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THE UNIVERSITY OF THE SOUTH PACIFIC
UNIVERSITY EXTENSION

SEMESTER 2 2006 EXAMINATION

COURSE TITLE: LAC04 – PRIVATE LAW	
DURATION OF EXAM:	3 Hours
TOTAL NUMBER OF PAGES:	2 (excluding cover page)
MARK VALUE:	60%
NUMBER OF SECTIONS:	1
NUMBER OF QUESTIONS:	7
NUMBER OF QUESTIONS TO BE ANSWERED	5
<p style="text-align: center;"><u>NOTES TO CANDIDATES</u></p> <ol style="list-style-type: none">1. This exam is worth 60% of the total marks of the course.2. Candidates are required to answer <u>ONLY</u> five (5) questions.3. Each question is worth 12 marks.4. Candidates must have with them the Course Reader but <u>NOT</u> the Course Book.5. Where necessary, refer to relevant statutes or cases to support your answers.	

Approved
E. Joseph
11/10/2006.

QUESTION ONE

Explain the four elements of a simple contract and give one example of each. Please use case authorities to support your answer.

(12 Marks)

QUESTION TWO

With reference to case authorities, explain the meaning of “duty of care” and describe instances where the defendant owes the plaintiff a duty of care.

(12 Marks)

QUESTION THREE

(a) What is the difference between general and special damages? Please use case authorities to support your answer.

(6 Marks)

(b) How are damages for personal injuries measured? Please use case authorities to support your answer.

(6 Marks)

QUESTION FOUR

Ben had a contract with Joseph to build a boat. Peter went to Ben and offered him a very big and valuable contract to build another boat for Peter. As Ben was likely to make more money building Peter’s boat, he breached his contract with Joseph and stopped building his boat. Can Joseph sue Peter for interference with a contract. Why or why not?

(12 Marks)

QUESTION FIVE

(a) What is the difference between Assault and Battery?
(6 Marks)

(b) What does the plaintiff need to show in order to establish each of the following torts?

- (i) Trespass to land
- (ii) False imprisonment
- (iii) Trespass to chattels

Please use case authorities or statutes to support your answer.

(6 Marks)

QUESTION SIX

Teouma Ltd stored some barrels of radio-active chemicals on its land. One day some of the barrels exploded. The chemicals escaped into John's land and killed all the grass. Until the accident, the chemicals seem to have been safely stored and Teouma Ltd had no way of knowing the danger posed by the stored substances. For what tort could John sue Teouma Ltd?

(12 Marks)

QUESTION SEVEN

- (a) What is the purpose of awarding damages?
(3 Marks)
- (b) Are damages ever awarded to punish the party that has done wrong?
(3 Marks)
- (c) What is the difference between liquidated and unliquidated damages?
(3 Marks)
- (d) Describe the equitable remedy of specific performance and when can it be applied by the courts.
(3 Marks)

END