



BUSINESS LAW & ETHICS

AUGUST 2023

MOCK EXAMS

Time: 5:30 PM – 8:30 PM

Date: 8th November 2023

Three hours duration

The Mock will be 3 hours in duration

The mock has **TWO** Parts.

Task 1 is worth 40% of the total marks available

Task 2 is worth 60% of the total marks available.

You are required to give your answers in the CIMG answer book provided. Do not repeat the task in your answer, but show clearly the number of the task attempted on the appropriate pages of the answer book. Please start each task on a new page.

Rough work and notes **must** be written in the answer book or on supplementary sheets and **must** be clearly identified.



PART A - Compulsory**CASE STUDY QUESTION**

- A. CIMG Ghana made an advertisement in the newspapers that any registered student who wants to write their September exam for 2023 must send their completed application forms by registered post latest 30th June 2023. Kwame, a student in Keta posted his application form at the Post office on 30th June 2023. Kofi who also resides in Teshie, Accra sent his completed form personally to the CIMG office on 20th June 2023. He met a security man at the entrance of the office and gave his forms to him and left.

When the final list of students was released the names of Kwame and Kofi were not on the list and so they could not write the September exams they have sued the institute.

What advice would you give the institute? [20 marks]

- B. Distinguish Between A Contract And An Agreement. What criteria does the court use in determining the validity of an agreement or a contract? [20 marks]

SECTION B: 60 MARKS (ANSWER ANY THREE QUESTIONS)**Q2. Vicarious Liability**

Kwesi is a driver working with CIMG. On 14th February 2022 (Valentine's Day), the President of CIMG sent Kwesi deliver some valentine gifts and parcels to some senior fellows of the Institute in Tema. After Kwesi had performed his assignment in Tema he decided to rush to Prampram (on the Accra – Ada road) to see his girlfriend. On his way back later in the day at around Community 25 (Dawhenya), he ran the Institute's car into a Toyota Land cruiser car belonging to Mr. Tsatsu Tsikata, a prominent lawyer. As matter of fact, the land cruiser worth \$30,000 was damaged beyond repairs. The insurance covering Mr Tsikata's Land Cruiser had expired on 13th February 2022. Mr Tsikata has sued CIMG, Kwesi for negligence and for the value of the car.

What are the legal implications? [20 marks]

Q3. Separate legal personality and lifting the veil

“One of the theories in company law and practice is that an incorporated company acquires a separate and distinct existence from its members or owners”

- a. Using the case of Salomon v Salomon [1897] A.C.22, explain the validity of the above statement. **[12 marks]**

- b. Are there exceptions to the above statement (i.e lifting the veil of incorporation)
[8 marks]

Q4: Discharge of Contracts

Write short note on the following with reference to discharge of contract;

- i. By Agreement
- ii. By Performance
- iii. By Frustration
- iv. By Breach

[5 marks each]

Q5: Agency

- a. "No one can act as the agent of another person unless and until he was appointed by that other person". Comment on the validity of this statement.

[10 marks]

- b. Write short note on any 2 (Two) of the following types of agent;

- I. Factors
- II. Brokers
- III. Del Credere Agents
- IV. Auctioneers

[5 marks each]

Q 6: "Business Ethics"

- a. What is the relationship between marketing ethics and organizational performance?
- b. What are some of the unethical marketing mix conducts and their implications?