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1 What is the territorial extent of the Misrepresentation Act 1967?

(A) England

(B) England & Wales

(C) England, Wales & Scotland

Answer: (B) England & Wales

Feedback: See Misrepresentation Act 1967, s.6.

2 A buys a new car from B Garage — as a result of some false, but genuinely believed, misrepresentations about the quality of the car, which was to arrive at the garage from a third party a week after the contract had been entered into, (it has been conceded no action for breach of contract under Sale of Goods Act 1979). As a result of these innocent misrepresentations A wishes to exercise the equitable remedy of rescission for innocent misrepresentation. It transpires that in fact the val

(A) A can insist on rescinding the contract for innocent misrepresentation

(B) the garage can insist on him accepting the £200 in compensation his actual loss

(C) the court can declare the contract subsisting and award equitable damages in lieu of rescission

Answer: (C) the court can declare the contract subsisting and award equitable damages in lieu of rescission

Feedback: The answer is (c): in cases of negligent and innocent misrepresentation (but not fraudulent) the court has the power, under s2(2) Misrepresentation Act 1967 to declare the contract subsisting and award damages in lieu of rescission — where it would be equitable to do so having regard to the nature of the misrepresentation and the loss that would be caused by it if the contract were upheld as well as to the loss that rescission would cause to the other party. It is suggested here given the relatively minor nature of the loss £200 against the contract price of £15,000 this would be an ideal case to award equitable damages in lieu of rescission under s2(2) MA 1967

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1 In order to find a person guilty of riot it must at least be shown that the person

(A) intended to use violence

(B) was aware that their conduct would be violent

(C) should have been aware that their conduct would be violent.

Answer: (B) was aware that their conduct would be violent

Feedback: The minimum standard is awareness, see s 6 (1) Public Order Act 1986. Intention is also mentioned (but not as minimum standard), but it is not sufficient that the person "should have known" the conduct would be violent.

2 Written notice of a public procession does not need to be given

(A) in any case in which a public procession can reasonably be expected to take place

(B) if the procession is customarily held in the police area in which it is proposed to be held

(C) if the procession is a political procession

Answer: (B) if the procession is customarily held in the police area in which it is proposed to be held

Feedback: If the procession is "commonly or customarily" held in the police area (s. 11 (2) Public Order Act 1986), the requirement of written notice does not apply.

3 A plainclothes police constable may

(A) stop persons who are on their way to a prohibited trespassory assembly

(B) stop persons whom he reasonably believes are on their way to a prohibited trespassory assembly

(C) may not stop persons whom he reasonably believes are on their way to a prohibited trespassory assembly

Answer: (C) may not stop persons whom he reasonably believes are on their way to a prohibited trespassory assembly

Feedback: The important word is "plainclothes". S. 14 C (1) of the Public Order Act 1986 speaks of a constable in uniform.

4 The important word is "plainclothes". S. 14 C (1) of the Public Order Act 1986 speaks of a constable in uniform.

(A) if he has reasonable grounds for suspecting that there is on the premises evidence relating to an offence

(B) if he has reasonable grounds for suspecting that there is on the premises evidence relating to the offence which is similar to that for which the person was arrested

(C) only if he has reasonable grounds for suspecting that there is on the premises evidence relating to the offence for which the person was arrested

Answer: (B) if he has reasonable grounds for suspecting that there is on the premises evidence relating to the offence which is similar to that for which the person was arrested

Feedback: See 18 (1) (b) <acronym>PACE</acronym>. A PC may not search the premises in relation to just about "any offence" (Answer 1). Answer 3 is not correct either, because of the word

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"only": the offence for which the person was arrested is just one of two alternatives named in 18 (1).

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