

EXAMINER'S REPORT**LEVEL II EXAMINATION - JULY 2024****(203) BUSINESS LAW**

The Paper, (203) Business Law July 2024 constitutes three sections as **Section A**, **Section B** and **Section C** with 07 compulsory Questions. The paper had been set to assess Business Law knowledge of candidates as a whole.

General Observations from the evaluation process have been summarized as follows:

Section - A**Question No. 01**

This question consisted of 14 OTQs for 25 marks.

This question has been attempted by most of the candidates. Most of the candidates have scored more than half of marks out of the total marks allocated to this question. Few candidates have scored more than 20 marks of the total marks allocated to this question.

It was noted that a considerable number of candidates have failed to answer correctly for the question No. **1.1**, **1.10** and **1.13**. Most of the candidates had not adequate knowledge on the Prime instance criminal jurisdiction, powers of the Supreme Court and CIF Agreement.

Candidates should have a good knowledge about criminal law, Sale of good Ordinance, law of contract, International Law, Negotiable instruments and Consumer Affairs Authority to obtain higher marks for the **Section A** as it contributes massively to reach the pass mark.

As a whole, performance for this question was at a satisfactory level.

Section - B**Question No. 02**

(a) This was a fairly simple question related to Law of Agency. A significant number of candidates focused on the employee-employer relationship rather than the agency relationship. It seems some candidates couldn't recognize the nature of the agency "agency by agreement / expression". Also, many candidates did not have the understanding the difference between the nature of the agency and the authority of the agents. Candidates who identified the subject matters of the question have provided correct answers.

(b) Most of the candidates have not understood this part. The usual implied authority of the agent was not recognized by the candidates. As **Videshika** failed to follow the given instructions most of the candidates have mentioned **Frank** couldn't claim from **Bandara**. They haven't mentioned **Frank** did not aware of limitation of authority.

As a whole, performance for this question was at an average level.

Question No. 03

This was a fairly simple question related to Partnership law and Company law.

- (a) This part tested the candidates' knowledge on Partnership law. Most of the candidates had sufficient knowledge on Partnership law and they have mentioned that partners were held liable to pay damages to the **Cooray**.
- (b) This part tested the subject knowledge on company law. Most of the candidates have provided correct answers for this part. Candidates' understanding about the legal personality of a company was good. But, all of them have only focused on the companies limited by shares, companies limited by guarantees haven't been recognized.

As a whole, performance for this question was at a satisfactory level.

Question No. 04

This question was related to Intellectual Property Act.

- (a) Most of the candidates have mentioned correct answers.
- (b) Some candidates have provided correct answers. They have mentioned that **Anil** cannot reproduce the work as a book and sell or distribute it without having the proper authorization from **Malani**. Some have misunderstood the drama, book work as patent rights. Also, they seemed to be ignored that the copyright can be protected in Sri Lanka without registration.

As a whole, performance for this question was at a satisfactory level.

Question No. 05

This is a fairly simple question related to Law of Insurance.

- (a) This part tested the principle of indemnity and contribution applies. Most of the candidates have attempted this question and provided answers to a satisfactory level. Most of them have mentioned that "profit cannot be earned from the insurance" under indemnity principle.
- (b) This part was very simple and most of them have given correct answers. Some candidates have entangled the terms "insurer" and the "insured".

As a whole, performance for this question was at a satisfactory level.

Question No. 06

This question was related to Sale of Goods Ordinance.

- (a) Most of the candidates have adequate knowledge about Sale of Goods Ordinance. Most of them have mentioned about merchantable quality.
- (b) Most of them have no knowledge about types of goods under Sale of Goods Ordinance.

As a whole, performance for this question was at an average level.

Section - C

Question No. 07

This question is comprised of two parts.

Part (A)

This part was based on Law of Contracts.

- (a) Some candidates have mentioned that there was no valid contract. Communication of an offer in contract law is only complete when it is conveyed to the other party and is accepted by them.
- (b) This part is a very simple. But most of the candidates have written the elements of offer, not the elements of a valid contract.

As a whole, performance for this question was at a satisfactory level.

Part (B)

This Part was based on Labour law.

- (a) This scenario was based on identification of an employee and independent contractor. Most of the candidates have given correct answers for this part. They have identified **Silva** as an employee.
- (b) This part was tested the knowledge of the candidates on Gratuity.
 - (i) Some candidates have correctly calculate **Nazee's** gratuity.
 - (ii) Most of the candidates have given correct answers for this part. But number of candidates couldn't identify the difference between EPF and EFF. Many have misunderstood the given scenario as ETF.

As a whole, performance for this question was at a satisfactory level.

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As a whole performance for this paper was good. Most of the candidates have earned a mark above average level for the whole paper.

Common matters to be considered to improve the competency level of candidates:

- (1) Study the syllabus completely and pay special attention to frequently tested subject matters.
- (2) Read the question with due care and answer only what is asked in the question.
- (3) Action verb Check List with definitions is attached to the question paper itself and each question will begin with an action verb excluding Objective Test Questions (OTQs). Candidates should answer the questions based on the definition of the verb given in the Action Verb Check List.
- (4) Refer specially the Self-Study Texts, additional books, magazines and any other material related to this subject.
- (5) Build competencies that are necessary to correctly identify and compare the fundamental theoretical concepts when answering the question paper.
- (6) Ensure that hand writing is legible and question numbers are written accurately.
- (7) Adhere to the instructions given in the question paper.
- (8) Improve practical experience by answering past papers and comparing with suggested answers.
- (9) Pay attention to proper time management.
- (10) Re-check whether question numbers and index numbers had been recorded correctly before handing over the answer script.
- (11) Sit for the exam with prior preparation and an utmost determination to pass the exam.

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