

THE LAW SOCIETY OF SCOTLAND EXAMINATIONS

LAW OF OBLIGATIONS

Tuesday 8 February 2022

**0830 – 1130
(Three hours)**

Candidates should answer THREE questions.

Candidates are required to:

- Answer **one** question from **Section A** and **Section B**.
- Candidates **must answer** a third question chosen **from either** Section A **or** Section B.
- Candidates must answer **a total of three** questions.
- All questions are worth 100 marks.

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EXAMINATIONS**

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Candidates should answer THREE questions, ONE question from Section A, ONE question from Section B and ONE other from either section.

SECTION A: CONTRACT LAW

Question 1

Contracts typically come about when the parties agree to enter a legally binding arrangement. However, there may be a defect or impediment that makes a contract “void”, “voidable” or “legally unenforceable”.

Explain the difference between “void”, “voidable” or “legally unenforceable” with reference to case law.

Question 2

Illustrate, with reference to case law, “breach of contract” and outline the range of potential remedies for breach of contract.

Question 3

Evelyn is a dedicated fan of opera singer, Jonas Kaufhaus. Over coffee one day, her friend, Lesley, tells her that Jonas Kaufhaus is going to be appearing at the Edinburgh Theatre.

Excited, Evelyn phoned the ticket hotline to buy a ticket for the event. When the ticket arrives at her house, it says that the performance will be given by a different singer, Jonas Kaufberg. She is deeply disappointed. She then checks the Edinburgh Theatre website and sees “Jonas Kaufberg”. She has never heard him and is not interested in attending. Is Evelyn bound by the contract? Please advise Evelyn.

END OF SECTION A

SECTION B: DELICT

Question 4

With reference to earlier caselaw, how has the case of *Robinson v Chief Constable of West Yorkshire* [2018] SC (UKSC) 141 developed the concept of “duty of care”?

Question 5

Outline and discuss, with reference to appropriate case law, the three main defences to delictual actions.

Question 6

Xanthi is an international fashion model. During an interview with a newspaper journalist, she claimed, untruthfully, that she had never taken drugs or drunk alcohol. The newspaper published an article that disclosed both that Xanthi had taken drugs and was photographed drinking champagne at a gallery event. The article also stated that Xanthi was attending a self-help group to deal with her drug and alcohol addiction. Xanthi is distraught and is seeking legal advice. With reference to caselaw, advise Xanthi.

END OF SECTION B

END OF QUESTION PAPER