Instructions to Students: PLEASE READ CAREFULLY.

(a) Duration of Examination: 3 Hours

(b) ONLY your candidate number is to be written on each answer booklet.

(c) Answer ONE question from each group.

(d) EACH QUESTION MUST BE ANSWERED ON A SEPARATE ANSWER BOOKLET.

(e) It is not necessary to transcribe the questions.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.
**LAW OF TORT**

**Question 1**

Punter, a partly qualified accountant, has recently been left a substantial sum of money by his late aunt, which he now wishes to invest. He is told by Spiv, a stockbroker client of his employers, that Flybinight plc is currently enjoying considerable success and that since the company’s shares are underpriced, Punter should buy now. Spiv offers to undertake the purchase for Punter when given the go-ahead by him.

Punter meets Hackett, an old friend of his, for a drink in a pub. Hackett has recently been appointed under-manager at Eastminster Bank and Punter asks him about the wisdom of buying the shares. Hackett says that although he does not have much experience in financial advising as yet, he is interested in business matters and always reads the relevant papers. Hackett says that *Whizz Weekly*, one of the more respected financial papers, predicts that Flybinight is undervalued, since the company seems poised to declare record profits. Hackett therefore concludes that on the basis of this report and his general overview of business affairs, Punter should go ahead and buy.

Following the advice he received, Punter invests heavily in the company. After two months, the company is put into liquidation by its creditors and Punter loses his investment.

Advise Punter as to whether he has any legal redress against Spiv, Hackett, and/or *Whizz Weekly* to recover his losses.

**Question 2**

“The law of nuisance and the rule in *Rylands v. Fletcher* might in most cases be invoked indifferently.”

Discuss.
LAW OF CONTRACT

Question 1

Discuss, with reference to decided authorities, the circumstances in which an act of forbearance may be good consideration.

Question 2

Alton and Bertie lived next door to each other. They had an ongoing dispute over a mutual boundary and overhanging trees. They quarrelled and threatened each other regularly. On 1st February 2011, two days after their last quarrel, Alton was found murdered in his yard. Members of the community were highly suspicious of Bertie.

On 4th February 2011, Alton’s employers offered a reward of one million dollars to anyone providing information leading to the conviction for the murder of Alton.

Cedric, who is Bertie’s cousin, had seen Rebel and Thug jump Alton’s fence moments after the estimated time of Alton’s death. Cedric heard about the reward but did not want to be considered an informer and so put it out of his mind. Eventually, the murmuring against Bertie became so strong that Cedric, fearing for Bertie’s safety, gave a statement to the police on 1st March 2011.

Donna had seen Thug’s girlfriend, Elaine, washing bloody clothes on the morning of 2nd February 2011. Donna did not know about the reward. However because Thug’s son had beaten up Donna’s son at school the week before the murder, she too gave a statement to the police on 1st March 2011.

Rebel and Thug were convicted of Alton’s murder in May 2012, and on 1st June 2012, both Cedric and Donna claimed the reward.

Discuss with reference to decided authorities the merits of their respective claims.
Question 1

Answer both (a) and (b).

a) Explain and discuss the relevance of the term “the four unities” in co-ownership of an interest in land.

b) Discuss the view that the principle of “jus accrescendi” is inconsistent with equity.

Question 2

In November 2011, Alaine placed an advertisement at COLTECH Institute for a tenant for her vacant apartment. Sammy, a student at the Institute, saw the advertisement and telephoned Alaine expressing an interest in viewing the apartment. Sammy, who was going home to the country to be with his family over the Christmas holidays, wished to secure accommodation for the new semester which was to commence at the end of January 2012.

In early December 2011, Alaine met Sammy at the apartment. Alaine told Sammy that the rental would be $10,000 per month and that as the apartment was currently under repairs he could move into the apartment in about two months. This arrangement suited Sammy perfectly and so he agreed. Before leaving for his Christmas vacation in mid-December, Sammy wrote a brief note to Alaine to confirm the arrangements.

In mid-January 2012, Sammy telephoned Alaine to inform her that he was returning to school in about a week’s time and was expecting to take possession of the apartment at that time. Alaine told Sammy that she had changed her mind about renting the apartment and that in any event she had sold it to Marios.

Advise Sammy as to his rights, if any, in relation to the apartment.
Question 1

Shaun and Harry are both members of a notorious gang called the “Power Posse”. The gang was known for not only killing but also dismembering its victims. Peter grew up in the same area as both Shaun and Harry. Shaun told Peter that if he did not join the gang he would be killed. As a result, Peter very reluctantly joined the gang. Shaun and Harry decided to rob the local jewellery store and insisted that Peter go with them. They told Peter that they intended to hit the security guard on his head and gain access to the store.

During the course of the robbery, Shaun drew a handgun from his pocket, handed it to Peter and told him to shoot the security guard. Out of fear of being harmed by Shaun, Peter shot the security guard and then handed the hand-gun to Harry. Peter then loudly said, “I did not come here to shoot anyone. I really don’t want to be here.” At that time both Shaun and Harry proceeded to beat Peter about the body.

Eventually, they all made good their escape. One week later, the police arrested Peter and charged him with several offences including armed robbery and wounding with intent to commit grievous bodily harm.

Peter has written to you from the remand yard telling you that he was forced to commit the offences. He also says that he really did not want to be a part of the gang or to harm anyone.

Peter wishes to know whether duress is available to him as a defence and whether he can claim that he was a secondary party to the events in which he was a reluctant participant.

Advise Peter.

Question 2

With the use of decided cases compare and contrast the following:

i. insane delusions and insanity;
ii. involuntary and voluntary intoxication;
iii. self-induced automatism and non-insane automatism.
Question 1

"The purpose of an Anton Piller order is to supply the [claimant] with evidence, or to stop the defendant destroying or spiriting away evidence, to support an action the [claimant] has determined to bring or to support enforcement of a judgment. A [claimant] must not use such an order as a means of finding out what charge he can make." (Keeton & Sheridan's EQUITY at p.369)

Discuss this statement and illustrate with reference to decided cases.

Question 2

In view of the incursion of legislative guidance in relation to matrimonial property division, only a residue of cases which could be called "quasi-matrimonial" cases require the application of uncodified equitable principles.

Discuss this statement and refer to relevant case law to illustrate.

END OF QUESTION PAPER.