

**COUNCIL OF LEGAL EDUCATION**

**THE NORMAN MANLEY LAW SCHOOL**

**THE HUGH WOODING LAW SCHOOL**

**AND**

**THE EUGENE DUPUCH LAW SCHOOL**

**ANNUAL ENTRANCE EXAMINATION**

**July 5, 2017**

**Law of Contract**

**Law of Tort**

**Law of Equity**

**Criminal Law**

**Real Property**

**Instructions to Students:**

- (a) **Time: 3 ½ Hours**
- (b) **Answer ONE question from each subject, and identify on the booklet the subject and the question that the answer applies to.**
- (c) **EACH QUESTION MUST BE ANSWERED ON A SEPARATE ANSWER BOOKLET.**
- (d) **It is not necessary to transcribe the questions you attempt.**
- (e) **PLEASE ENSURE THAT YOUR CANDIDATE NUMBER ONLY, NOT YOUR NAME, IS RECORDED ON EACH ANSWER BOOKLET.**

---

**PLEASE REMAIN SEATED UNTIL YOUR SCRIPTS HAVE BEEN COLLECTED.**

## LAW OF CONTRACT

1. Critically discuss with reference to decided cases any one of the following statements:

(a) Generally, if unforeseen events render performance impossible, the duty to perform is discharged. Discuss.

OR

(b) The calculation of damages for breach of contract must take into account several key principles. Discuss.

2. Smooth Operators Limited (SOL) produce lubricant motor oil for export across the Caribbean and Latin American region and Prime Performers Limited (PPL) manufacture components for the production equipment used in SOL's plant. After SOL advised PPL of the required specifications for certain components used in SOL's production equipment, PPL provided verbal price quotations and a projected delivery date, to which SOL verbally agreed. SOL then confirmed by facsimile a purchase order for the components. PPL's written reply, acknowledging the offer, included the following condition, not stated in the purchase order:

Prime Performers Limited assume no liability with respect to the use, purpose or suitability and shall not be liable for defects or delays except for responsibility to repair or replace defective parts for the period that they are subject to warranty.

The production equipment at SOL's plant suffered extensive damage resulting from the use of several defective components supplied by PPL. SOL's plant was closed for 7 days as a result of the equipment damage suffered at the plant. SOL claim that PPL must pay for repairs to the components, repairs to the equipment at the plant, and profits lost while the plant was closed.

Advise Prime Performers Limited (PPL).

### **LAW OF TORT**

3. Discuss with the use of cases how the tort of deceit is different from the tort of negligent misstatements.
  
4. Chloe Buttercup attends your office. She is very distressed. She informs you that she has been living at 17 Waterway Avenue in your jurisdiction for the past seven years. She has lived there comfortably and has not been disturbed until two months ago when an Entertainment Centre was constructed next door to her premises. The entertainment centre is called Dilly's Bar and Grill and every day of the week at exactly 7pm loud music escapes from the premises and enters her home. The music is not only loud but it is also lewd and continues from 7pm until 6am. In addition, there is a jerk pit from which a lot of smoke is emitted. The music and the smoke have both caused Chloe a lot of discomfort. The music offends her

ears. She is a Christian. In addition, it prevents her from sleeping. She has therefore not been able to work effectively at her place of employment and her job performance has deteriorated significantly. Her employer has warned her that if her work does not improve, she will be asked to leave. Chloe has also been hospitalized on several occasions in the last two months because she has had several asthma attacks because of smoke inhalation.

Chloe seeks your advice as to how to deal with the situation.

Advise her.

### **LAW OF EQUITY**

5. It is important to bear in mind that the American Cyanamid case contains no principle of universal application. The only such principle is the power of the Court to grant injunctions when it is just and equitable to do so.

Discuss the above statement in light of decided cases.

6. In June this year John Lands entered into a written agreement with Mary Mann for the sale of a property comprising of a parcel of land with a residential house thereon. The consideration for the sale was set at \$1 million and Mary paid to John

a deposit of \$100,000 on the execution of the agreement. The transaction was fixed to be concluded on or before the expiration of 90 days from the signing of the agreement.

Mary took the Agreement to her Bank and arranged financing in order to conclude the transaction. Mary also entered into an agreement with Lou Doe by which she agreed to sell her current home to Lou for \$750,000 and with the completion date on that transaction fixed for one month after that with John.

Last week John called Mary and indicated that he had obtained and had accepted an offer of \$1.5 million from Richie Rich for the said property. He also stated that Richie was paying for the property within the next week and that he, John, would refund to her the deposit of \$100,000. Mary protested this decision but was ignored by John who told her that he was making a greater profit with this new deal and that he was free to sell his property to the highest bidder.

Mary comes to you quite upset by these turn of events and seeks your advice in light of what John has stated.

Advise Mary.

## CRIMINAL LAW

7. With the use of decided cases, discuss and explain the following:

- (a) Diminished Responsibility
- (b) Automatism
- (c) Causation
- (d) Malice
- (e) Self Defence

8. Michael, Prince and Bowie were childhood friends. Michael and Prince are the leaders of a crime gang and were responsible for several armed robberies and serious offences. Bowie is not a member of the gang.

Michael and Prince along with Bowie hatched a plan to rob the neighbourhood shopkeeper of his earnings. Michael's girlfriend, Kim, and Bowie's sister, Iman, were present during the hatching of the plan.

On the agreed date, late at night, the three men entered the shopkeeper's home and demanded that he give them his money. The shopkeeper refused. Michael drew a pistol from his pocket and hit the shopkeeper over the head several times with the butt. Prince slapped the shopkeeper and demanded that he hand over the cash. Michael then directed Bowie to give the shopkeeper a few taps on the head

to shake him up. At this point Bowie indicated that he had had enough of the situation and that the plan did not include this high level of violence and that he wanted no part of it. Michael told Bowie if he tried to leave he would inflict severe harm on Iman. At this, point Prince withdrew a cutlass that he had hidden in his waist and chopped the shopkeeper on the neck. The shopkeeper fell down dead. Upon seeing this Bowie fled the premises.

Michael and Prince then ransacked the shopkeeper's house and stole a television and jewelry, they then fled the premises. The next day the crime was discovered and later that day the police arrested all three men hiding at Kim's house. They arrested all 4 persons in the house. Later that day they arrested Iman.

Your senior at the prosecution's office has passed the file to you. In relation to the facts, your senior wishes your opinion on the issues of, principal offenders, secondary offenders, accomplices and whether the defences of duress or withdrawal are available to any of the accused.

Give your senior your opinion.

## REAL PROPERTY

9. Answer **BOTH** (a) and (b)

Discuss the following statements with reference to decided cases:

(a) An easement must be capable of forming the subject matter of a grant.

(b) What are the essential features of a joint tenancy contrasted with a tenancy in common?

10. In November 2016, Lisa went off to Canada to pursue a PhD. in Economics. She decided that she would not sell her house, as she intended to return home at the end of her academic programme, which was expected to last for three years.

In order to maintain the house and to meet the associated financial commitments

Lisa entered into a written agreement with Bill, an artist, who had just returned to the country to open an art gallery. The agreement permitted Bill to enter into possession of the house for three years, but if Lisa completed her programme earlier than scheduled, she would be able to determine the agreement with one month's notice.

Lisa left all of her furniture, electrical appliances and household equipment in the house. Bill agreed to maintain the house at its high standard, to carry out any



repairs which become necessary, to pay all electricity, water and telephone bills and, in addition, to pay \$10,000 into Lisa's bank account each month to cover a standing order for student loan payments. This arrangement was very convenient for both parties and they agreed that, to avoid complications, it should be described as a licence.

Bill now comes to see you. He tells you that he is having difficulty establishing his art gallery and that the expenses in relation to the house are too high.

He seeks your advice as to his legal position under the agreement.

Advise Bill.

**END OF PAPER**