



CEX7106/CEE 7106/CEP 2106 Law and the Construction Industry

FINAL EXAMINATION - 2005

013

Time Allowed : Three (03) Hours

Date : 2006- 03 - 22 (Wednesday)

Time : 0930 - 1230 hrs.

Answer any *Five (05)* questions

Q1. Explain how English Law has become so important as a source of public law giving the distinct areas of law which it is applicable.

Q2. "Sri Lanka has a complex, developed and sophisticated system of laws, yet there are shortcoming in the system due to some factors". What are the main factors and discuss the means adopted for their elimination ?

Q3. Property Developer A offered to sell a house and property to B at Rs. 2.0 Million. B made reply to A that he is willing to purchase same for a sum of Rs. 1.75 Million. This was refused by A and hearing that, B wrote to A that he was prepared to pay Rs. 2.0 Million.

A did not sell the house and property to B even at Rs. 2.0 million. Can B sue A stating that a contract has come to exist ?. Explain.

Q4. i) What is Mitigation of damages ?

ii) A partnership consisting of four members agreed to employ Bimal as an assistant manager of a branch of the business for two years. Five months later partnership was dissolved by the retirement of two of the members and business was transferred to the other two who offered to employ Bimal on the same terms as before. Bimal rejected the offer and sued for breach of contract to recover the salary he would have received had he served for the whole period of two years.

Would Bimal succeed ? Discuss.

Q5. i) Explain the defense of consent to Delictual Liability;

ii) Discuss defence of consent in the situation of

a) Public policy

b) shall be freely given without pressure or constraint giving an illustration in each case.



- Q6. Explain a) Public Nuisance
b) Private Nuisance

giving an illustration in each case.

- Q7. i) How do you distinguish between an employee and an independent contractor ?
- ii) What tests would you apply to determine whether employer and employee relationship exists ?

Q8. Write short notes on

- i) Workmen's compensation Ordinance (1934)
ii) Termination of employment of workmen (Special provisions) Act 1971
iii) Shop and Office Employees Act
iv) Wages Board Ordinance (No. 27 of 1941)

