

CENTRAL UNIVERSITY



END-OF-FIRST (RESIT) SEMESTER EXAMINATION – 2021/2022

FACULTY OF LAW
BACHELOR OF LAWS (LL.B)
LEVEL 400

LAW [403]: LAW OF EQUITY & SUCCESSION 1

TIME ALLOWED: THREE [3] HOURS

INSTRUCTIONS

1. There are a total of seven (7) questions. Candidates are to answer four (4) questions only
2. **All questions, including the COMPULSORY QUESTION, carry Equal Marks (25 Marks Each)**
3. Answer Sheets will be provided. Each answer must begin on a fresh page.
4. Any extra answer sheet should be properly tied to the original answer sheet.
5. Marks will be awarded for good presentation, clarity in legal reasoning and proper use of legal authorities.
6. Please write LEGIBLY
7. Good Luck

DO NOT TURN OVER THIS PAGE UNTIL YOU HAVE BEEN TOLD TO DO SO BY THE INVIGILATOR.

Examiner: YAW BERHENE BONSU ESQ

QUESTION ONE

Archie, a FIFA licensed Sports Agent, runs a Sports Fashion business which sells jerseys of famous football teams. Recently, he supplied a quantity of jerseys to Fred, a Sports Shop retailer at Kumasi Mall with a 60-day informal credit arrangement, not supported by any written contract.

Archie has a challenge obtaining payment of the sum of GHs100,000.00 for the supplies he delivered to Fred, as the latter is claiming that the products are pirated and are not worth the sum Archie is claiming. Archie suspects Fred wants to pull a fast one on him; he thinks that as soon as he knows that he is being sued he will move all his assets abroad as he knows that Fred has a home in the British Virgin Islands.

An unannounced visit to the Sports Shop did not find any of the products Archie supplied in stock.

Archie equally knows that Fred is a renowned BetKing who frequents the Nocturnal CASINO where he makes big wins and displays a flamboyant lifestyle. He knows that Fred also maintains an account with OmniBISC Bank, but is unsure if the account has any regular floats.

Archie runs to you for legal advice on his options. With your understanding of the principles of equity, assist Archie on what remedies he can pursue.

25 MARKS

QUESTION TWO

Whilst drawing fuel from a Gas station at Anwiankwanta, Asiamah, a driver at Anglogold Ashanti, was approached by two strangers who requested for a lift in his company jeep. The two had been left stranded by the roadside following the breakdown of the Metro Mass Bus they were traveling on. Asiamah signaled them to hop on, even though he had clear instructions not to carry non-staff of the company.

On the road, the front left wheel failed and the jeep became uncontrollable. Both strangers were thrown out of the jeep since they were not wearing their seat belts; one died instantly, and the other sustained serious injuries. The families of the deceased and the injured, having been advised that equity will not suffer a wrong to be without a remedy, are contemplating a civil action against Asiamah and Anglogold for an equitable relief.

Advise the parties of their rights. Would your advice be different if Asiamah had demanded payment of a fare by the passengers?

25 MARKS

QUESTION THREE

It has famously been reputed that 'Equity varies with the length of the Chancellor's foot'. How do you understand this assertion in the light of your appreciation of the historical evolution of Equity and how it was administered by the Court of Chancery to moderate the Common Law?

25 MARKS

QUESTION FOUR

- a. What is an injunctive relief, and on what basis will a Court be persuaded to grant it?
- b. Write short notes on ANY 4 Maxims of Equity and how they evolved. Support your answers with decided cases.

25 MARKS

QUESTION FIVE

There are a wide range of circumstances in which a court could possibly award specific performance.

Explain with decided cases, the factors a court will take into account in making its decision on whether there is a general rule that can be derived as to when the remedy of specific performance will or will not be awarded.

25 MARKS

QUESTION SIX

"A claim for quantum meruit cannot arise if the parties have a contract to pay an agreed sum".

How true is this statement in the approach of our courts to the grant of the remedy of quantum meruit?

25 MARKS

QUESTION SEVEN

How did the court address the doctrine of "unjust enrichment" in the case of *Banque Financière de la Cité v Parc (Battersea) Ltd* [1998] UKHL 7?

25 MARKS