

ASSAS

SESSION :

September 2017

Année d'étude :

Première année de Master Droit

Discipline :

Anglais juridique master

Titulaire du cours :

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Document(s) autorisé(s) :

Aucun

- I. Complete the following sentences, using at least 10 words. Limit your answers to one complete sentence (30%)
  1. Misrepresentation is ...
  2. In addition to consideration ...
  3. The term actionable *per se* ...
  4. Unlike damages ...
  5. In order to establish negligence ...
- II. Read the following case study and answer the questions below. DO NOT QUOTE DIRECTLY FROM THE TEXT.

Mr Jones, a friend and neighbour of Mr Brown, agreed to fit an air conditioner in Brown's home. Jones, who was a professional handyman, had previously done several small, unpaid jobs for Brown, who was an elderly retiree living alone. The parties did not discuss in any detail the question of payment for the insulation work. When Brown raised the issue, Jones assured him: "Don't worry Bob, we'll worry about all that later. Besides, you took care of my cat while I was away last month, so I owe you one". Jones fitted the air conditioner in Brown's bedroom, which was on the second-floor of the house. That evening, Brown noticed that there was water leaking from the air conditioner. He didn't want to bother Jones unnecessarily, so he decided to wait and hope the leak would stop in a day or two.

A week later, Brown held a birthday party for his 10-year old great-grandson. Brown told the children to stay in the downstairs area, as renovation work was being done upstairs. However, during the party one of the children, Peter, went upstairs and let himself into Brown's bedroom. While he was exploring the room, Peter slipped on a puddle of water created by the leaking air conditioner and broke his arm. Subsequent inspections of the bedroom revealed that the water had caused damage to the carpet and the downstairs ceiling. The repair work cost Brown £ 2150.

### QUESTIONS

1. Discuss possible actions in contract based on the above facts. Your answer must specify the parties, the possible actions in contract, any available defences, damages, and your view of the likely outcome(s). (30%)
2. Discuss possible actions in tort based on the above facts. Your answer must specify the parties, the possible tort actions, any available defences, damages, and your view of the likely outcome(s). (40%)