



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Level

LAW

9084/31

Paper 3 Law of Contract

May/June 2010

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

At the end of the examination, fasten all your work securely together.

The number of marks is given in brackets [] at the end of each question or part question.

This document consists of **3** printed pages and **1** blank page.



Candidates must attempt **one** question from **Section A**, **one** from **Section B** and **one other**, thus making a total of **three** responses required.

Section A

- 1 Critically assess the extent to which you believe that innominate terms create too much uncertainty in contract law. [25]
- 2 Analyse critically the circumstances under which and the reasons why a claimant might prefer to use mistake rather than misrepresentation as a basis for an action in contract. [25]
- 3 One of the remedies available to a claimant is a quantum meruit award.

Using decided case law to illustrate your answer, **(a)** explain what a quantum meruit award is, **(b)** outline the circumstances under which such awards may be made and **(c)** critically assess its relative value compared with other remedies. [25]

Section B

- 4 Lee asks Stella, who lives in the adjoining house, to feed his dozen cats and keep his garden clean and tidy whilst Lee goes on a six week holiday to Italy. Every day Stella enters Lee's house to feed the cats and twice a week she waters the plants, mows the lawn and weeds the flower beds.

When Lee returns, he is delighted with the state of his garden and promises to give Stella £100 for the work that she has done.

Using case law to support your views, consider Stella's legal position if Lee later refuses to pay her. [25]

- 5 Amir, Jahangir and Nawab attend a classic car auction advertised by Old Wrecks Ltd.

Amir is interested in bidding for a 1955 Jaguar that he sees listed in the auction catalogue, but finds that the car has been withdrawn from the sale.

Jahangir bids for a 1947 Rolls Royce. He bids more than he can afford and despite calling out to withdraw his bid, the auctioneer continues the sale and eventually knocks it down to Jahangir as the highest bidder.

Nawab bids for a 1960 Daimler but, despite being the highest bidder for the car on the day, the auctioneer refuses to sell him the car because the price that he bid has failed to meet the reserve price set by its owner.

Using case law to support your views, consider whether binding contracts were formed between Old Wrecks Ltd and each of the three bidders and identify any potential remedies that might be available to them. [25]

- 6 Harry buys a ticket to travel on Express Coaches and, without reading it, places it in his wallet for safety and waits for the arrival of the coach. As Harry attempts to board the coach, he slips on the steps, falls and injures his wrist. On arrival he discovers that his suitcase has been damaged when being loaded on to the coach. When Harry applies to Express Coaches for compensation for his injury and for the damage to his suitcase, the company seeks to rely on a clause printed on the back of Harry's ticket that excludes its liability for breach of the contract of carriage made with its passengers.

Consider Express Coaches' contractual liability for Harry's losses. [25]

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