

Ollscoil na hÉireann, Gallimh
National University of Ireland, Galway

Semester II Examinations, 2003/2004

Exam Code(s)	1DB1
Exams(s)	H.Dip. (Business Studies)
Module Codes(s)	LW160.DB
Module(s)	Business Law
Paper No.	1
Repeat Paper __ Special Paper __	
External Examiner(s)	Mr. Ray Byrne
Internal Examiner(s)	Ms. Rachael Hession
<u>Instructions</u>	Answer THREE questions All questions and parts thereof carry equal marks
Duration	TWO Hours
No. of AnswerBooks	
<u>Requirements:</u>	
Handout	
MCQ	
Statistical Tables	
Graph Paper	
Log Graph Paper	
Other Material	
No. of Pages	2
Department(s)	Law

PTO

1. Answer a), b) and c)

a) Compare and contrast an Agency of Necessity and an Agency created by Ratification;

AND

b) Compare and contrast an EU Directive and an EU Regulation;

AND

c) Compare and contrast the European Commission and the European Parliament

2. What is your understanding of the *ultra vires* rule with regard to the objects clause of the Memorandum of Association.

3. Brad entered into a valid agreement with Tom to sell his house to him. A few days later, his friend offered him a better price for the house. To avoid having to proceed with the sale to Tom he set up a company and transferred the property to this newly formed company. Tom wants to complete the purchase as agreed. Brad is insisting that he is no longer the owner of the property and has nothing to do with the company who owns the property. As he is a first year law student, to back up his argument he quotes from a case he studied: "*the company is at law a different person from its subscribers...the subscribers as members are not liable in any shape or form*". Is Brad correct or simply a confused student?

4. Explain with reference to decided cases how the courts make the distinction between a contract of service and a contract for services in the field of employment law. Why is it important to make this distinction?

5. Discuss the relationship of a Partnership and its partners with third parties.

END