

COUNCIL OF LEGAL EDUCATION

THE NORMAN MANLEY LAW SCHOOL

THE HUGH WOODING LAW SCHOOL

AND

THE EUGENE DUPUCH LAW SCHOOL

ANNUAL ENTRANCE EXAMINATION

July 2, 2014

**Criminal Law
Law of Contract
Real Property
Law of Tort
Law of Equity**

Instructions to Students:

- (a) Time: 3 Hours
- (b) Answer ONE question from each group.
- (c) EACH QUESTION MUST BE ANSWERED ON A SEPARATE ANSWER BOOKLET.
- (d) It is not necessary to transcribe the questions you attempt.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

CRIMINAL LAW

Question 1

Peter is a drug dealer. John asked Peter to inject him with an illegal drug and Peter complied with John's request. Later that day John died from the effects of the illegal drug because he had a weak heart.

Peter then convinced Sean to buy illegal drugs from him. Peter showed Sean how to inject himself with the illegal drug. Sean injected himself with the illegal drug. Sean had never used illegal drugs before that day. Sean began to cough and shake vigorously in Peter's presence. Peter left Sean alone and shortly after Sean died.

Peter was subsequently charged with the murder of John and Sean. Peter seeks your advice with respect to the murder charges.

Advise Peter on the murder charges.

Question 2

Using decided cases, discuss each of the following defences:

- a. insanity;
- b. provocation;
- c. automatism; and
- d. diminished responsibility.

LAW OF CONTRACT

Question 3

On Monday March 3, Penny, a final year law student, offered to sell to Peter her MacBook Pro for \$9,000. Peter, who was very interested in purchasing the MacBook Pro, told Penny of his interest and asked for a few days to gather the purchase money. Penny agreed to give Peter some time to organise the purchase money. She told him that she would keep her offer to him open until 4 pm on Friday March 7, but after that time she would be offering the MacBook Pro to others.

On Thursday, March 6, while having lunch with his classmate Helen, Peter tells Helen that he is going to buy Penny's MacBook Pro. He tells her that he has finally gathered sufficient money and was going to pay Penny for the MacBook Pro later that evening. Helen, who was aware that Penny had her MacBook Pro for sale answered, "I hope that Penny has two MacBook Pros, because James told me this morning that he had bought Penny's MacBook Pro yesterday, for \$9,000."

That evening, Peter went to Penny's home at 6 pm and offered her the purchase money for the MacBook Pro. Penny did not accept the money telling him that she no longer had the MacBook Pro as she had sold it to James yesterday.

Advise Peter.

Question 4

'The court adopts an objective approach when making a determination as to whether or not parties intended to enter into legal relations.' Discuss using decided cases.

REAL PROPERTY

Question 5

- (a) Critically evaluate the argument that the law with respect to the ownership of land should always allow for both joint tenancies and tenancies in common and not only for joint tenancies.
- (b) “An Easement must be capable of forming the subject matter of a grant”. Discuss with reference to decided cases.

Question 6

Mary, Jane and Louise are three law students who recently approached Tom Collins with a view to renting a house owned by him for their use during the 2014 – 2015 academic year. They were each handed a separate (but identical) document for signature. The document is headed “Licence Agreement” and stated that “The Licensor shall grant and the Licensee shall accept a licence to share with two others, each to be separately licenced by the Licensor and with the intent that the Licensee shall not have exclusive possession of the premises for a period of one year at a monthly licence fee of \$15,000 each.”

The students are unhappy about the documents they have been asked to sign and seek your advice as to their legal position in the event that they sign.

Advise Mary, Jane and Louise.

LAW OF EQUITY

Question 7

It was the year 1991. Miss Paris and Mr. Denver met. An intimate relationship blossomed and out of that relationship two children were born by 1996. In the year 2000, Miss Paris' keen eyes fell upon an advertisement for a house at 16 Oxford Road. She brought it to the attention of Mr. Denver. They purchased the property. Miss Paris contributed \$1m to the purchase price by way of a loan from her mother. Only Mr. Denver's name was placed on the title. The property became the family home and there they lived until 2008 when the relationship collapsed. Miss Paris moved out in July 2008.

Advise Miss Paris on any rights that she may have in relation to the property.

Question 8

A promissory estoppel arises where a party has expressly or impliedly, by conduct or by negligence, made a statement of fact, or so conducted himself, that another would reasonably understand that he made a promise thereon, then the party who made such promise has to carry out his promise.

Using case law, explain how this is applied and what needs to be proved.

LAW OF TORT

Question 9

“In *OGB v Allan & Others* [2007] UKHL 21, the English House of Lords attempted to rationalise the common law relating to the tort of interference with economic interests.”

Discuss the above statement indicating whether, and to what extent, this attempt has succeeded.

Question 10

A group of high school students, under the guidance of their form teacher went on a trip to the Taino Museum and Site. Adjoining this site is Mogul Sugar Estate Ltd a large sugar plantation and factory belonging to a Mr. Mogul. The plantation and factory have been closed for some time. There are signs at several points on the perimeter of the estate saying “No trespassers - Trespassers will be prosecuted”.

The form teacher, who was reading an online course in law, explained to the children that the sign contained an erroneous statement of the law. He said that trespass was a civil wrong for which no one could be prosecuted.

While the Curator of the Taino Museum was conducting a tour of the museum and site with the children, two boys, Hioctane Jones and his friend Dashani Girod, sneaked away and went to explore the sugar plantation. They kept the security guard under observation. Hioctane threw a stone which fell some distance from the guard who went to investigate. At this point the boys crept through the fence onto the plantation and into the factory yard.

Unaware that there were dogs on the premises, they tried to enter the factory at which time, Hioctane, who was in front, was attacked by two dogs. Dashani ran to a nearby tree. The dogs dragged and mauled Hioctane and only ceased their attack when Hioctane fell head foremost into a deep drain. By this time the watchman had arrived on the scene. Dashani who had witnessed the canine attack on his friend fainted and fell motionless to the ground.

Advise Mogul Estates Ltd. on any legal rights and or liabilities arising out of the facts.

END OF PAPER