



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, MAY 10, 2001. TIME: 9.30 am - 12.30 pm

Please attempt **FIVE** questions.

(If more than the specified number of questions are attempted, delete those you do not wish to have marked. Otherwise the Examiner will mark the **FIRST** five questions in your Answer Book).

All questions carry equal marks.

Do **NOT** repeat question in answer, but show clearly the number of the question attempted on the appropriate page of the Answer Book.

1. Daniel exhibited for sale in his shop window a fridge for £40. Tony entered the shop and put £40 on the counter saying, "I will take the fridge in the window." Daniel now tells Tony that the indicated price was a mistake and should have been £400.
Advise Tony if a legally binding contract exists between himself and Daniel.
2.
 - (a) List only the terms implied in sale of goods contracts by the Sale of Goods Act 1893 and the Sale of Goods and Supply of Services Act, 1980. (5 marks)
 - (b) Discuss the extent to which such implied terms can be excluded in appropriate circumstances. (15 marks)
3. Critically assess the following aspects of the Liability for Defective Products Act, 1991.
 - (a) The definition of a producer. (5 marks)
 - (b) The basis of liability under the Act. (7 marks)
 - (c) The possible defences available to the producer of a defective product. (8 marks)

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4. (a) List the methods by which a contract of agency may be terminated.
(6 marks)
- (b) Peter is the manager of a sports shop owned by Outdoor Sports Ltd. Despite the instructions of the managing director that the company should run down its stock of basketballs, Peter buys 50 basketballs from International Sports Equipment plc. Outdoor Sports Ltd. are now refusing to pay for the basketballs.
Advise International Sports Equipment plc. (14 marks)
5. The normal remedy for a breach of contract is an award of damages. There are some situations, however, where damages would be neither adequate nor appropriate. Discuss the more important alternative remedies developed by the legal system to deal with such situations.
(20 marks)
6. (a) What rules and presumptions do the courts apply in trying to ascertain the meaning of the words the Oireachtas has used in statutes?
(10 marks)
- (b) Explain what is meant by delegated legislation.
Why is it necessary and how is it controlled. (10 marks)
7. 'Competition Law is designed, primarily, to protect and benefit the consumer.'
Discuss how this objective is achieved through the Competition Acts 1991-96 and as appropriate, illustrate the answer by reference to relevant recent activities of the Competition Authority.
8. Provide an overview of the significant changes and provisions of the Trade Marks Act 1996 in the context of the functions which a trade mark performs and the need for a person to protect their trademarks.