

Mercantile Law

Foundation Examination
Spring 2012
Module B

5 March 2012
100 marks - 3 hours
Additional reading time - 15 minutes

Instructions to candidates:

- (i) All the Questions from Section-A are compulsory.
- (ii) Attempt any FOUR out of SIX Questions from Section-B.

Section A

Q.1 Select appropriate answer from the options available for each of the following multiple choice questions (MCQs). Each MCQ carries ONE mark.

- (i) A positive assertion, in a manner not warranted by the information of the person making it, of that which is not true, though he believes it to be true is said to be a:
(a) fraud (b) misrepresentation (c) mistake (d) misinterpretation
- (ii) According to the Sale of Goods Act, 1930 documents of title to goods include:
(a) bill of lading. (b) railway receipt.
(c) warehouse keeper's certificate. (d) all of the above.
- (iii) A minor can:
(a) be an agent (b) be a principal (c) both (d) none
- (iv) In the case of goods sold on sale or return basis, the property in goods passes:
(a) when price is paid. (b) when goods are delivered.
(c) when approval is conveyed. (d) in all of the above cases.
- (v) Partnership is:
(a) the relationship between persons who have agreed to share the profits of jointly owned property managed by all or any of them acting for all.
(b) the relationship created by an agreement between a banking company and person(s) providing for sharing of profit and loss arising from the finance provided to such person(s).
(c) both of the above.
(d) the relation between persons arising from a contract who have agreed to share the profits of a business carried on by all or any of them acting for all.
- (vi) The consent is said to be free when:
(a) two or more persons agree upon same thing in the same sense.
(b) all parties to the contract benefit from the contract.
(c) it is not the result of coercion or undue influence or fraud or misrepresentation or mistake.
(d) all of the above.
- (vii) What are the consequences of resale of goods by unpaid seller where he expressly reserves such right in case of buyer's default?
(a) The original contract of sale is rescinded.
(b) The new buyer acquires a good title thereto.
(c) The seller may claim damages based on the original contract of sale.
(d) All of the above.



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Principles of English Commercial Law Andrew Burrows,2016-12-15 Principles of English Commercial Law provides students with a high quality overview of this key area of English law Drawing together updated chapters from the third edition of English Private Law the subjects covered include the law on agency sale of goods carriage of goods by sea carriage of goods by air and land insurance banking bailment security and insolvency Written by a team of acknowledged experts the chapters give a clear simple and accurate overview of the guiding principles and rules of English commercial law a vital topic in law degrees and on professional courses Whether looking for an accessible conceptual introduction to the area or a handy revision reference students will find this book invaluable

Case Studies on Corporations and Global Health Governance Nora Kenworthy,Ross MacKenzie,Kelley Lee,2016-07-18 There is growing evidence of the wide ranging impacts of corporations in selected industries on global patterns of health and disease However limited analysis has been undertaken of the increasing corporate involvement in collective action needed to effectively address these impacts This book brings together a wide ranging collection of case studies that provide new empirical research on how corporations impact on influence of and could be held more accountable to global health governance Written by leading and emerging scholars from a broad range of disciplinary perspectives each case study seeks to expand the methods conceptual approaches and sources of data used to address three key questions What impacts are corporations having on global health governance How do corporations shape and influence global health governance in ways that protect and promote their own interests What forms of global health governance are needed to mediate these corporate impacts in ways that protect and promote population health Also for a practical guide on how to conduct research on the impact of corporations on global health and global health governance see the partner volume http://www.rowmaninternational.com/books/researching_corporations_and_global_health_governance

Transnational Commercial and Consumer Law Toshiyuki Kono,Mary Hiscock,Arie Reich,2018-08-27 This book explores current developments in transnational commercial and consumer law It features essays written by leading experts many of who have taken part in the negotiation and formulation of the international instruments they discuss here The contributors look at issues arising from the profound changes that globalization is having on the legal norms governing commercial and consumer transactions both domestic and transnational They consider how relations between private actors

state regulators and national courts are being completely reconfigured This in turn generates pressures for legal harmonization and creates opportunities for new national and transnational legal norms and procedures to develop The contributions address both the dynamics and the substance of these developments Topics included are the UNCITRAL Model Law on secured transactions and on cross border insolvency the ICC Uniform Customs and Practices of Documentary Credits UCP 600 and the dispute resolution mechanism and practices of the World Trade Organization The content was formerly presented as papers at the 18th Biennial Meeting of the International Academy of Commercial and Consumer Law the International Academy at Kyushu University Japan Overall this book provides readers with a solid theoretical foundation and strong familiarity with the practice of law and international commerce offering realistic and practical conclusions The Financial War on Terrorism Nicholas Ryder, 2015-06-05 On September 11 2001 19 terrorists committed the largest and deadliest terrorist attack in the United States of America The response from the international community and in particular the US was swift President George Bush declared what has commonly been referred to as either the War on Terror or the Global War on Terror on September 20 2001 Four days later he instigated the Financial War on Terrorism This book defines and identifies the so called Financial War on Terrorism It provides a critical review of the impact of counter terrorist financing strategies enacted by both individual jurisdictions and international organisations Taking a comparative approach the book highlights the levels of compliance in each selected jurisdiction and organisation with the requirements of the Financial War on Terrorism The book analyses measures introduced by the United Nations including the UN sanctions against terrorists and the operation of its anti terrorist sanctions committees and the Recommendations of the Financial Action Task Force It also reviews the counter terrorist financing measures of the European Union and the Council of Europe paying particular attention to the Framework Decisions on Combating Terrorism the Council Common Positions on Combating Terrorism and the EU Anti Terrorism Sanctions Regime The book goes on to review the measures put in place in the US following September 11 2001 Offering a much needed legal analysis of the measures enacted under the Financial War on Terrorism this book is a valuable resource for those researching in law terrorism studies criminal justice and finance

Fraud and Risk in Commercial Law Paul S Davies, Hans Tjio, 2024-08-08 This book focuses on contemporary problems related to fraud and risk in commercial law It has been said by some that we are in a golden age of fraud In part this has been caused by globalisation technological changes and the financialisation of business This has resulted in the creation of automated linkages with integrated supply chains and the creation of systemic risks which have been exacerbated by new forms of intangible assets like tokens and their ease of movement While regulation has ebbed and flowed given the desire of governments to generate economic growth as well as the distrust of their coercive powers the courts have sought to strike a balance between considerations such as commercial certainty and fairness The book provides an analysis of key contemporary issues on the theme of fraud and risk in commercial law including technology and fraud secondary liability and

failure to prevent economic crime abuse of business entities insolvency and creditor protection injunctions and other orders cross border issues the relationship between regulation and private law and solutions for policy makers **The Parliamentary Debates** Great Britain. Parliament,1858 **Cobbett's Parliamentary Debates** Great Britain. Parliament,1880 Hansard's Parliamentary Debates Great Britain. Parliament,1883 *Australian Commercial Law* Dilan Thampapillai,Vivi Tan,Claudio Bozzi,Anne Matthew,2015-07-03 Offers a concise introduction to commercial law in Australia The textbook provides a detailed discussion of a variety of topics in commercial law such as agency bailment the sale of goods the transfer of property and the Personal Property Securities Act *Business Law Concentrate* James Marson,Katy Ferris,2016 This revision guide covers the main topics found on undergraduate business law courses It provides succinct coverage of key legal points includes key cases and enables students to quickly grasp fundamental principles from across several legal fields *The Oxford Handbook of Intellectual Property Law* Rochelle C. Dreyfuss,Justine Pila,2018-04-12 We live in an age in which expressive informational and technological subject matter are becoming increasingly important Intellectual property is the primary means by which the law seeks to regulate such subject matter It aims to promote innovation and creativity and in doing so to support solutions to global environmental and health problems as well as freedom of expression and democracy It also seeks to stimulate economic growth and competition accounting for its centrality to EU Internal Market and international trade and development policies Additionally it is of enormous and increasing importance to business As a result there is a substantial and ever growing interest in intellectual property law across all spheres of industry and social policy including an interest in its legal principles its social and normative foundations and its place and operation in the political economy This handbook written by leading academics and practitioners from the field of intellectual property law and suitable for both a specialist legal readership and an intelligent but non specialist legal and non legal readership provides a comprehensive account of the following areas The foundations of IP law including its emergence and development in different jurisdictions and regions The substantive rules and principles of IP and Important issues arising from the existence and operation of IP in the political economy **Issues in Entrepreneurship & Small Business Management** SAGE Business Researcher,2017-03-31 How different is the sharing economy from the traditional economy What can entrepreneurs learn from failure Can start ups change the world SAGE Business Researcher s *Issues in Entrepreneurship* offers an in depth and nuanced look at a wide range of today s latest issues and controversies in entrepreneurship This new collection of timely readings delves into current topics such as learning from failure social entrepreneurship flat management crowdfunding and more Written with the rigor and immediacy of the best explanatory journalism each issue provides deep balanced and authoritative coverage on the selected topic and key research pointing students to reliable resources for further inquiry These articles are perfect for outside reading assignments or in class debates for any introductory entrepreneurship course **The European Banking Union and Constitution** Stefan Grundmann,Hans-W

Micklitz,2019-01-24 In 2012 at the height of the sovereign debt crisis European decision makers pushed for developing an ever closer union with the formation of a European Banking Union BU Although it provoked widespread debate to date there has been no coherent discussion of the political and constitutional dimensions of the European Banking Union This important new publication fills this gap Drawing on the expertise of recognised experts in the field it explores banking union from legal economic and political perspectives It takes a four part approach Firstly it sets the scene by examining the constitutional foundations of banking union Then in parts 2 and 3 it looks at the implications of banking union for European integration and for democracy Finally it asks whether banking union might be more usefully regarded as a trade off between integration and democracy This is an important timely and authoritative collection **Strategic Approaches to Successful**

Crowdfunding Assadi, Djamchid,2015-12-02 This title is an IGI Global Core Reference for 2019 as it is one of the best selling reference books within the Business and Management subject area since 2016 This publication provides the timeliest research from leading researchers in the United States France United Kingdom and Turkey on e commerce capital investment peer to peer lending digital philanthropy and virtual communities Strategic Approaches to Successful Crowdfunding brings together a collection of research based chapters relating to the use of the social web to raise funds and provide financial support for start up companies individual pursuits and philanthropic endeavors Focusing on a diverse set of topics relating to e commerce capital investment peer to peer lending digital philanthropy and virtual communities this timely publication is an essential reference source for academicians researchers professionals and graduate students interested in understanding the dynamics best practices and managerial solutions for drawing funds and financial support from online communities **Business Law** Neil Campbell,2015 This manual provides trainee solicitors with a clear understanding of business law including coverage of shareholders agreements share purchase agreements partnership law and intellectual property It is essential to students on the Professional Practice Course and is also a valuable resource for Irish legal practitioners Banking Law Andreas Kokkinis,Andrea Miglionico,2021-03-16 Banking regulation and the private law governing the bank customer relationship came under the spotlight as a result of the global financial crisis of 2007 2009 More than a decade later UK EU and international regulatory initiatives have transformed the structure business practices financing models and governance of the banking sector This authoritative text offers an in depth analysis of modern banking law and regulation while providing an assessment of its effectiveness and normative underpinnings Its main focus is on UK law and practice but where necessary it delves into EU law and institutions such as the European Banking Union and supervisory role of the European Central Bank The book also covers the regulation of bank corporate governance and executive remuneration the promises and perils of FinTech and RegTech and the impact of Brexit on UK financial services Although detailed the text remains easy to read and reasonably short pedagogic features such as a glossary of terms and practice questions for each chapter are intended to facilitate learning It is a useful resource for students and scholars of

banking law and regulation as well as for regulators and other professionals who are interested in reading a precise and evaluative account of this evolving area of law **Rescue of Business in Europe** Gert-Jan Boon, 2020-01-30 This edited volume is based on the European Law Institute's ELI project Rescue of Business in Insolvency Law The project ran from 2013 to 2017 under the auspices of the ELI and was conducted by Bob Wessels and Stephan Madaus who were assisted by Gert-Jan Boon The study sought to design elements of a legal framework that will enable the further development of coherent and functional rules for business rescue in Europe This includes certain statutory procedures that could better enable parties to negotiate solutions where a business becomes financially distressed Such a framework also includes rules to determine in which procedures and under which conditions an enforceable solution can be imposed upon creditors and other stakeholders despite their lack of consent The project had a broad scope and extended to consider frameworks that can be used by non-financial businesses out of court and in a pre-insolvency context Part I of this book the ELI Instrument as approved by the ELI Council and General Assembly features 115 recommendations on a wide variety of themes affected by the rescue of financially distressed businesses such as the legal rules for professions and courts treatment and ranking of creditors claims contract corporate and labour law as well as laws relating to transaction avoidance Part II consists of national reports that sketch the legal landscape in 13 States and of an Inventory Report on International Recommendations from Standard Setting Organisations both of which provided insight for the drafting of the Instrument This volume is designed to assist those involved in a process of law reform and those setting standards for soft law in the business rescue context

Non-Recognized States in the Post-Soviet Region under International Trade Law, Private International Law and International Civil Procedure Alexander Trunk, Anastasiia Rogozina, Marina Trunk-Fedorova, 2025-02-18 Non-recognized States are a widespread and politically sensitive de facto phenomenon in international politics raising numerous questions from both a public international law and private law perspective The present book deals with rarely analysed questions on how States deal with legal issues of private law arising with regard to non-recognized States and what issues of international trade and investment law arise in such cases The book takes the non-recognized States that emerged in the post-Soviet area after 1990/1991 as examples but also makes references to other non-recognized States The book is written from a comparative perspective giving room to authors from various States and non-recognized States state-like entities alike Recent developments have led to the disappearance of three non-recognized States in the region In this regard the book may also be interesting as a source of information that has already disappeared or will probably soon disappear from the Internet Further the book is highly relevant for the remaining non-recognized States in the region while also offering a source of inspiration for private law including civil procedure and investment law aspects concerning non-recognized States in general

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Table of Contents Merchantile Law Question And Answer 2014

1. Understanding the eBook Merchantile Law Question And Answer 2014
 - The Rise of Digital Reading Merchantile Law Question And Answer 2014
 - Advantages of eBooks Over Traditional Books
2. Identifying Merchantile Law Question And Answer 2014
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Merchantile Law Question And Answer 2014
 - User-Friendly Interface
4. Exploring eBook Recommendations from Merchantile Law Question And Answer 2014
 - Personalized Recommendations
 - Merchantile Law Question And Answer 2014 User Reviews and Ratings
 - Merchantile Law Question And Answer 2014 and Bestseller Lists
5. Accessing Merchantile Law Question And Answer 2014 Free and Paid eBooks
 - Merchantile Law Question And Answer 2014 Public Domain eBooks

- Merchantile Law Question And Answer 2014 eBook Subscription Services
- Merchantile Law Question And Answer 2014 Budget-Friendly Options
- 6. Navigating Merchantile Law Question And Answer 2014 eBook Formats
 - ePub, PDF, MOBI, and More
 - Merchantile Law Question And Answer 2014 Compatibility with Devices
 - Merchantile Law Question And Answer 2014 Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Merchantile Law Question And Answer 2014
 - Highlighting and Note-Taking Merchantile Law Question And Answer 2014
 - Interactive Elements Merchantile Law Question And Answer 2014
- 8. Staying Engaged with Merchantile Law Question And Answer 2014
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Merchantile Law Question And Answer 2014
- 9. Balancing eBooks and Physical Books Merchantile Law Question And Answer 2014
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Merchantile Law Question And Answer 2014
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Merchantile Law Question And Answer 2014
 - Setting Reading Goals Merchantile Law Question And Answer 2014
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Merchantile Law Question And Answer 2014
 - Fact-Checking eBook Content of Merchantile Law Question And Answer 2014
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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