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 Année d'étude : Première année de Master Droit
 Discipline : Anglais juridique master
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 Document(s) autorisé(s) : Aucun

I. Complete the following sentences, using at least 10 words. Limit your answers to one complete sentence (30%)

1. In tort, the burden is...
2. Vicarious liability...
3. The term *void ab initio*...
4. According to the egg shell skull principle...
5. In a binding agreement...

II. Read the following case study and answer the questions below. DO NOT QUOTE DIRECTLY FROM THE TEXT.

Mr Johnson and Ms Smith are a divorced couple who have two children together, each of whom was conceived through In Vitro Fertilization. However, one of the children was born without the agreement of the father, Mr Johnson. Mr Johnson ended the relationship with his ex-partner Ms Smith in May 2010. They had previously, in 2008, received IVF treatment at Somerset Health Clinic, resulting in the birth of their son. At that time, both Mr Johnson and Ms Smith had signed a contract with Somerset Health Clinic providing for the agreement to preserve the embryos by freezing them. The contract confirmed that both Mr Johnson and Mrs Smith understood that they must both give written consent before any embryos are defrosted and replaced and also included an obligation for both of them to annually confirm that they wish the storage of embryos to continue, and to inform the clinic of any change in personal circumstances. An embryo was defrosted in November 2010 after Ms Smith's relationship with Mr Johnson had broken down and was implanted in Ms Smith who then became pregnant without the knowledge of Mr Johnson. Ms Smith had forged¹ Mr Johnson's signature consenting to the use of their embryos. Ms Smith informed Mr Johnson that she was carrying his child in February 2011, who then told her that he did not want the child. After a difficult labour at the Somerset and Devon hospital, possibly brought on by the stress of her pregnancy, the child was born prematurely in April 2011 with serious health difficulties which will affect the child for life. During her labour, Ms Smith did not receive proper medical attention which may have contributed to the child's health problems. Ms Smith claims to have suffered post-traumatic stress disorder as a result of the premature birth of her child, allegedly caused by the post-natal treatment of the hospital. Ms Smith can no longer work as she must look after a child with special needs. Mr Johnson is a chief executive of a highly successful internet company and Ms Smith wants him to pay maintenance for the child.

QUESTIONS

1. Discuss possible actions in contract based on the above facts. Your answer must specify the parties, the possible actions in contract, any available defences, damages, and your view of the likely outcome(s). (30%)
2. Discuss possible actions in tort based on the above facts. Your answer must specify the parties, the possible tort actions, any available defences, damages, and your view of the likely outcome(s). (40%)

¹ To imitate fraudulently