



CEM7106 - The Law and the Construction Industry
FINAL EXAMINATION - 2014/2015

Time Allowed : Three Hours

Date: 30 - 08-2015 (Sunday)

Time: 0930 - 1230 hrs

Answer any Five (05) questions.

Q1.

- (a) Briefly explain the shortcomings in law enforcement and access to justice. (12 marks)
- (b) (i) A woman to whom Tesawalamai applies, marries a man to whom Tesawalamai does not apply. Is the woman governed by Tesawalamai during the subsistence of the marriage? (02 marks)
- (ii) A woman to whom Tesawalamai does not apply marries a man to whom Tesawalamai applies. Is the woman governed by Tesawalamai during the subsistence of the marriage (02 marks)
- (iii) A person who was born in Jaffna left Jaffna when he was very young and settled down and married a woman in Colombo. Is this person governed by Tesawalamai? (02 marks)
- (iv) A person governed by Tesawalamai has properties in Colombo and Matara. Is Tesawalamai applicable to these properties (02 marks)

Q2.

- (a) What are the institutions that create law in Sri Lanka? Explain. (10 marks)
- (b) Explain briefly the four elements that should be present in a legally enforceable contract. (10 marks)

Q3.

- (a) A valid 'acceptance' must have several requirements. What are they? Explain. (10 marks)
- (b) What are the remedies for the breach of a contract where the breach does not discharge the contract? Explain. (10 marks)

Q4.

- (a) Explain the following terms giving examples. (12 marks)
- (i) Mutual mistake
- (ii) Unilateral mistake
- (iii) Common mistake
- (b) "The terms of a contract are classified into Conditions and Warranties and they have different meanings in English Law and in Roman Dutch Law". Discuss. (08 marks)



Q5.

(a) Mr. A owns a grocery shop which is situated in the suburbs of a large town. He is running this as a self service store. On one occasion when a customer Ms. B attempted to get some paint cans from a shelf on which the paint cans were placed, the shelf came off from the wall and the shelf and its contents fell on her. As a result, B suffered a serious arm injury. Her injuries caused her considerable discomfort and she needed hospital treatment. She was also forced, because of her arm injury, to give up some typing work she was doing at home for a local firm. She decides to take legal action against A. Advise her.

(12 marks)

(b) Explain the liability based on negligence in the following instances.

(i) Negligent professional advice

(04 marks)

(ii) Occupiers liability for dangerous buildings and premises.

(04 marks)

Q6.

(a) "Courts have developed certain tests to distinguish independent contractors from employees". What are these tests? Explain.

(10 marks)

(b) Write a note on the common employment categories existing in Sri Lanka.

(10 marks)

Q7.

(a) State and briefly explain the specific methods by which conflicts could be resolved in terms of the Industrial Disputes Act.

(10 marks)

(b) State the defences to the rule in '*Rylands v Fletcher*'.

(10 marks)

Q8.

Write short notes on any four of the following.

(a) Specific performance

(05 marks)

(b) Public nuisance

(05 marks)

(c) Contributory negligence

(05 marks)

(d) Wages Board Ordinance

(05 marks)

(e) Termination of Employment of Workmen Act.

(05 marks)

