

Open Day 2017: Legal Problems

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Problem 1

Andrew and Ruth decided to burgle Fred's house in the middle of the night when he would be asleep. Ruth knew that Andrew always carried a loaded gun with him, but he promised that he would only use it to frighten Fred. When they broke into the house they started to put ornaments into a bag. Fred was woken by the noise and went downstairs to investigate.

Furious that Andrew and Ruth were stealing his property, Fred shot at them both, killing Andrew and injuring Ruth.

Alternatively:

When Andrew saw Fred he shot him dead. Should Ruth be criminally liable for Fred's death?

Problem 2

Jon paid Anthony £10,000 to induce him to kill Jon's girlfriend Susan. Should Jon be able to get his money back in the following alternative circumstances:

Anthony decided that he would not kill Susan, but he has refused to repay the £10,000 to Jon?

Anthony killed Susan?

Problem 3

David was diagnosed with a very serious and debilitating illness. He had heard of a 'miracle cure' involving gene replacement therapy, at a cost of £100,000, which he could not afford. He placed an advert in a newspaper seeking donations to fund his treatment. After submitting the advert, his doctor informed him that he had been misdiagnosed and he did not require the treatment after all. David did not withdraw the advert. Helen, who had recently won a significant sum betting on horses, read the advert and transferred £100,000 to David's account. David spent this money on a luxury cruise.

Should Helen be able to recover her money?

Problem 4

Bob's daughter is getting married on Friday. Back in July 2015, he made a contract with Ariadne to install a deluxe marquee in his garden for the wedding reception, for an agreed price of £10,000. At 9.00am this morning, an hour before the marquee was due to be delivered, Ariadne phoned Bob and told him that she was not going to install the marquee unless Bob agreed to raise the contract price to £15,000. Bob was outraged and rang round all the other marquee companies in the area, but all were fully booked. Advise Bob.

How (if at all) would your advice to Bob differ if:

- (a) Ariadne had to raise the price for all her customers, because the cost of running a marquee business has risen dramatically in the past two years as a result of new health and safety legislation; or
- (b) Ariadne made an error back in 2015 and wrongly quoted a price of £10,000 when her standard charge for that particular marquee would have been £15,000; or
- (c) Bob had left it till the very last minute to try and book a marquee and was phoning Ariadne for the first time two days before the wedding date – sensing his desperation, Ariadne quoted £15,000 instead of her usual price of £10,000 for that particular marquee.

Problem 5

Jenny dialled 999 in the middle of the night, screaming down the phone that her ex-boyfriend was trying to get into the house and was shouting that he was going to kill her. The operator told her to stay on the line and reassured her that a police car would be with her within five minutes. Unfortunately, the operator carelessly forgot to give the incident "priority emergency status" so it was logged as a routine call. By the time a police patrol car attended the house 45 minutes later, Jenny had been stabbed to death. Should Jenny's two children be able to recover compensation from the police authority?