

## **LAW OF CONTRACT QUESTION PACK**

### **EXAM 1:**

#### **Question 1:**

X, an organizer of art exhibitions, contracted with Y for an exhibition to be held on 24 to 27 July. These dates were the only dates mentioned during the negotiations. After having being pressurized by X, Y hurriedly signed the standard form contract without reading it. The contract contained a clause permitting X to change the dates of the exhibition unilaterally. Therefore X changes the dates. X had no reason to believe that Y would have signed the contract if he had known of the term. Y averred that the contract was void, because of this mistake.

1.1.1 Is Y's mistake material? Substantiate your answer in one sentence. (1)

#### **Answer and discussion:**

***Yes. The mistake relates to the terms of the contract (legal consequences) (1)***

***The mistake is material. Y did not read the contract and did not know that it contained a term that allowed X to change the dates. See study guide 1 (50-53)***

1.1.2 Will Y succeed in his attempt to have the contract set aside? Substantiate your answer briefly. (3)

#### **Answer and discussion:**

***Yes. In this problem we have a contract signed by both parties, and this is an apparent contract. When answering this question you may thus use either the direct reliance of the iustus error approach.***

***Direct reliance approach: Y, a party to the contract, misrepresents his actual intention by signing the contract. (1) X was misled by Y's misrepresentation. (1) A reasonable man would have realized that Y, certain dates having being mentioned during the negotiations would not have expected a clause permitting X to unilaterally change these dates. (1) X's reliance is therefore not reasonable, and there is no contract.***

**OR**

***Iustus error approach: X made an innocent misrepresentation that there was no term allowing X to unilaterally change the dates, and this misrepresentation caused Y's mistake. (1) This is an example of misrepresentation by way of omission. There was a duty on X to direct***

# Contract Law Exam Questions Answers

**L Darling-Hammond**



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## **Table of Contents Contract Law Exam Questions Answers**

1. Understanding the eBook Contract Law Exam Questions Answers
  - The Rise of Digital Reading Contract Law Exam Questions Answers
  - Advantages of eBooks Over Traditional Books
2. Identifying Contract Law Exam Questions Answers
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Contract Law Exam Questions Answers
  - User-Friendly Interface
4. Exploring eBook Recommendations from Contract Law Exam Questions Answers
  - Personalized Recommendations
  - Contract Law Exam Questions Answers User Reviews and Ratings
  - Contract Law Exam Questions Answers and Bestseller Lists
5. Accessing Contract Law Exam Questions Answers Free and Paid eBooks

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    - ePub, PDF, MOBI, and More
    - Contract Law Exam Questions Answers Compatibility with Devices
    - Contract Law Exam Questions Answers Enhanced eBook Features
  7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Contract Law Exam Questions Answers
    - Highlighting and Note-Taking Contract Law Exam Questions Answers
    - Interactive Elements Contract Law Exam Questions Answers
  8. Staying Engaged with Contract Law Exam Questions Answers
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Contract Law Exam Questions Answers
  9. Balancing eBooks and Physical Books Contract Law Exam Questions Answers
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Contract Law Exam Questions Answers
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Contract Law Exam Questions Answers
    - Setting Reading Goals Contract Law Exam Questions Answers
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Contract Law Exam Questions Answers
    - Fact-Checking eBook Content of Contract Law Exam Questions Answers
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development

- Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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