

UNIVERSITE PANTHEON-ASSAS (PARIS II)

Droit – Economie - Sciences sociales

Session : Mai 2019

Année d'étude : Première année de Master Droit

Discipline : Anglais juridique Master
(Unité d'Enseignements Complémentaires 2)

Titulaire du cours : Joanne Raineau / Juliette Ringeisen Biardead

Document autorisé : Aucun

1. Complete the sentences. ONE sentence only. Add a minimum of 15 words and a maximum of 45 words. 30% of the grade.

1. According to the 'but for test'
2. In order to form a contract
3. In addition to the requirement of causation
4. Unlike public nuisance
5. Whereas slander

2. Case study (70% of the total grade consisting in 30% for tort and 40% for contract)

Jacob and Charlene Foster, a recently retired couple decided to embark on the cruise of a lifetime to celebrate their 35th wedding anniversary. They therefore went to a "Cruise of your life" travel agent shop in the UK. There, they signed a contract for a twenty-one-day holiday, all-inclusive, in a first-class cabin with a sea view, a round bed and a Jacuzzi. The ship was operated by Queen's Paradise Cruises and their contract stated that English law applied, even in international waters. Jacob and Charlene also paid an extra £200 each for a supper with the captain on the top deck of the ship.

When they embarked, they found out that the sea view was partially blocked by a lifeboat. The Jacuzzi was not working properly and could only be used as a bathtub.

After 4 days of sailing, Charlene and Jacob decided to miss the afternoon excursion to have a nap in their cabin. When they entered the cabin, they found the captain of the ship, Captain Powers, engaged in sexual intercourse with a staff member on their round bed. In her haste to escape the sight of the copulating couple, Charlene hit her head on the side of the door. She bled profusely on Jacob's £ 10,000 cashmere suit.

Once dressed, the Captain came after them in the infirmary. He apologised and explained that he thought they would be gone on the excursion. Both Foster spouses were very upset and complained loudly. By that time, the passengers were in the process of returning on board and the Captain wished to avoid a scandal. Despite their protesting, he therefore decided to lock up the Fosters inside the infirmary for a couple of hours.

The Captain came back with his biggest, most muscular member of staff to have a frank discussion with the Fosters. Upon completion of the discussion, the Fosters signed a hand-drafted contract presented to them by the Captain, in which they agreed to carry on with their cruise and refrain from telling anyone about the round bed incident. In exchange, they were entitled to have supper with the Captain for free.

When the Foster returned to the UK, they went to a solicitor's office to enquire as to their possible claims on the ground of tort and contract, against the various parties involved in this disastrous voyage.

1. What are their potential claims and remedies under tort law? (30%)
2. What are their potential claims and remedies under contract law? (40%)