



Foundation Certificate in Marketing - Stage 2

REGULATORY ENVIRONMENT FOR MARKETING

THURSDAY, AUGUST 23, 2001. TIME: 9.30 am - 12.30 pm

Please attempt **FIVE** questions.

(If more than the specified number of questions are attempted, delete those you do not wish to have marked. Otherwise the Examiner will mark the **FIRST** five questions in your Answer Book).

All questions carry equal marks.

Do **NOT** repeat question in answer, but show clearly the number of the question attempted on the appropriate page of the Answer Book.

1. Explain, giving illustrations, the postal rule as it affects offer and acceptance where contracts are concluded through using the post as the method of communication.
2. Discuss the rights and duties of an agent.
3. The court will require the person wishing to rely on an exclusion clause to show that the other party agreed to it at or before the time when the contract was made, otherwise it will not form part of the agreement. In this context, critically assess the effectiveness of an exclusion clause in the following circumstances:
 - (a) Where the exclusion clause is included in a written and signed document. (8 marks)
 - (b) Where the exclusion clause is included in an unsigned document. (12 marks)
4.
 - (a) What liability is imposed on the seller of goods as regards their satisfactory quality and their fitness for the purpose of these goods? (14 marks)
 - (b) To what extent, if any, is the seller able to exclude his liability in respect of such obligations? (6 marks)

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5. The provisions of the Sale of Goods Act 1893 as amended regarding the transfer of property in the goods are important because the parties to contracts of sale do not usually express their intentions as to the passing of property.
Discuss the relevant rules as developed by the 1893 Act which are used to determine when the property in goods will pass.
6. Detail the extent to which the legislative provisions of the European Union, i.e. regulations, directives and decisions are a source of Irish Law and are incorporated into the domestic law of the State.
7. Provide an overview of how a series of recent legislative measures have provided improved protection to those who 'own' and wish to maximise the return from their 'ownership' of the various forms of intellectual property that can be created under Irish law.
8. "Free and open competition benefits consumers."
Critically assess how this objective is supported and facilitated by the provisions of the Competition Acts, 1991-96.