

GX 1652

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**SEMESTER 1 Examinations, 2003/2004**

<b>Exam Code(s)</b>	1EM,
<b>Exams(s)</b>	Erasmus
<b>Module Codes(s)</b>	LW202
<b>Module(s)</b>	Contract I
<b>Paper No.</b>	
<b>External Examiner(s)</b>	
<b>Internal Examiner(s)</b>	Ms Nicola Murphy
<b><u>Instructions</u></b>	Answer <b>THREE</b> Questions
<b>Duration</b>	<b>TWO</b> Hours.
<b>No. of AnswerBooks</b>	
<b><u>Requirements:</u></b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Department(s)</b>	LAW

PTO

1. Bill sent a fax to Ben on Monday offering to sell his car for €5,000. Ben replied by post on the same day, writing in his letter, "€5,000 too much; will you accept €4,500?" On Wednesday, Ben had second thoughts and sent a message by fax agreeing to pay €5,000. Although the fax was sent at once, Bill did not read it until after Ben's letter arrived on Thursday and Bill had in any event posted a letter revoking his offer on Tuesday, though this letter was not received by Ben until Friday of the same week. In your opinion, has a contract been formed between Bill and Ben?
2. Give a detailed account of the operation of the doctrine of promissory estoppel.
3. Explain the ways in which an exemption clause may be incorporated into a contract.
4. *"The law does not proclaim the existence of a contract merely because of the presence of mutual promises. Agreements are made every day where the parties do not intend to invoke the assistance of the courts should the agreement not be honoured."* How do the courts ascertain whether an intention to create legal relations exists in any particular contract?
5. Jeremy went to his local shop to buy food for his very valuable pet crocodile. He asked the shopkeeper if he stocked pet food. The shopkeeper told him that he stocked a complete range of food for cats and dogs. Jeremy chose a tin of cat food and, while paying for it, mentioned that it was for his crocodile. When the shopkeeper expressed surprise at such an unusual pet, Jeremy mentioned that he had been breeding crocodiles for 20 years. The cat food disagreed with the crocodile and it died two days later. Jeremy was distraught and asked you whether he has any cause of action against the shopkeeper.

Advise Jeremy.

**END.**