

SECTION A – COMPULSORY

QUESTION ONE

Consider the following THREE legal scenarios, indicate in which scenario an intention to create legal relations is presumed to exist, and explain why. **[Your answer should not be more than 10 lines]**

- a. Cudjoe is a civil servant stationed in Tamale, while his wife, Adwoa lives in Accra. While they were both on vacation in Santorini, the wife reminded Cudjoe of his earlier promise to pay her GHS5,000 a month as maintenance during the time they were forced to live apart but subsequently reneged. Cudjoe indicated to her that he had a change of mind and would no longer pay the money. The wife wants to sue for breach of this agreement. **[15 MARKS]**

- b. Naa works at the American Embassy in Accra. Her mother requested she goes to Kumasi to study for the professional Bar examinations at the KNUST and offered her a monthly allowance. The daughter, Naa, reluctantly accepted the offer and moved to Kumasi in 2018. Her mother started paying the monthly allowance until 2019, when she bought a house in Kumasi and Naa lived in the house with other tenants, using the rent from the tenants to cover her expenses, in place of the allowance. In 2021, while Naa remained a law student at KNUST, she quarrelled with the mother, who then sacked her from the house. By this action of the mother, Naa no longer receives the allowance or the rent. Naa wants to sue for the allowance her mother promised her. **[15 MARKS]**

- c. Mr and Mrs Alifo, an elderly couple, agreed with Mr. and Mrs. Yeboah, who were 20 years younger that if Mr. and Mrs. Yeboah would sell their cottage and come and live with them, Mr Alifo would leave the Yeboahs a portion of his estate in his will. The agreement provided for the sharing of household expenses etc. The Yeboahs sold their house and moved in with the Alifos. Later, difficulties developed between the two couples and the Alifos terminated the agreement and asked the Yeboahs to move out. The Yeboahs want to sue. **[10 MARKS]**

SECTION B - ANSWER THREE QUESTIONS ONLY FROM THIS SECTION

QUESTION ONE

Kwame is the Chief Executive Officer of NokoNice Co Ltd., a manufacturing company that has a contract for ten years with Yaw, for the supply of sneakers at a unit price of GH500 and it has done so for the past 3 years. Yaw has recently been approached by Kumnipa, the Chief Executive Officer of Buy4Less Limited who promised Yaw that his company can supply sneakers at a unit price as low as GHS300. Yaw is contemplating to breach the contract with NokoNice Co Ltd.

Required:

Advise Yaw on the consequences of breach of contract and focus ONLY on the REMEDIES available to NokoNice Co Ltd upon such a breach. **[20 MARKS]**

QUESTION TWO

- a. Explain the concept of “*separate legal personality*” as is applied in company law. **[5 MARKS]**
- b. State the circumstances under which the Courts will ignore this concept and hold directors of a company liable. **[15 MARKS]**

QUESTION THREE

Explain the following terms:

- a. Product Liability
- b. *Nemo dat quod non habet*
- c. Sale by sample
- d. Negligence
- e. Consumer protection **[4 MARKS EACH=20 MARKS]**

QUESTION FOUR

Explain the following:

- a. Promoters of a company
- b. Corporate social responsibility
- c. Business ethics
- d. Agency
- e. Ethics of communication **[4 MARKS EACH=20 MARKS]**

QUESTION FIVE

You are invited to give a short lecture on the need for marketing students to study law to equip them with requisite legal knowledge in identifying legal risks including legal exposures and costs. Prepare a lecture speech for the occasion. Your speech must cover the following topics

- a. the need for the study of the principles of contract,
- b. the importance of tort law in marketing,
- c. the importance of being aware of the laws on Sale of goods, and
- d. the importance of the study of company law to a marketer.
- e. Familiarity with relevant professional ethics

[4 MARKS EACH=20 MARKS]