



**THE LAW SOCIETY OF SCOTLAND
EXAMINATIONS**

**SCOTS PRIVATE LAW
PAPER ONE**

Tuesday 8 AUGUST 2007

**0900 – 1200
(Three Hours)**

Candidates should attempt FIVE questions

LAW SOCIETY OF SCOTLAND
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**SCOTS PRIVATE LAW
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7 August 2007
(Three hours)

Candidates should answer FIVE questions.

1. Adam and Bella went through a ceremony of marriage in 2000. Unknown to Adam, Bella was only 15. They live together in a house owned by Adam. All their friends think that they are husband and wife. Charles was born in 2005. His father is Adam's brother, David, with whom Bella was having an affair. When Adam discovered that he was not Charles' father, he left. Bella has now received a letter from Adam's solicitor telling her to leave the house taking Charles with her.

Advise Bella :-

- (i) on the validity of her marriage to Adam;
- (ii) on whether Adam is liable to aliment Charles and herself; and
- (iii) whether she has to leave the house.

2. Edward and Fred are a gay couple. They register a civil partnership in 2006. Gayle, Fred's sister, is an alcoholic. She has recently given birth to Ian whose father, Gayle's husband Jack, is a drug addict. Since both parents find it difficult to cope, Ian lives with Edward and Fred. They have become very fond of Ian. They now wish to adopt him

Advise Edward and Fred.

3. What rights do same sex and opposite sex cohabitants have in respect of property which they acquire during their relationship and what financial provision can they expect if their relationship breaks down otherwise than on death?
4. Write notes on TWO of the following:-
 - (i) parental responsibilities and rights;
 - (ii) the grounds of divorce and dissolution;
 - (iii) the welfare principle.

5. Joseph posted a letter to Kenneth in which he said that he was prepared to buy Kenneth's house for £250K. Kenneth posted a letter in which he said that Joseph could have the house for £300K. Joseph phoned Kenneth and asked if he could have a week to see if he could raise the money. Kenneth agreed. Joseph immediately approached his brother Liam who agreed to lend him £100K provided Joseph gave Liam a painting that Joseph had inherited from their grandmother. When the painting was delivered the next day, Liam authorised the use of the funds. When Joseph informed Kenneth that he had the money, Kenneth said the deal was off as he had now sold the house to Malcolm for £350K.

Advise Joseph.

6. Neil and Oona entered into a contract under which Neil agreed to sell Oona hair dryers for use in her hairdressing business. At the time the contract was formed Oona signed a list of terms and conditions which she did not read. In these there was a term that Neil undertook no liability for any defects in the hairdryers. As a result of a defective dryer, there was a fire in the salon. Oona was badly burned and the salon sustained serious smoke and water damage which it will cost £50K to repair and redecorate. Neil has stated that he is not liable because of the term.

Advise Oona. Would it make any difference to your answer if Oona had been 17 when she signed the list of terms and conditions?

7. Write notes on TWO of the following:-
 - (i) Frustration of contract;
 - (ii) Illegal contracts;
 - (iii) Unilateral obligations.

END