

**OLLSCOIL NA hÉIREANN, GAILLIMH  
NATIONAL UNIVERSITY OF IRELAND, GALWAY**

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**SEMESTER II EXAMINATIONS 1998/99**

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**FIRST YEAR EVENING BACHELOR OF COMMERCE DEGREE**

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**THE LEGAL ENVIRONMENT - LW 111**

**Professor R. O'Callaghan  
Professor J. F. Collins  
Mr. O. Mills  
Mr. G. Colleran**

**Five questions to be attempted.  
All questions carry equal marks.**

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**Question 1:**

- (a) A Misrepresentation in contract law can be either fraudulent, negligent or innocent. Discuss negligent misrepresentation, quoting relevant case law in your answer.
- (b) Athlone Fish Co. decided to build a fish factory in Connemara. The company employed an auctioneer to purchase a site for the factory. He found one but the owner was not prepared to sell it. The auctioneer told the owner that unless he sold the land to the company that Galway Co. Council would seek a compulsory purchase order in the High Court in order to acquire the land. Both the auctioneer and the land owner believed this statement to be true. As result of this statement the land owner sold the site and signed a contract. Later the land owner discovered that Galway Co. Council did not have the power to make a compulsory purchase order, because of the purpose for which the land was required. As a result of this information, the land owner refused to complete the transaction. Athlone Fishing Co. have sought a court order directing the land owner to complete the transaction.  
Advise the land owner quoting relevant case law, if any.

**(20 Marks)**

**Question 2:**

Explain what you understand by, and write a note on each of the following terms: Common Law, Local and limited jurisdiction, Criminal Law, Equity and Tort.

**(20 Marks)**

**Question 3:**

Discuss the Doctrine of Equitable Estoppel quoting relevant case law in your answer.

**(20 Marks)**

**Question 4:**

'The intention to create Legal Relations is an essential element in a binding contract'. Explain this statement, quoting relevant case law in your answer.

**(20 Marks)**

**Question 5:**

Trace briefly the development of the court structure in Ireland.

**(20 Marks)**

**Question 6:**

Critically examine the attitude of the courts to exemption clauses, quoting relevant case law in your answer.

**(20 Marks)**

**Question 7:**

- (a) Discuss the difference (if any) between,
  - (i) an offer, and (ii) invitation to treat.
- (b) John sees a rare book in a bookshop window. It is labelled 'first edition' - £5.00. John goes into the shop and puts a £5.00 note on the counter and asks for the book. The bookseller tells John that it was marked £5.00 by mistake and that its real price is £10.00. Is the bookseller bound to sell the book to John for £5.00.

Give reasons for your answer.

**(20 Marks)**