

Friday 14 June 2013 – Morning

A2 GCE LAW

G156/01 Law of Contract Special Study

Candidates answer on the Question Paper.

OCR supplied materials:

- Clean copy of the Special Study Materials

Other materials required:

None

Duration: 1 hour 30 minutes



Candidate forename		Candidate surname	
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Centre number							Candidate number				
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **80**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions **1** and **2** you will be assessed on the quality of your written communication (QWC) including your use of appropriate legal terminology. These questions are marked with an asterisk (*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely 'lift' information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- This document consists of **24** pages. Any blank pages are indicated.

You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

In answering questions use the source materials **and** your knowledge of the subject.

Answer **all** questions.

- 1* Discuss the extent to which the decision of the House of Lords in *A Schroeder Music Publishing Co Ltd v Macaulay* [Source 6 page 7 Special Study Materials] represents a development of the law regarding restraint of trade. [16]

Start writing your answer to question 1 below. Start writing your answer to question 2 on page 7.
Start writing your answer to question 3 on page 17.

1*

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A vertical solid line is positioned on the left side of the page. To its right, there are 25 horizontal dotted lines spaced evenly down the page, providing a guide for handwriting practice.

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- 2* In Source 1 [page 2 lines 25–27 Special Study Materials] Lord Wilberforce is quoted as saying: *“The doctrine of restraint of trade is one to be applied to factual situations with a broad and flexible rule of reason”*.

Discuss the extent to which the courts have been broad **and** flexible in applying the law on restraint of trade. **[34]**

Start writing your answer to question 2 below. Start writing your answer to question 3 on page 17.

2*

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- 3** Consider whether or not the courts will find the following clauses in restraint of trade:
- (a)** Daljit had a successful zoo in the city of Brighton. He sold it for £1.5 million. The contract of sale stated that he could not engage in “any business involving animals in the Brighton area for three years after the sale”. Two years later, Daljit would like to open a pet shop in the city of Brighton. **[10]**

 - (b)** Evan was a well paid senior research supervisor at an internationally successful medical research company. His contract stated that he “could not work in the medical research industry anywhere in the world for two years after leaving the company”. Three months after leaving he would like to join a rival company. **[10]**

 - (c)** Fiona bought a petrol station using her own money and a five year loan from Guzzlers Co. She entered a contract with Guzzlers Co which includes a term stating that she “must purchase all petrol from Guzzlers Co at a price to be set by Guzzlers Co for fifteen years”. It is now seven years since she bought the petrol station and Fiona would like to change to a cheaper petrol supplier. **[10]**

Start writing your answer to question 3 below.

Write the number of the part question **(a)**, **(b)** or **(c)** in the margin.

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A series of horizontal dotted lines for writing, starting below the page number and ending above the footer text. A solid vertical line is positioned on the left side of the page, extending from the top of the dotted lines to the bottom.

END OF QUESTION PAPER

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