Cambridge Assessment International Education

Cambridge International AS & A Level

LAW **9084/31**

Paper 3 Law of Contract **May/June 2023**

1 hour 30 minutes

T8890855115

You must answer on the enclosed answer booklet.

You will need: Answer booklet (enclosed)

INSTRUCTIONS

- Answer **three** questions in total:
  - Section A: answer **one** question.
  - Section B: answer **two** questions.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 75.
- The number of marks for each question or part question is shown in brackets [ ].

This document has **4** pages. Any blank pages are indicated.

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Section A

Answer **one** question from this section.

EITHER

1 Elsie rents a house and its garden from her brother, Fred. The garden is very overgrown so Fred asks Elsie, who is a professional gardener, to tidy it. They agree that she will be paid £500 for the work.

Elsie also decides that the interior of the house needs to be painted so she buys the necessary materials and paints a number of rooms.

When Fred visits Elsie a month later, he is pleased to see that she has finished tidying the garden. When he goes inside the house, he is so delighted to see that she has carried out some painting that he promises to pay her £200 for the materials and her labour.

Three months later, Elsie has still not been paid for either gardening or painting work.

Advise Elsie of her rights, if any, to claim payment from Fred. [25]

OR

2 Musa owns a garage business that services and repairs cars. Much of the work requires the use of a ramp to lift the cars high enough for him to work underneath them. One day, the ramp breaks down, so Musa contracts with Risers Ltd (RL) to repair it.

RL's engineer visits the garage and discovers that part of the ramp's mechanism has broken. The engineer orders a new part. He tells Musa that it will take three weeks to arrive and the ramp will be repaired by 1 May. Without the use of the ramp, Musa tells customers that the garage will need to be closed for three weeks.

Unfortunately, the engineer had ordered the wrong part and the delay means that Musa's garage remains closed until 1 June. As a consequence, Musa loses £2000 profit from ordinary work that he would have expected to complete from 1 May to 1 June. In addition, he loses a further £5000 as he is forced to cancel a special contract with a taxi company to service and repair its cars during this period.

Musa is worried about the impact that these losses will have on his business and suffers mental distress.

Advise Musa as to the extent of the damages he may claim against Risers Ltd. [25]

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Section B

Answer **two** questions from this section.

3 The distinction between a bilateral offer, a unilateral offer and an invitation to treat is not always clear to the parties, but is of vital importance to the process of establishing a legally binding agreement.

Examine the validity of the statement above. [25]

4 For a contract to be discharged, the general rule is that performance must entirely and exactly match what the party agreed to do.

Discuss to what extent the potential for hardship caused by the entire or strict performance rule has been mitigated by the courts. [25]

5 Assess to what extent the use of innominate terms has allowed the courts to balance the needs of certainty and justice when required to classify the status of a term. [25]

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