**REVISION CASES**

**CONTRACTS**

**CASE 1**

**Alice contracts with Cleanitall to have her armchairs cleaned. She read the contract before signing it and was disturbed by a term stating that ‘Cleanitall accept no liability for damage to furniture, howsoever caused’. The salesman assured Alice that this only referred to buttons and frills attached to furniture and since hers had none there was no problem. The cleaning caused bad chemical stains to the armchairs and Cleanitall are refusing to compensate Alice for the cost of new armchairs.**

**CASE 2**

**Baljit buys a cup of coffee for £1 from a vending machine on a railway station but, although a cup comes out there is nothing in it. Baljit complains but the station manager points her to a tiny notice on the side of the vending machine which reads ‘See terms and conditions’. The station manager then produces a booklet containing the terms of the contract, which reads ‘the proprietor accepts no liability for loss of money if the vending machines are empty at any time’. The station manager refuses to give Baljit her £1 back.**

**CASE 3**

**Carlo is moving house but cannot move into his new house for two months so he contracts with Dabhand Storage to store his household possessions in Dabhand’s warehouse. Carlo signs a risk note attached to the contract which reads ‘Dabhand Storage accept no liability for damage to property caused by fire’. Through the negligence of one of Dabhand Storage’s employees the warehouse burns down and Carlo’s property is destroyed. Dabhand Storage is refusing to reimburse Carlo for his**

**Loss.**

**PROPERTY LAW**

**CASE 1**

**Kris works for Butch Builders as an industrial painter. Kris regularly asks for a**

**protective hard hat and also complains to the managing director about work colleagues who play practical jokes and throw things down from the scaffolding above where Kris is working. Kris is merely told to ‘act like a man and stop complaining’. One day a colleague throws a brick down which hits Kris on the head causing him to lose consciousness and to fall off the scaffolding so that he breaks both legs.**

**Kris is taken to Motley Hospital where a junior doctor diagnoses and treats Kris’s**

**broken legs but fails to examine Kris’ head or to take X-rays. Kris suffers severe**

**headaches for the next week and then suffers a cardiac arrest and cannot be**

**revived. Doctors then carry out a post mortem which reveals that Kris had a**

**fractured skull and a brain haemorrhage (internal bleeding). The tests also show**

**that if his condition had been diagnosed at once he could have been treated and**

**would not have died.**

**Discuss any liability of Butch Builders and Motley Hospital.**

**CASE 2**

**Manjit is a paying guest at the Holiday Hotel. At midnight Manjit goes to the hotel**

**gymnasium. The door is not locked and she enters ignoring a sign on the door which states ‘Opening hours 8.00 am to 10.00 pm. Danger. No entry outside of these hours’. Manjit steps onto a treadmill and turns it on. Because of a fault in the machine that Holiday Hotel have failed to repair, the machine runs at three times its normal top speed. Manjit is thrown off the treadmill breaking her arm and ruining her expensive tracksuit.**

**Evaluate the accuracy of each of the four statements A, B, C and D individually as**

**they apply to the facts in the above scenario.**

**Statement**

**A: The Holiday Hotel is liable to Manjit under the Occupiers’ Liability Act 1957.**

**Statement B: The Holiday Hotel is not liable to Manjit under the Occupiers’ Liability Act 1984 because of its warning notice.**

**Statement C: Manjit will not succeed under the Occupiers’ Liability Act 1984**

**because the Holiday Hotel will be able to use the defence of *volenti non fit injuria (voluntarily accepted the risk knowingly; was made fully aware of the risk)*.**

**Statement D: Under the Occupiers’ Liability Acts Manjit will not be able to claim**

**for the cost of her ruined tracksuit.**

**CASE 3**

**Maria work as the Personal assistant to the CEO of Planters Plc, an investment firm in London. Maria also took on an additional evening job with the company’s chief competitor Jones Plc. As a result of her additional workload, Maria is constantly tired and sometimes forgetful at work. On one occasion while serving tea at the senior staff meeting, she drops the teapot into the lap of the Chief finance director. She becomes very upset and runs into the toilets crying. A visiting consultant who enjoys the discomfort of the Chief Finance Director follows Maria and gives her a tip of £20.**

**Evaluate any breaches of Maria’s contractual duties under these circumstances?**