

ADVANCED GCE

LAW

Law of Contract Special Study

G156

Candidates answer on the answer booklet.

OCR supplied materials:

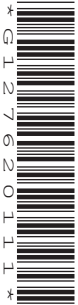
- Clean copy of the Special Study Materials
- 16 page answer booklet (sent with general stationery)

Other materials required:

None

**Thursday 27 January 2011
Morning**

Duration: 1 hour 30 minutes



INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the spaces provided on the answer booklet. Please write clearly and in capital letters.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully. Make sure 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.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks 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 (QWC) including your use of appropriate legal terminology. 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 significance of the case of *Carlill v Carbolic Smoke Ball Co.* [Source 1 pages 2-3 Special Study Materials] to the development of the law of offer and acceptance. **[16]**

2* In Source 3 [page 4 lines 22-25 Special Study Materials] the authors refer to Lord Wilberforce stating that: "*English law ... in application takes a practical approach, often at the cost of forcing the facts to fit uneasily into the worked slots of offer [and] acceptance ...*".

Discuss how accurately the above statement reflects how judges have developed the law on offer and acceptance. **[34]**

3 Consider whether there is an enforceable contractual agreement in each of the following situations:

(a) Alfonse contacts Brad who advertises installation of new central heating systems, including a boiler and six radiators, for £2,000. Alfonse wants seven radiators and asks if Brad would install the extra radiator for the same price as six. Brad says that he would not, and that the price for seven would be £2,300. Later when Alfonse discovers that £2,300 is a very good price he asks Brad to do the work but Brad says that he is now too busy. **(10)**

(b) Carlos sends Dalvinder a letter asking if Dalvinder wants to buy Carlos' car for £5,000. Dalvinder immediately writes a letter stating that he would like to buy the car for £4,000 and posts it. After Carlos has read Dalvinder's letter Dalvinder phones Carlos and says that he has changed his mind and will pay the original price of £5,000. **(10)**

(c) On Tuesday Eli, an antiques dealer, e-mails Francesca, a regular customer, asking whether she wants to buy a rare Greek urn that he is selling at a bargain price of £500. Eli asks Francesca to e-mail him back immediately because he has other potential customers. Francesca does not reply but gets her husband Giorgio to go to Eli's shop on Saturday to buy the urn. By then Eli has sold it. **(10)**

[30]

[Total marks 80]

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