the operation of the remedies of rescission and retention for breach of contract.

Question 4

Explain what a restrictive covenant is, and describe how the courts determine whether a restrictive covenant is enforceable in relation to contracts for the sale of a business and employment contracts.

Question 5

What factors must be taken in-to account when considering if a potential defender might be vicariously liable for any loss or injury sustained by the pursuer?
Question 6

“The law has long recognised that A can owe a duty of care to prevent B suffering mental harm.” (J Thomson Delictual Liability, 2014, p79).

Outline and discuss the law in relation to mental harm with reference to the appropriate case-law.

Question 7

"The greater the risk of injury, the greater the amount of precautions the defender is required to take." (McManus and Russell, Delict, 2011, p59).

What factors are taken into consideration by the courts in order to determine if the duty of care the defender owes the pursuer has been breached?

END OF PAPER