



Examiner's Comments

04 CONTRACTS

September 2025 Examinations

The exam comprised of four questions. Candidates were required to answer three questions. Question 1 was compulsory and worth 40 marks and all other questions were worth 20 marks.

Question 1

This question raised issues relating to various aspects of the postal acceptance rule; revocation of an offer; performance of contractual obligations; termination of contracts for breach; frustration; and consequences of unilateral mistake as to identity of a contracting party.

Question 2

This question raised issues relating to common mistake at common law; and the recovery of damages at common law for breach of contract.

Question 3

This question raised issues relating to the doctrine of consideration, in particular the principles that emerged from the case of *Williams v Roffey Brothers & Nicholls (Contractors) Ltd*; and the law on penalties.

Question 4

This question raised issues relating to offers and their withdrawal in the context of unilateral contracts; the incorporation of terms into a contract; and the construction of exclusion clauses.

Characteristics of poor or average responses

Poor answers were generally due to a combination of the following: inability to identify the legal issue(s) raised in questions; not stating relevant principles at all or inaccurately; failing to identify the significance of particular facts in the problem question; and not reading the facts of a problem properly; and not answering all parts of a question.

Characteristics of very good or excellent responses

Answers that clearly and correctly identified the legal issue, stated the relevant legal principles and applied to the facts

Common mistakes

See above. Also, students often raised issues that were not raised by the facts of the question. For example, detailing all the elements for the formation of a contract when, as in Question 1, Part A, the only issue was acceptance and revocation of offers.

Areas for improvement

Reading prescribed cases and other prescribed materials; and writing focussed and structured answers.