

SUMMER EXAMINATIONS 1998/1999

**BACHELOR OF COMMERCE - 1ST, 2ND & 3RD YEAR
OCCASIONAL STUDENTS**

BUSINESS LAW (LW160)

Mr. R. Friel
Mr. R. Murphy
Ms. C. Gardiner

Time Allowed: **THREE** Hours

Answer **FIVE** Questions. Erasmus students answer **FOUR** Questions.

Answer **TWO** Questions From Section A and **TWO** Questions From Section B.

Section A

Answer at least **TWO** questions from this section. Use a separate answer book for each section.

1. Articles 34-37 of the Irish Constitution provide for the establishment of a court structure in the Irish legal system. Analyse and discuss how this structure operates and outline the jurisdiction of the courts in civil matters.
2. Alex, Alan, Adrian and Anthony are partners in Ancient Antiques. Their partnership agreement provides that the business of the firm will be the valuation and restoration of antique furniture. The agreement expressly excludes the buying and selling of antiques. Without his fellow partners' knowledge, Anthony contracts on behalf of the firm to purchase a quantity of Edwardian furniture costing £5,000. Alex, Alan and Adrian are dismayed when they learn of this and do not want to go ahead with the deal. They also now wish to expel Anthony from the partnership. Advise them.
3. Explain what is meant by the term "veil of incorporation" in company law. Discuss the circumstances in which the veil of incorporation can be lifted by statute and by the courts.
4. In September 1998, Karen began employment as a secretary with Cheatem & Co., a firm of accountants. The job offered required her to be available to work late and at weekends. In December 1998, she informed her department supervisor that she was pregnant. Because of the pregnancy, she has not been able to work late or at weekends any more and in addition, she has had to miss a few mornings due to sickness. In February 1999, Karen failed to meet a deadline for an important project on which she was working. Her supervisor told her that her work must improve or else she would be dismissed. Three days after this warning, she was called to the supervisor's office and dismissed. She now wishes to make a claim for unfair dismissal. Advise Karen.

Section B

Answer at least **TWO** questions from this section. Use a separate answer book for each section.

5. Analyse and discuss the principles of law that are applied by the courts in determining what is the appropriate remedy for breach of contract.
6. Answer (a) **AND** (b)
 - (a) Explain, giving illustrations, the postal rules as they affect offer and acceptance where contracts are concluded through using the post as the method of communication.
 - (b) Frank applied for a job as a navigation officer on a merchant ship registered in the Bahamas. After interview in London, a contract was sent to him at his Dublin address. He signed this and returned it to the London office. Frank was injured during heavy seas in the North Atlantic. He wants to bring an action for, among other things, breach of contract. He is uncertain when and where the contract was concluded. Advise Frank.
7. Mary and Jane decided to take an Easter break in the Slumberland hotel. They booked the hotel using a credit card. When they arrived they checked into the hotel and they were given their respective keys. When they got to their rooms, they decided to go for a swim in the hotel pool. They left some valuables in the room, which were found to be missing when they returned. There was a notice on the bedroom walls disclaiming any liability for items lost or stolen unless handed over to management for safe keeping. They did not see this notice until after their swim. Advise Mary and Jane.
8. Tom bought a bottle of Murphy's Mulled Wine last Christmas which he and his partner consumed over the festive season. It transpired that the wine was contaminated in some way during the production and Tom became very ill and was hospitalised. Tom is anxious to get some compensation for the pain and suffering endured, but is not quite sure of his legal rights. Advise Tom.