



THE LAW SOCIETY OF SCOTLAND EXAMINATIONS

LAW OF OBLIGATIONS

Tuesday 13 August 2019

**0900 – 1100
(Two Hours)**

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

All questions are of equal weight.

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SECTION A: CONTRACT LAW

Question 1

Eric has set himself up in business as wedding planner. He has drafted a set of standard terms and conditions which he intends to use in all contracts with his clients. Advise what Eric should do to ensure that these standard terms and conditions are validly incorporated into the contracts with his clients

Question 2

This question is in two parts. Each part carries equal weight.

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

Question 3

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.

END OF SECTION A

SECTION B: DELICT

Question 4

“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 (psychiatric injury) with reference to the appropriate caselaw.

Question 5

Explain the main elements of the common law of nuisance. Does the motive of the defender matter?

Question 6

Various pressure groups and agencies have been developed to offer advice and assistance to people vindicating their rights. This has led to the public becoming more aware of the possibility of challenging professional advisers.

Discuss professional negligence with reference to appropriate caselaw.

END OF SECTION B

END OF PAPER