

**UNIVERSITY OF BOLTON**

**FACULTY OF WELL-BEING AND SOCIAL SCIENCES**

**LAW PATHWAY**

**SEMESTER 1 EXAMINATIONS 2011/2012**

**CONTRACT LAW**

**MODULE NO: LAW1602 / LAW1702**

Date: Monday 16<sup>th</sup> January 2012

Time: 10:00 – 11:30

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**INSTRUCTIONS TO CANDIDATES:**

There is one case study scenario.  
Answer ALL questions.

All questions carry equal marks.

There is no additional reading time  
allowed.

You are not allowed to bring any  
notes whatsoever into the  
examination with you.

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### **CASE STUDY**

Alan, a chef, enters Bart's Baking Supplies (BBS), in order to buy some cookware for a prestigious event that he is hosting in his restaurant. He seeks advice from Carol, a shop assistant, about the quality of the pans in which he is interested. Carol tells him that "these pans are the top of the range, they can sustain the hottest temperatures on earth!" Alan decides to purchase a set of these pans and some very sharp knives.

As Alan is paying for the items at the cash desk he asks for them to be delivered to his restaurant. He is handed a sheet of paper with confirmation of the delivery details. At the bottom of the delivery note are the following terms:

- BBS do not accept any responsibility whatsoever for statements made by employees prior to entering into the contract.
- BBS do not accept responsibility for any damage or injury caused by defects in the quality of our products.
- No terms will be implied as to the quality of the goods sold.

On the night of the event, Alan finds that the pans do not sustain high temperatures at all and much of the food is burned, making it completely inedible. In addition, the handle on one of the knives is loose and causes Alan's hand to slip when cutting some onions. He badly injures his finger and has to be rushed to hospital. As a result of these events, the evening is a disaster and Alan's business reputation is so badly affected that he fears his restaurant will have to close.

### **Required:**

Advise Alan on:

- (i) whether the exclusion clause has been successfully incorporated into the contract;
- (ii) whether BBS can exclude him from claiming for his injury and damage to his business reputation;
- (iii) whether BBS can rely on the exclusion clause with regards the quality of the knives sold to Alan.

**END OF QUESTIONS**