



Topic Tests

for A Level OCR

Paper 4B: Law of Contract

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Teacher's Introduction

This resource has been created to support the teaching and learning of OCR H418/04 A level Law Paper 4 with the focus on **Section B: The Law of Contract**. It allows the students to check, correct and reinforce their knowledge of all of the elements of contract law as they go along or as a revision exercise.

Remember!

Always check the exam board website for new information, including changes to the specification and sample assessment material.

The tests begin with a series of short questions to test knowledge recall, then progress to a mini scenario to test application skills, and finally to an evaluation-type essay question, so all assessment objectives are covered.

As contract law is essentially based on common law and case law, the questions will require reference to specific cases. Examples of case law will be given in the answers, although centres might use different cases depending on the other resources they use in their teaching.

Each test is in three sections:

Part A features short-answer questions, and will test students' ability to define and explain elements of the law. In most cases, answers can be supported by reference to relevant case law.

Part B features a short scenario, which will ask students to apply aspects of the law, with reference to relevant cases.

Part C is an evaluation question, asking the students to assess the effectiveness or otherwise of this element of the law. These tasks are intended to mirror the 20-mark question in exam papers, so the mark scheme allows 4 marks for students to outline key elements of AO1, and 6 marks for students to offer three or four short points of discussion. In this way, the evaluation questions in this resource act as a mini practice exercise for the real thing.

Under the current OCR specification, students are only required to answer evaluation questions on formation and contract terms. These tests contain an evaluation question on each topic, which could be used as exam practice, to promote class discussion or for wider reading activities, especially for students considering applying for Law courses at university.

The topics covered in this resource are:

1. Rules and theory of the law of contract
2. Formation of contract
3. Contract terms
4. Vitiating factors
5. Discharge of contract
6. Remedies, both at common law and statutory remedies

Each topic is divided into a series of tests. For example, under formation, there are separate tests focusing on:

- Offer
- Acceptance
- Intention to create legal relations
- Consideration
- Privity of contract

This is to mirror the subdivisions in the specification, and to test the specific elements of formation that could form the basis of an exam scenario. Other sections are also subdivided into separate topics.

Please note that this resource treats Offer and Acceptance as separate topics. It may well be that examination questions ask students to address both in the same question. They have been separated in this resource in order to facilitate teaching, learning and revision activities.

January 2023

Beavis v Parking Eye 2015

On 15 April 2013, Barry Beavis parked his car in a car park managed by Parking Eye. The car park contained the terms that parking was free for two hours, after which a fee of £85 was charged. Beavis parked for nearly three hours.

Parking Eye sent letters to Mr Beavis requiring him to pay £85. Mr Beavis did not reply. Parking Eye took the case to the county court to recover the £85.

The judge decided that the charge was justifiable, but allowed Mr Beavis to appeal to the Court of Appeal on an important point of law.

The Court of Appeal dismissed Mr Beavis's appeal, but allowed him to appeal to the Supreme Court. The Supreme Court considered the case and decided 6 to 1 in Parking Eye's favour.

5. Consider the facts of the case in *Beavis v Parking Eye 2015* and what issues are raised.

a) Freedom of contract

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b) Balancing interests and justice

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c) Consumer protection

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1. Rules and Theory

Topic Test 1.1: Rules and Theory of the Law

As this is the first topic test, it has a slightly different structure from the following introductory activity. The scenario is an actual recent case, which introduces the reporting and the need to address details when understanding how points of conflict. There is a combined PART B and C exercise; again, this is to encourage and provoke issues and theories of contract law.

PART A

1. Define the term *Freedom of Contract* and how it applies to contracts.
2. Define the term *Goodwill* and show how it applies in contract law.
3. Explain how the principle of fault applies to contract law.
4. Explain why the case of *Pearce v Brooks 1865* connects contract law with moral issues.

PARTS B and C combined

Beavis v Parking Eye 2015

On 15 April 2013, Barry Beavis parked his car in a car park managed by Parking Eye. The car park containing the terms that parking was free for two hours, after which a fee of £85. Beavis parked for nearly three hours.

Parking Eye sent letters to Mr Beavis requiring him to pay £85. Mr Beavis did not reply. The county court to recover the £85.

The judge decided that the charge was justifiable, but allowed Mr Beavis to appeal to the Court of Appeal.

The Court of Appeal dismissed Mr Beavis's appeal, but allowed him to appeal to the Supreme Court. The Supreme Court considered the case and decided 6 to 1 in Parking Eye's favour.

5. Consider the facts of the case in *Beavis v Parking Eye 2015* and what issues it raises.
 - a) Freedom of contract
 - b) Balancing interests and justice
 - c) Consumer protection
6. Do you agree with the decision made by the courts? Explain your answer.

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Preview of Questions Ends Here

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Topic Test 6.3. Remedies – Consumer Remedies

Part A

1. Right to reject – within 30 days
2. Right to repair – or replacement
3. Right to price reduction – or final right to reject
4. Right to repeat performance – or price reduction
5. Right to price reduction – if s.54 remedy is not possible

Part B

6. Section 10 fitness for purpose and Section 13 as described.
7. Section 49 reasonable care – “k” and Section 52 reasonable time frame.
8. Remedies available in respect of the seller of the washing machine:
 - Right to reject (within 30 days) S.20.
 - Right to replacement s.23.
 - Right to a price reduction s.24.

In respect of Sam:

- Right to request repeat performance s.54.
- Right to price reduction if s.54 remedy is not possible or
- Is not done in a reasonable time.

Part C

9. AO1

Explain the main remedies available under the Act:

Reject	ss.20–22
Repair or replace	s.23
Repeat performance	s.54
Price reduction	s.24 (goods) or s.54 (services)

AO3

Credit any three of these points, or any other sensible point.

- Remedies cover a full range of common causes of complaint or dispute.
- The remedies are very specific and linked to specific circumstances.
- There is a range of remedies available to consumers that allows for a choice to consumer’s needs.
- Suppliers of goods and services have very clear guidance as to the consequences
- The right to repair or repeat performance allows suppliers an opportunity to re

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