

**ADVANCED GCE****LAW**

Law of Contract Special Study

**G156**

Candidates answer on the Answer Booklet

**OCR Supplied Materials:**

- 16 page Answer Booklet
- Clean copy of the Special Study Materials

**Other Materials Required:**

None

**Thursday 28 January 2010**  
**Morning**

**Duration:** 1 hour 30 minutes**INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that you know what you have to do before starting your answer.
- Answer **all** the questions.
- Write the numbers of the questions you answer on the front of your Answer Booklet.
- Do **not** write in the bar codes.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

**INFORMATION FOR CANDIDATES**

- The number of marks for each question is given in brackets [ ] at the end of each question or part question.
- The total number of marks for this paper is **80**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions **1** and **2** you will be assessed on the quality of your written communication and your use of appropriate legal terminology (QWC). These questions are marked with an asterisk (\*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely 'lift' information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- This document consists of **4** pages. Any blank pages are indicated.

You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

In answering questions use the source materials **and** your knowledge of the subject.

Answer **all** questions.

**1\*** Discuss the extent to which the decision in the case of *Photo Productions Ltd v Securicor Transport Ltd* [Source 4 page 5 Special Study Material] represents a fair development of the law regarding the validity of exclusion clauses in contracts. **[16]**

**2\*** In Source 6 [page 8 lines 1-2 Special Study Material] Ewan McKendrick suggests that “*The general approach which the courts have adopted to the interpretation of exclusion clauses is a restrictive one*”.

Discuss how accurately the above statement reflects the development of judicial controls on the incorporation and interpretation of exclusion clauses in contracts. **[34]**

**3** Pal takes his wife, Rupinder, and their ten-year-old son, Sukhy, for a day out at the Tickle-u-pink amusement park. At the gate Pal buys an £80 family ticket which covers all rides and a hot meal. Before he pays the money the assistant asks Pal to read the written terms which state: ‘Tickle-u-pink accepts no liability for any injuries or damages to property while on its premises whether caused by the negligence of its employees or by any other means, nor will it accept liability for any breaches of any contractual terms’.

Consider what impact the Unfair Contract Terms Act 1977 will have in each of the following situations:

**(a)** Due to negligent maintenance Pal, Rupinder and Sukhy get stuck up in the air on the first ride, the ‘Skysurfer’, and when they eventually get down all of the other rides have closed for the day. **(10)**

**(b)** Pal, Rupinder and Sukhy go to the restaurant for their meal. The meal is cold and inedible as it is full of dead ants. **(10)**

**(c)** A waitress carelessly pours hot coffee over Sukhy who is badly scalded as a result. **(10)**

**[30]**

**[Total marks 80]**



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