



CEM7106 - The Law and the Construction Industry

FINAL EXAMINATION - 2009

Time Allowed : Three Hours

Date: 2010 - 04 - 03 (Saturday)

Time: 0930 - 1230 hrs

Answer any Five (05) questions. All questions carry equal marks.

- Q1. i.) What are the essential parts of a valid agreement?
ii.) Discuss the differences between an Offer and an Invitation to treat.
iii.) Briefly describe how a contract becomes illegal.
iv.) Briefly explain how an offer can be terminated
- Q2. Giving a practical example for each case explain the following;
i.) Mutual Mistake
ii.) Common Mistake
iii.) Public nuisance
iv.) Negligent Professional advice
- Q3. "The Judicative Act (1978) and the Constitution together, determine the judicial structure of Sri Lanka. But our judicial system is hierarchical, and does not afford a satisfactory system for dispute settlement." Comment on this with special reference to;
i.) Mediation Boards ii.) Labour tribunals
iii.) Dispute Adjudicator Boards set up between constituting parties
- Q4. "A" wished to acquire from "B Company Ltd" a new van on hire purchase terms. After considerable correspondence, "A" gave a written order for a particular type of van, which included the words "This order is given on the understanding that the balance of purchase price can be obtained on hire-purchase terms over a period of two years" The order was accepted by "B company Ltd" but the hire purchase terms were never specifically determined. Although there was a wide variety of hire purchase agreements, there was nothing to indicate which of them that the parties favoured.
"B company Ltd" later refused to provide the van, and "A" sued for damages for non-delivery. Can "A" succeed in the ensuing lawsuit? Give reasons for your answer.
- Q5. In legal context, write short notes on following:
i.) Probationers
ii.) Casual Employment
iii.) Temporary Employees
iv.) Apprentices
- Q6. Explain with illustrations, the statement "no person can complain of an act which he or she has expressly or impliedly consented to".
What are the three general principles that could be evolved from the above statement? Provide an example for one of the above general principles.
- Q7. How do you distinguish between an employee and an independent contractor? What tests would you apply to determine whether 'employer and employee relationship' exists?
- Q8. Write short notes on:
i) Collective Agreement
ii) Conciliation by the Commissioner of labour or his authorized officer
iii) Voluntary Arbitration
iv) Compulsory Arbitration

