

**COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY, HUGH WOODING AND
EUGENE DUPUCH LAW SCHOOLS**

ENTRANCE EXAMINATION

July 6, 2011

**Contract
Tort
Equity
Property
Criminal**

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.

LAW OF TORT

1. Account for the enduring significance in tort law of the decisions in Donoghue v Stevenson (1932) and Hedley Byrne & Co. Ltd. v Heller & Partners Ltd. (1964).
2. Cockroach Pic produces chemicals. As part of their operation, they use a fume suppression device which is extremely noisy. The device is widely regarded as efficient and reliable but, occasionally, noxious fumes are nonetheless discharged into the atmosphere. Numerous residents in the locality have complained of the noise and the fumes produced by Cockroach Pic's operations. These residents allege that it is impossible to sleep with their windows open and they cannot now sunbathe in their back gardens.

Ellen, one of the local residents, complains that her highly sensitive African violets, grown in her greenhouse, have all died as a result of the pollution caused by Cockroach Pic. Moreover, Tom, a lodger in Ellen's house, complains that the combined effect of the noise and the fumes has caused him to suffer from a respiratory illness and extreme fatigue brought on through loss of sleep so that he has become permanently incapable of working.

Advise Cockroach Pic.

LAW OF CONTRACT

3. Answer both (a) and (b).
- (a) With reference to supporting case law discuss whether there is valid consideration in the circumstances listed below:
- i) an ipod for \$500 plus 4 bottle caps of a popular energy drink;
 - ii) gaming chips supplied by a casino for \$1M deposited; and
 - iii) an offer to pay your friend \$10,000 if she eats the meal that she has just ordered in a restaurant.
- (b) “A shop is a place for bargaining, not for compulsory sales” – Winfield. Discuss this statement with reference to decided cases.
4. With reference to decided cases consider whether the rules concerning (a) intention to create legal relations and (b) promissory estoppel, are in need of reform.

PROPERTY LAW

5. Lori is migrating to the United States of America with the hope that she would significantly improve her income, since she expects to be earning US dollars. She has decided that she will not sell her house since she intends to return home eventually.

In order to maintain the property and to meet the associated financial commitments, Lori entered into a written agreement with William, a businessman, who has just returned to the country. The agreement permits William to enter into possession of Lori's house for three years or less, if she (Lori) could not find suitable employment and wishes to return home.

Lori left all of her furniture, electrical appliances and household equipment in the house. William agreed to maintain the property at its high standard, to carry out any repairs which became necessary, to pay all electricity, water and telephone bills, and in addition, to pay \$2500 into Lori's bank account each month to cover a standing order for life insurance payments. The arrangement was very convenient for both parties and they agreed that, to avoid complications, it should be described as a licence.

Six months later, William, who was having difficulties in establishing his business, decided that the outgoings on the house were too high. He now seeks your advice as to the effect of the agreement.

Advise William.

6. 'A legal easement is a right *in rem*'. Discuss.

CRIMINAL LAW

7. “The effect of the critical direction [in Nedrick] is that a result foreseen as virtually certain is an intended result” (Lord Steyn, R v Woollin (1998) Crim. LR 890). With the use of this and other decided cases, discuss the following:

- (a) Recklessness
- (b) Reasonable foreseeability
- (c) Remoteness

8. Bruce Banner, a twenty-three year old man, had been incarcerated on several occasions for various offences. Bruce was the regular town drunkard and could be seen at the local bar many days consuming alcoholic beverages while keeping the company of persons of ill repute. In March of this year Bruce decided that he would rob the local jewellery store.

In June of this year Bruce was diagnosed with a rare disease which requires him to take medication daily. The medication could possibly accelerate the effects of alcohol, leading to intoxication. Bruce’s doctor did not inform him that he ought not to consume alcoholic beverages.

Last Friday, Bruce went to the bar on the corner and drank two bottles of beer. Feeling rather confident after this intake of alcohol, Bruce decided that he was now going to do what he always planned to do, namely rob the jewellery store. He walked next door to the jewellery store and robbed the store. As Bruce attempted to make good his escape, he was apprehended by the store’s security guard. The police were called and Bruce was duly arrested and charged with the offence of robbery.

The information about the interaction of his medication with the consumption of alcohol has now come to Bruce’s attention. Bruce believes that he has a good defence, namely that of involuntary intoxication.

Advise Bruce as to the viability of this defence and its chances of success.

LAW OF EQUITY

9. “The judicial approach to division of matrimonial property has varied from the application of hard legal rules for indifferent outcomes, to soft sentimentalism in protection of the disadvantaged, and possibly a combination of both styles.”

Discuss critically the above statement and illustrate your analysis with reference to decided cases.

10. With reference to decided cases consider whether and how the remedy of injunction has been moulded to serve the present age and what safeguards, if any, have been put in place to offset inevitable hardships.