

**Wednesday 25 January 2012 – Morning**

**A2 GCE LAW**

**G156/01 Law of Contract Special Study**

Candidates answer on the Answer Booklet.

**OCR supplied materials:**

- Clean copy of the Special Study Material
- 16 page Answer Booklet  
(sent with general stationery)

**Other materials required:**

None

**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. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- 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 extent to which the decision of the Court of Appeal in *Jones v Padavatton* [Source 3 page 4 Special Study Material] represents a development of the law regarding intention to create legal relations. **[16]**

**2\*** In Source 5 [page 6 lines 23–26 Special Study Material] Viscount Dilhorne, in his dissenting opinion, stated: “*True it is that [Esso] are engaged in business. ... [B]ut it does not seem to me necessarily to follow or to be inferred that there was any intention on their part that the dealers should enter into legally binding contracts...*”.

Discuss the extent to which, if at all, the courts give emphasis to the intentions of the parties when deciding whether or not there is intention to create legal relations in any situation. **[34]**

**3** Consider whether or not the courts are likely to find intention to create legal relations in the following situations:

**(a)** Albert and his friend, Brian, have often taken their families on canal boating holidays together. They recently discussed buying their own canal boat and agreed to put £15,000 each towards the cost. Albert has just bought the canal boat but Brian is refusing to give him the money. **(10)**

**(b)** Cupcakes, a bakery, ran a promotion in which they hid a winning ticket inside one of their cakes. Their poster said that the customer who found the winning ticket would receive a year’s worth of free cakes. Daljit, a customer, was delighted when he found the ticket in his cake but when he went to claim his prize the manager of Cupcakes refused to give him anything, saying the promotion was “just a bit of fun”. **(10)**

**(c)** Evan and Fiona, who are brother and sister, run a hotel. They agreed that Evan would be in charge of the accommodation in the hotel and Fiona would be in charge of the kitchens and restaurant. Fiona is bored and would like to swap roles but Evan refuses, saying that the business will work better if they both stick to the areas in which they have built up their experience and expertise. **(10)**

**[30]**

**[Total marks 80]**



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