

DIPLOMA IN MANAGEMENT STUDIES (FULL - TIME)
BUSINESS LAW CA1 – Individual Assignment
Apr 2018

Tommy is a magician who was engaged by a private school, Success Infinite Now Pte Ltd ("SIN"), to perform at SIN's open house. The Managing Director and majority shareholder of SIN is Johnson. Tommy and Johnson were full-time Lecturers in the same university 5 years ago. They had known each other for about 3 years when they were lecturing in the university. They resigned from the university to pursue their passions.

Tommy was very happy to be able to help his friend Johnson in SIN's open house. He trusted Johnson and signed a contract to perform without negotiating his fees. The terms of the contract required Tommy to attend 2 rehearsals 3 weeks before the event.

During the first rehearsal, Tommy was unhappy with the organising committee. The organising committee was organising the event for the first time. The rehearsal was totally disorganised.

During the rehearsal, Tommy spoke to another performer, Terry the Juggler. Tommy realised that Terry's performance was only 20 minutes and he was paid \$2,000.00. Tommy was to perform for 60 minutes and his fees was \$1,000.00. Tommy walked out of the stage and left his magician props unattended. He contacted Johnson on his mobile phone and said that he found out about Terry's fees. He also said the following:

"Johnson, you are my friend and I trusted that you would be fair and reasonable to me. You have underpaid me for my performance. I am not going to come for the next rehearsal or the open house. I will make myself disappear."

Tommy did not give Johnson a chance to reply. He went back to the stage to collect his magician props and realised that it was badly damaged by the student volunteers who moved the props to the side of the stage.

Advise Tommy on the following:-

- a) Discuss the relevant elements in the formation of a contract with regards to the following facts:
 - (i) Both Tommy and Johnson were friends before they entered into the contract.
 - (ii) Tommy's fees of \$1,000 as compared to Terry the Juggler's fees of \$2,000.

(20 marks)

- b) Whether Tommy is entitled to claim for compensation from SIN with regards his props which were damaged by the student volunteers. You may assume that SIN will be responsible for acts by the student volunteers and that the contract does not have any express terms that SIN will be responsible for any damage to the performers' property during the rehearsals or open house.

(10 marks)

- c) Will your answer to (b) be different if the contract has the following clause:

"SIN does not accept the responsibility for any loss or damage the performer or his property howsoever caused during the rehearsals or actual open house. The performer is to take care of his property at all times."

(15 marks)

NOTE for (a), (b) and (c). Discuss the relevant **LEGAL PRINCIPLES** in relation to the facts, **APPLY** the legal principles to the facts before reaching your **CONCLUSION**.

Performance Guide for students:

Marks will be awarded for:

- (i) Content :
 - a. Clear usage, statement and explanation of relevant legal principles
 - b. Original, clear, logical and convincing discussion on application of the laws to the facts
 - c. Statement of Conclusion
 - d. Appropriate referencing (in-text and list of references)
- (ii) Number and quality of references: At least 5
- (iii) Organization of answer and writing style (including spelling, grammar, syntax etc). Please make sure you use "Grammar and Spell check" functions to check your submissions.

Up to 5 marks will be awarded towards (i), (ii) and (iii)

(5 marks)

(Total marks: 50 marks)

INSTRUCTIONS for Continuous Assessment 1 : Individual Assignment

- Deadlines and Guidelines are provided on the course D2L site
- This is an Individual Assignment marked upon 50 marks.
- Weightage for this assignment and participation in the 5 quizzes (topics 2 to 6): 15% (assignment) and 5% (quizzes) of the total marks for this module.
- Marks for the quizzes will be released after the CA1 Individual Assignment deadline.
- Assignment should be type-written using 12 pt ARIAL font and 1.5 line spacing.
- Word limit is 1200 words (excluding words in references) and must be printed at the end of assignment.

CA Submission

- CAs must be submitted online via D2L portal.
- Deadlines, instructions and detailed guidelines are provided on the course D2L page.
- Please read instructions and guidelines provided on D2L portal and in this document carefully.
- Ignorance of specific directions mentioned in these documents will not be considered as a valid reason which will lead to marks deductions and may lead to failure in the CA component of this course.
- If you have further queries, please read the FAQ. If after you have read the FAQ, you need assistance on D2L submission, please email to itsd_simge@sim.edu.sg or call 62489393 Option 4. For non D2L issues, please email he10@sim.edu.sg. Please email with your “Live@Edu email account. Email from other addresses will not be entertained.