



2021_1 EXAMINATION

COURSE CODE: CLL233

COURSE TITLE: Law of Contract I

CREDIT UNITS: 4

- INSTRUCTIONS:**
- (a) Indicate your Matriculation Number clearly
 - (b) Attempt Question one (1) and any other three (3) questions
 - (c) Question one (1) is compulsory and carries 25 marks; while the other questions carry 15 marks each.
 - (d) Using appropriate statutory and judicial authorities, present all your points in a straightforward, coherent and orderly manner.

TIME ALLOWED: 2.5 Hours

QUESTION 1

Prince Addo recently resigned and joined the „NO TECH Movement in January 22, 2021. The members are strongly opposed to the use of digital technology. Most members live in the village of Utopia. Prince Addo will be moving to Utopia Village in May 2021 and he will no longer need his car, a Four-year-old Kia Sportage. He places an advertisement on the notice board of his local Newspaper. „FOR SALE“- Four-year-old Kia Sportage in excellent condition. Will be sold to the first person who sends notice in writing that they wish to buy it for ₦1,600,000 to the following address: 53 University Road, Abuja, FCT. On the evening of Sunday 24 January 2021, Lolly, a newly qualified driver, posts a letter stating that she wants to buy Prince Addo’s car. On Monday, 25 January 2021, morning, Bola, Prince Addo’s acquaintance, saw the advert on a news agent’s office on her way to work. She sees the advertisement and recognises the address. On her arrival at work, she sends Prince Addo an email to the email address that he provided her with when they first met, two years ago, stating that she is willing to pay ₦1,600,000 for the car. Prince Addo never receives the email, since as a member of the „NO TECH“ movement he no longer uses computers or mobile phones. On Tuesday evening Prince Addo meets his friend Emeka for lunch and over the course of the meal, Prince Addo promises to sell the car to Emeka for ₦1,200,000.

Advise Prince Addo on his contractual liability to Lolly, Bola and Emeka. 25 marks

QUESTION 2

“It would have been better if the Rule in *Pinnel’s* case had not been established in English Law.” Critically discuss this statement in relation to the rule on part payment of a debt in the Nigerian Law of contract. 15 marks

QUESTION 3

Bobby and Adah Ibraheem hold End-of -Year festival each year in the grounds of their estate in Gwarinpa, Abuja. The festival has increased in popularity, and this year they anticipate a record attendance. To cope with the extra demand, Bobby and Adah contact Rent-a-Loo, to hire 10 additional portable mobile toilets. Rent-a-Loo agrees to deliver and install the toilets on 28th December, 2 days before the festival begins, and to collect them on 2 January, 2 days after the festival ends. On 28th December, when Rent-a-Loo attempts to install the toilets hired by Bobby and Adah, it becomes apparent that several of its portable toilets had been returned damaged by a previous customer and would need to be repaired before further use. Bobby and Adah, aware that the festival cannot go ahead without adequate toilet facilities, offer Rent-a-Loo an additional sum of ₦120,000 to repair the portable toilets by 30th December. Rent-a-Loo agrees and installs all the portable toilets by 30th December. Torrential rain in the whole of Abuja on the 29th -31st December badly affects attendance at the festival. When Rent-a-Loo comes to collect their portable toilets on 2nd January Bobby and Adah say they could no longer afford to pay the additional ₦120,000. Advise Bobby and Adah. 15 marks

QUESTION 4

- (a) Discuss and explain the different classification of contracts. Compare and contrast formal and Simple Contracts. 5 marks
- (b) Sala took her curtains to Kleen Dry Cleaners to be cleaned. She explains that the curtains have various small stains. The Kleen Dry Cleaners assistant says that the marks can be removed quite easily and that the cleaning of the curtains will cost N6000. Sala agrees and hands over the curtains to the assistant. Sala is given a receipt for the curtains which states on the front "See reverse". On the back of the receipt is the following term: "Items are accepted for cleaning on the basis that Kleen Dry Cleaners are not liable for any damage howsoever caused". Scott puts the receipt in her bag, unread. When Sala returns to collect the curtains, she discovers that in removing the stains the curtains' colour has also been removed, ruining the entire curtains. Sala wants to claim for the ruined curtains, but Kleen Dry Cleaners says that all liability has been excluded. Advise Sala. 10 marks.

QUESTION 5

- (a) Outline the duties of the writer of a document under the Illiterate Protection Act. 7 marks
- (b) Joromi left school last year at the age of 16. He took a job as an office assistant in DASCO insurance firm. His salary is N10,000 per month, and he is required to give three months' notice to terminate her employment. He recently agreed to buy a „Bajal“ motorcycle from DASCO so that he could spend more time with his girlfriend Oncome. He also signed a written agreement to buy a one quarter share in DASCO Insurance Company. Joromi has now been offered a job as a despatch Rider with AYS Courier Company at N15,000 per month, provided he can start immediately. He is yet to pay for the motorcycle and the shares in DASCO Insurance company. Advise Joromi. 8 marks

QUESTION 6

Adeyemi is an Estate Agent who deals with land transaction involving so many types of agreement. He has engaged your services as a lawyer and more than asking you to undertake his drafting, he wants you to enlighten him as regards classification of Contract according to the nature and terms of agreement of the parties, embark on a voyage of explanation with the aid of relevant authorities. 15 marks