

Contracts – Higher Level

Demonstrate how the remedies for breach of contract can help solve conflicts between contractual parties. (20m)(LCHL 1999)

Marks: Three remedies stated and explained: 7 marks + 7 marks + 6 marks.
Stating the remedy = 3 marks; Explaining = 4 or 3 marks.

A SAMPLE ANSWER:

An innocent party should not suffer from a contract being broken.

- Sue for damages: i.e. take the person who broke the contract to Court and seek **compensation for loss suffered**. In this way the innocent party gets money for what he/she has lost.
- Rescind the contract: **cancel the contract** and ask the court to put the parties in the position they would have been in if no contract had existed – as far as this is possible. In this way the Court tries to re-instate the innocent party in their position prior to the contract.
- Specific Performance: i.e. ask the Court to **make the offending party go through with the contract**. In this way the innocent party gets whatever was agreed in the contract.