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## Principles of Common Law

7 January 2020

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**Duration:** 120 minutes

- Please check at receipt of the exam the number of question sheets. The examination contains 2 pages and 3 questions.

### Notes on solving the questions

*Your answer must contain a discussion and analysis of the main legal (and related policy issues) based on information from lectures and readings. Exam points will be awarded for identifying the main issues and providing the relevant analysis.*

*Note: you will not receive full points simply for copying information off the lecture slides. Please make an effort of analysis, comparison and criticism to achieve full marks.*

### Notes on marking

- When marking the exam each question is weighted separately. Points are distributed to the individual questions as follows:

Question 1	40 points	40 %
Question 2	30 points	30 %
Question 3	30 points	30 %
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Total	100 points	100 %

**We wish you a lot of success!**



### 1) (40%) Contract law

A sends an email message to B, a metalworks company, informing them that there is copper to be found in a remote location in the North of England, and A would be willing to mine it for B but would require a £1 million payment from B. The deadline for B to accept A's offer to do the work is 4<sup>th</sup> January, otherwise A will contact other potential collaborators.

- a) B accepts on 2 January by post but then sends an email with the revocation of acceptance on 3 January. Are A and B bound by a contract?
- b) B accepts on 3 January by email (there is a contract in this scenario), the two work out the details and B pays A £1 million by internet bank transfer. After the payment, it turns out that, unbeknownst to A or B, the copper deposits were not in England, but in Wales, and other companies are already working on them to the exclusion of A and B.
- c) Based on b), would the issues be different if A had known that the deposits were in Wales and inaccessible, but nevertheless entered into business with B and accepted payment from B?
- d) Based on b), would the issues be different if the copper had been in England, but due to a natural disaster involving a landslide has become completely inaccessible without any fault of either party?
- e) A mines the copper and delivers it to B, but A does not receive payment. B then quickly sells the copper to C, closes down the business and disappears. A would therefore like to get the copper back from C.

Discuss and analyse the issues and remedies available to all parties.

### 2) (30%) Constitutional/public law

Does Brexit represent a breakdown of UK constitutional law? Does it undermine the idea of Parliamentary Sovereignty? Critically discuss the relevant principles and concepts from the lectures and readings, giving particular attention to the merits and faults of the UK legal system. Suggest ways to improve, including comparison with other types legal systems.

### 3) (30%) Common law and law of equity

Discuss the historical development of the common law and the law of equity and explain what is a trust and its legal function.