TRƯỜNG ĐẠI HỌC VĂN LANG

**KHOA LUẬT**

**ĐỀ THI VÀ ĐÁP ÁN ĐỀ THI KẾT THÚC HỌC PHẦN**

**Học kỳ 3 , năm học 2021 - 2022**

Mã học phần: DTA0100

Tên học phần: Anh văn pháp l‎

Mã nhóm lớp học phần: 213.DTA0100\_01

Thời gian làm bài (phút/ngày): 75 phút

Hình thức thi: **Trắc nghiệm kết hợp tự luận**

**Cách thức nộp bài phần tự luận:**  SV gõ trực tiếp trên khung trả lời của hệ thống thi;

**PHẦN TRẮC NGHIỆM (6 ĐIỂM)**

**GRAMMAR AND VOCABULARY**

**.**.………………. comprises of advising clients and drafting contracts.

**A.** Non-contentious work

**B.** Contentious work

**C.** Paper work

**D.** Legal work

ANSWER: A

Which area of law is related to the establishment and management of business entities?

**A.** Company law

**B.** Commercial law

**C.** Competition law

**D.** Comparative law

ANSWER: A

…………. is determined as an amount of money which the breaching party to compensate for to the aggrieved party

**A.** Damages

**B.** Specific Performance

**C.** Restitution

**D.** Fine

ANSWER: A

Since you have failed to complete your liabilities under a contract, you have obviously………………the contract.

**A.** Breached

**B.** Assigned

**C.** Denied

**D.** Terminated

ANSWER: A

Both parties are getting something that they've agreed to, usually something of value for something of value, which means:

**A.** Consideration

**B.** Acceptance

**C.** Offer

**D.** Legality

ANSWER: A

…………..will cover regulation of law enforcement conduct during the investigation of crimes, with special emphasis on constitutional and statutory limitations.

**A.** Criminal procedure

**B.** Civil Procedure

**C.** Administrative Procedure

**D.** Legal procedure

ANSWER: A

.…………..works on his or her own, has no partners and usually handles smaller cases, advises clients on corporate

**A.** A sole proprietor

**B.** A partner

**C.** A shareholder

**D.** A stakeholder

ANSWER: A

A contract ………. when one party makes ………that ………..by the other part

**A.** formed/ an offer/accepted

**B.** formed/an acceptence/is approved

**C.** forms/a counteroffer/accepts

**D.** is formed/an offer/is accepted formed/an acceptance/is approved

ANSWER: A

If a contract is broken, the injured party might be expected to demand what they gave returned to them. What is called under contract law?

**A.** Restitution

**B.** Redeem

**C.** Damages

**D.** Resolution

ANSWER: A

My client has requested me to ………. a lawsuit …………you for breach-of contract.

**A.** file/against

**B.** make/for

**C.** file/for

**D.** make/against

ANSWER: A

The board of directors……………the affairs of the company and…………… company policy.

**A.** manages/makes

**B.** manages/devises

**C.** makes/decides

**D.** decides/devises

ANSWER: A

A company director…..………..the governing board of a corporation.

**A.** serves on

**B.** manages

**C.** monitors

**D.** decides on

ANSWER: A

If a contract is broken, the injured party might be expected the other party to be forced to perform the contract. What is called under contract law?

**A.** Specific performance

**B.** Restitution

**C.** Damages

**D.** Redeem

ANSWER: A

A corporation can……………………property, …………………. its bank account, and……………………………..other persons.

**A.** Own/ open/ sue

**B.** Owe/ create/ sue

**C.** Own/ create/ violate

**D.** Own/ open/ violate

ANSWER: A

When you …………. the contract, legal rights were ……………. which are enforceable under the law.

**A.** signed/created

**B.** signed/claimed

**C.** rejected/created

**D.** rejected/claimed

ANSWER: A

Regulators monitors the activities of companies to make sure that they ……………the law.

**A.** comply with

**B.** beach

**C.** violate

**D.** implement

ANSWER: A

A sole proprietor……………….a company and…………..personally liable for its debts.

**A.** owns/is

**B.** owes/is

**C.** owns/are

**D.** owes/are

ANSWER: A

When the contract is negotiated, the …………….must match each other in order for the contract to be binding

**A.** offer and acceptance

**B.** offer and consideration

**C.** acceptance and offer

**D.** offer and legal relations

ANSWER: A

What kind of business entity is managed by an individual who is personally liable for all debts, tax treatment and financial obligations with its own name?

**A.** A sole proprietorship

**B.** A corporation

**C.** A partnership

**D.** A limited liability company

ANSWER: A

What type of business have members, called as partners?

**A.** A partnership

**B.** A sole proprietorship

**C.** A limited liability company

**D.** A corporation

ANSWER: A

**B. PHẦN TỰ LUẬN (4 ĐIỂM)**

**READING**

Contract law deals with promises which create legal rights. In most legal systems, a contract is formed when one party makes an offer that is accepted by the other party. Some legal systems require more, for example that the parties give each other, or promise to give each other, something of value. In common- law systems, this promise is known as consideration. In those systems, a one-sided promise to do something (e.g. a promise to make a gift) does not lead to the formation of an enforceable contract, as it lacks consideration.

When the contract is negotiated, the offer and acceptance must match each other in order for the contract to be binding. This means that one party must accept exactly what the other party has offere**d.** If the offer and acceptance do not match each other, then the law says that the second party has made a counter-offer (that is, a new offer to the first party which then may be accepted or rejected).

For there to be a valid contract, the parties must agree on the essential terms. These include the price and the subject matter of the contract.

Contracts may be made in writing or by spoken words. If the parties make a contract by spoken words, it is called an oral contract. In some jurisdictions, certain special types of contracts must be in writing, or they are not valid (e.g. the sale of land).

Contracts give both parties rights and obligations. Rights are something positive which a party-wants to get from a contract (e.g. the right to payment of money). Obligations are something which a party has to do or give up to get those rights (e.g. the obligation to do work).

When a party does not do what it is required to do under a contract, that party is said to have breached the contract. The other party may file a lawsuit against the breaching party for breach of contract. The non-breaching party (sometimes called the injured party) may try to get a court to award damages for the breach. Damages refers to money which the court orders the breaching party to pay to the non-breaching party in compensation. Other remedies include specific performance, where a court orders the breaching /party to perform the contract (that is, to do what it promised to do).

A party may want to transfer its rights under a contract to another party. This is called an assignment. When a party assigns (‘gives’) its rights under the contract to another party, the assigning party is called the assignor and the party who gets the rights is called the assignee.

**Short question**

1. What is a contract formed? (0.5 Điểm)
2. What does “consideration” mean under common law systems? (0.5 Điểm)
3. When is a counter-offer made in the negotiation of a contract? (0.5 Điểm)
4. What does assignment mean under a contract? (0.5 Điểm)

**Đáp án:**

|  |  |
| --- | --- |
| Trả lời | Điểm |
| 1. What is a contract formed?   A contract is formed when one party makes an offer that is accepted by the other party | 0.5 |
| 1. What does “consideration” mean under common law systems? (0.5 điểm)   Some legal systems require more, for example that the parties give each other, or promise to give each other, something of value. In common- law systems, this promise is known as consideration | 0.5 |
| 1. When is a counter-offer made in the negotiation of a contract? (0.5 điểm)   If the offer and acceptance do not match each other, then the law says that the second party has made a counter-offer (that is, a new offer to the first party which then may be accepted or rejected). | 0.5 |
| 1. What does assignment mean under a contract? (0.5 điểm)   A party may want to transfer its rights under a contract to another party. This is called an assignment | 0.5 |

**True/false**

1. Considerstion is always required to form a contract under all legal systems? True of False? Explain (0.5 Điểm)
2. To make a contract binding to both parties, the offer can fail to match acceptance. True of False? Explain (0.5 Điểm)
3. Both parties cannot form an oral contract. True of False? Explain (0.5 Điểm)
4. Damages is determed as money which the breaching party is obligated to compensate the injured party. True of False? Explain (0.5 Điểm)

Đáp án:

|  |  |
| --- | --- |
| Trả lời | Điểm |
| 1. Considerstion is always required to form a contract under all legal systems? True or False? Explain (0.5 điểm)   FALSE. Some legal systems require more, for example that the parties give each other, or promise to give each other, something of value. In common- law systems, this promise is known as consideration | 0.5 |
| 1. To make a contract binding to both parties, the offer can fail to match acceptance. True or False? Explain (0.5 điểm)   FALSE. When the contract is negotiated, the offer and acceptance must match each other in order for the contract to be binding. | 0.5 |
| 1. Both parties cannot form an oral contract. True or False? Explain (0.5 điểm)   FALSE. Contracts may be made in writing or by spoken words. If the parties make a contract by spoken words, it is called an oral contract. | 0.5 |
| 1. Damages is determed as money which the breaching party is obligated to compensate the injured party. True or False? Explain (0.5 điểm)   TRUE. Damages refers to money which the court orders Tthe breaching party to pay to the non-breaching party in compensation | 0.5 |

*Ngày biên soạn: 19/06/2022*

**Giảng viên biên soạn đề thi: Lê Hồ Trung Hiếu**

*Ngày kiểm duyệt: 20/06/2022*

**Trưởng (Phó) Khoa/Bộ môn kiểm duyệt đề thi: Nguyễn Thị Yên**

Sau khi kiểm duyệt đề thi, **Trưởng (Phó) Khoa/Bộ môn** gửi về Trung tâm Khảo thí qua email: **phannhatlinh@gmail.com** bao gồmfile word và file pdf (được đặt password cả 2 file trên) và nhắn tin password qua Số điện thoại Thầy Phan Nhất Linh (**0918.01.03.09**).

Khuyến khích Giảng viên biên soạn và nộp đề thi, đáp án bằng File Hot Potatoes. Trung tâm Khảo thí gửi kèm File cài đặt và File hướng dẫn sử dụng để hỗ trợ thêm Quý Thầy Cô.