

## **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 With Model Answers

**S Ashworth**



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