



034

CEM 7106/CEE 7106 The law and the Construction Industry

FINAL EXAMINATION - 2008/2009

Time Allowed : Three (03) Hours

Date : 2009 - 03 - 17 (Tuesday)

Time : 0930 - 1230 hrs.

Answer Five (05) questions only.

- Q.1
- i) What are the institutions that create law in Sri Lanka? (06 Marks)
- ii) Discuss the importance of
- (a) The courts
(b) Customs
in making Laws in Sri Lanka. (14 Marks)
- Q.2
- i) What are the sources of Sri Lankan Law? (08 Marks)
- ii) Briefly explain the importance of Roman Dutch Law as the common law of Sri Lanka. (12 Marks)
- Q.3
- i) What are the essential elements in a legally enforceable contract? (08 Marks)
- ii) Explain basic characters of a valid acceptance. (12 Marks)
- Q.4
- i) Briefly explain how a contract becomes illegal? (10 marks)
- ii) A, a safety officer of labour department, made an agreement with B, a builder to refrain from taking legal action against B on safety lapses found during an inspection. B would pay Rs. 10000 to A for not taking action. A didn't take action against B but B refused to pay Rs. 10000. What are the remedies available for A. (10 marks)
- Q.5 Briefly describe any four (04) of the following
- i) Public Nuisance
ii) Private Nuisance
iii) Non natural User
iv) Contributory Negligence
v) Defence of Consent. (20 Marks)



Q.6

- i) A is a driver working in your organization. On 29th Feb 1996, He transported you to your home. On his way back he had picked up some officers who were waiting for bus. The vehicle met with an accident and passengers were injured. Can passengers sue your organization? Discuss. (10 Marks)
- ii) A is a contractor constructing a building adjacent to public road. He had put up poly-sa cover to prevent damages due to falling objects and also displayed warning signs. Discuss following situations.
- (a) A 5 year old child passing by was injured by fallen brick piece. (8 Marks)
- (b) If the victim is an adult, will your answer change and how? (2 Marks)

Q.7

- i) Briefly describe following terms
- (a) Casual employee (5 Marks)
- (b) Probationary period. (5 Marks)
- ii) *Star builders ltd* is a building construction company. Mr. Lee a carpenter works for *Star builders* for last 5 years. His salary was calculated on daily paid basis and paid monthly. His employment was terminated at the end of every 6 months and re-employed after 15 days break. Now, the board of directors of *Star builders* has decided to terminate Mr. Lee's employment on the ground of casual employment. Advise Mr. Lee. (10 Marks)

Q.8

- i) *The most recent view is that one should look at all the aspects of the relationship and decide whether the person is an independent contractor or an employee.* Give Five of factors to be considered in this context (no need to explain). (10 Marks)
- ii) In case of injury or death of an employee, the negligence of the workman will not be a good defense. Do you agree with this statement? Support your answer. (10 Marks)

