



Time Allowed: Three Hours

Date: 29 - 11-2016 (Tuesday)

Time: 0930 - 1230 hrs

Answer any Five (05) questions.

**Q1.**

- (a) Briefly explain the reasons for considering *Roman Dutch Law* as the Common Law of Sri Lanka. (06 marks)
- (b) 'The Courts system in Sri Lanka is hierarchical'. What does this mean? Explain briefly. (08 marks)
- (c) A person living in Jaffna and governed by *Tesawalamai* wishes to distribute his property in Kalutara to his children. What Law would be applicable for this property distribution? Explain briefly (06 marks)

**Q2.**

- (a) Briefly explain the different institutions that create Law in Sri Lanka. (10 marks)
- (b) 'A valid offer must satisfy several requirements'. What are they? Explain briefly. (10 marks)

**Q3.**

- (a) State the factors which could invalidate a contract. (08 marks)
- (b) Kumara posted a letter on 1<sup>st</sup> January, addressed to Sarath, offering to sell him two 'Honda' motorcycles for Rs. 80,000/- each. The letter reached Sarath on 3<sup>rd</sup> January, and he replied on the same day as follows: "I accept your offer for one 'Honda' motorcycle at the stated price of Rs. 80,000/-. On 7<sup>th</sup> January, Kumara wrote to Sarath as follows: "Thank you for your letter of 3<sup>rd</sup> January. My offer was for two 'Honda' motorcycles at the special price of Rs. 80,000/- each. The price for a single motorcycle is Rs. 85,000/-. I will be pleased to dispatch one or two motorcycles as offered as soon as I have a definite acceptance". On 23<sup>rd</sup> January, Kumara, not having heard from Sarath, wrote to him as follows: "I have not still received your reply to my letter of 7<sup>th</sup> January. To oblige you, I accept your offer for one 'Honda' motorcycle at the special price of Rs. 80,000/-. Please let me know when you would like to have the delivery of the motorcycle". On 2<sup>nd</sup> February, Sarath replied that he no longer required a motor cycle. What remedies, if any, has Kumara against Sarath? (12 marks)

**Q4.**

- (a) Can a minor enter into a contract? Discuss. (10 marks)
- (b) What is understood by 'Exemption Clauses' in a contract? Explain, giving examples. (10 marks)



**Q5.**

- (a) Piyal is driving at a speed of 40 kmph in a 40 kmph zone down a four lane street, adjacent to which is a playing area. One nine-year-old child, Charith, runs into the street chasing a soccer ball. Piyal, without looking over his shoulder, swerves into the other lane to avoid hitting Charith and in the process he hits a car, driven by Kamal, which was speeding past him on the right-hand lane going in the same direction. Kamal loses control of his car, hits a telephone pole and is seriously and permanently injured. The telephone pole, owned by the local phone company TeleCo, snaps into two pieces and hits Charith, who is still on the street, knocking him unconscious and resulting in permanent injuries. What are the various liabilities and rights of the parties involved?

(12 marks)

- (b) Distinguish private nuisance from public nuisance giving examples.

(08 marks)

**Q6.**

- (a) What are the tests developed by the Courts to distinguish independent contractors from employees? Explain.

(08 marks)

- (b) Briefly explain the following types of employment categories.

- (i) Probationers
- (ii) Fixed term employment
- (iii) Seasonal employment
- (iv) Casual employment

(12 marks)

**Q7.**

- (a) 'Industrial Disputes Act specifies six methods by which conflicts could be resolved'. Briefly explain these methods.

(12 marks)

- (b) Write a short note on the liability under the Rule in *Rylands V Fletcher* (1868).

(08 marks)

**Q8.**

Write short notes on any four of the following.

- (i) Causa and Consideration (05 marks)
- (i) Contracts *Uberrimae fidei* (05 marks)
- (iii) Wages Board Ordinance (05 marks)
- (iv) Shop and Office Employee's Act (05 marks)
- (v) Workmen's Compensation Ordinance (05 marks)