

Mercantile Law

Foundation Examination
Spring 2012
Module B

5 March 2012
100 marks - 3 hours
Additional reading time - 15 minutes

Instructions to candidates:

- (i) All the Questions from Section-A are compulsory.
- (ii) Attempt any FOUR out of SIX Questions from Section-B.

Section A

Q.1 Select appropriate answer from the options available for each of the following multiple choice questions (MCQs). Each MCQ carries ONE mark.

- (i) A positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true is said to be a:
(a) fraud (b) misrepresentation (c) mistake (d) misinterpretation
- (ii) According to the Sale of Goods Act, 1930 documents of title to goods include:
(a) bill of lading. (b) railway receipt.
(c) warehouse keeper's certificate. (d) all of the above.
- (iii) A minor can:
(a) be an agent (b) be a principal (c) both (d) none
- (iv) In the case of goods sold on sale or return basis, the property in goods passes:
(a) when price is paid. (b) when goods are delivered.
(c) when approval is conveyed. (d) in all of the above cases.
- (v) Partnership is:
(a) the relationship between persons who have agreed to share the profits of jointly owned property managed by all or any of them acting for all.
(b) the relationship created by an agreement between a banking company and person(s) providing for sharing of profit and loss arising from the finance provided to such person(s).
(c) both of the above.
(d) the relation between persons arising from a contract who have agreed to share the profits of a business carried on by all or any of them acting for all.
- (vi) The consent is said to be free when:
(a) two or more persons agree upon same thing in the same sense.
(b) all parties to the contract benefit from the contract.
(c) it is not the result of coercion or undue influence or fraud or misrepresentation or mistake.
(d) all of the above.
- (vii) What are the consequences of resale of goods by unpaid seller where he expressly reserves such right in case of buyer's default?
(a) The original contract of sale is rescinded.
(b) The new buyer acquires a good title thereto.
(c) The seller may claim damages based on the original contract of sale.
(d) All of the above.



Mercantile Law Question Paper 2014

Angelique Nadia Sweetman McInnes



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Global Values and International Trade Law Csongor István Nagy, 2021-12-26 Exploring the relationship and interaction between economic interests and normative non trade values this book argues that the emergence and development of non trade values is based on a complex dialectic interaction between selfish economic interests and normative values and examines how their structural interdependence has given rise to a remarkable evolution in international trade Conceiving this relationship as an intricate dialectic one that is neither purely value driven nor purely economic interest driven it addresses the emergence function and role of non trade values in international trade with a synthetizing approach and explores the results of their interaction in international economic intercourse Approaching the non trade issues of trade in a holistic manner the book demonstrates that trade can operate smoothly only if it is framed by an architecture of normative value standards and international trade liberalization has reached the level where further development calls for cooperation also in fields that at first glance may appear to be non trade in nature

ACCA - F4 Corporate & Business Law (Russia) (for the December 2017 and June 2018 exams) Becker Professional Education, 2017-08-01 Becker s F4 Corporate Business Law Russia Revision Question Bank includes the most recent ACCA examinations with suggested answers past examination questions updated where relevant model answers and suggested solutions and tutorial notes

Mediation and Commercial Contract Law Maryam Salehijam, 2020-12-10 There is an urgent need to better understand the legal issues pertaining to alternative dispute resolution ADR particularly in relation to mediation clauses Despite the promotion of mediation by dispute resolution providers policy makers and judges use of mediation remains low In particular problems arise when parties lack certainty regarding the legal effect of a mediation clause and the potential uncertainty regarding the binding nature of agreements to pursue mediation is problematic and threatens the growth of ADR This book closely examines the importance and complexity of mediation clauses in commercial contracts to remedy this persistent uncertainty Using comparative law methods and detailed empirical research it explores the creation of a comprehensive framework for the mediation clause Providing valuable insight into the process of ADR and mediation this book will be of interest to academics law makers law students in house council lawyers as well as parties interesting in drafting enforceable mediation clauses

International Trade Agreements Before Domestic Courts Maria Angela Jardim de Santa Cruz Oliveira, 2015-02-13 This book addresses the role of domestic courts in the enforcement of international trade agreements by examining the experiences of Brazilian and the European Union courts This comparative study analyzes the differences similarities and consequences of Brazilian and European courts decisions in relation to the WTO agreements which have direct effect in Latin American emerging economies but not in the European Union or other developed countries It observes that domestic courts enforcement of international trade agreements has had several unintended and counterproductive consequences which were foreseeable in light of international scholarly debate on the direct effect of WTO agreements It draws lessons from these

jurisdictions experiences and argues that the traditional academic literature that fosters domestic courts enforcement of international law should be reconsidered in Latin America in relation to international trade agreements This book defends the view that as a result of their function and objectives together with the principles of popular sovereignty and democratic self government international trade agreements should not be considered to be self executing or to have direct effect This empirical work will be valuable to anyone interested in the effects of international trade rules at the domestic level and the role of domestic judges in international law

Banking Law Andreas Kokkinis, Andrea Miglionico, 2021-03-16 Banking regulation and the private law governing the bank customer relationship came under the spotlight as a result of the global financial crisis of 2007 2009 More than a decade later UK EU and international regulatory initiatives have transformed the structure business practices financing models and governance of the banking sector This authoritative text offers an in depth analysis of modern banking law and regulation while providing an assessment of its effectiveness and normative underpinnings Its main focus is on UK law and practice but where necessary it delves into EU law and institutions such as the European Banking Union and supervisory role of the European Central Bank The book also covers the regulation of bank corporate governance and executive remuneration the promises and perils of FinTech and RegTech and the impact of Brexit on UK financial services Although detailed the text remains easy to read and reasonably short pedagogic features such as a glossary of terms and practice questions for each chapter are intended to facilitate learning It is a useful resource for students and scholars of banking law and regulation as well as for regulators and other professionals who are interested in reading a precise and evaluative account of this evolving area of law

Cross-Border Data Transfers Regulations in the Context of International Trade Law: A PRC Perspective Yihan Dai, 2021-11-02 This book focuses on the PRC s cross border data transfer legislation in recent years as well as the implications for international trade law The book addresses the convergence of industries and technologies notably caused by digitization the issue of conflicts between goods and services and the General Agreement on Tariffs and Trade GATT and General Agreement on Trade in Services GATS as well as the difficulty of classifying service sectors under WTO members commitments The book also examines the FTAs that entered into force after 2012 that regulate digital trade beyond the venue of the WTO and analyzes their rules of relevance for cross border data flows and international trade It asks whether and how these FTAs have deliberately reacted to the increasing importance of data flows as well as to the trouble of governing them in the context of global governance

The UK Regional-National Economic Problem Philip McCann, 2016-03-10 In recent years the United Kingdom has become a more and more divided society with inequality between the regions as marked as it has ever been In a landmark analysis of the current state of Britain s regional development Philip McCann utilises current statistics examines historical trends and makes pertinent international comparisons to assess the state of the nation The UK Regional National Economic Problem brings attention to the highly centralised top down governance structure that the UK deploys and demonstrates that it is less than

ideally placed to rectify these inequalities The North South divide in the UK has never been greater and the rising inequalities are evident in almost all aspects of the economy including productivity incomes employment status and wealth Whilst the traditional economic dominance of London and its hinterland has continued along with relative resilience in the South West of England and Scotland in contrast the Midlands the North of England Northern Ireland and Wales lag behind by most measures of prosperity This inequality is greatly limiting national economic performance and the fact that Britain has a below average standard of living by European and OECD terms has been ignored The UK s economic and governance inequality is unlikely to be fundamentally rebalanced by the current governance and connectivity trends although this definitive study suggests that some areas of improvement are possible if they are well implemented This pivotal analysis is essential reading for postgraduate students in economics and urban studies as well as researchers and policy makers in local and central government

Politics against Domination Ian Shapiro,2016-04-04 Ian Shapiro makes a compelling case that the purpose of politics should be to combat domination and he shows what this means in practice at home and abroad This is a major work of applied political theory a profound challenge to utopian visions and a guide to fundamental problems of justice and distribution

The Regulation of Financial Planning in Australia Angelique Nadia Sweetman McInnes,2019-08-20 This book investigates the legitimacy of the current Australian Financial Services Licensee Authorised Representative AFSL AR licensing model as specified in the Commonwealth Corporations Act 2001 The book rectifies the deficiency in scholarly attention to this matter by developing a new conceptualised framework for the financial planning discipline It takes into account theories in agency legislation legitimacy and the independent individual regulatory regimes in other professions thereafter integrating this framework with the financial planning theory to examine the legitimacy or what was found to be the illegitimacy of licensing advisers via multiple third party conflicted commercially oriented licensees This book makes a very useful reference to understanding financial planning licencing model in Australia

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