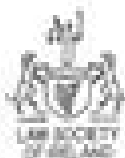


LAW SOCIETY OF IRELAND



FINAL EXAMINATION - FIRST PART

TUESDAY 14 MARCH 2023

10.00AM – 1.00PM

COMPANY LAW

EXTERNAL EXAMINER: PROFESSOR BRIAN HUTCHINSON
INTERNAL EXAMINER: DR THOMAS B COURTNEY

ANSWER FIVE QUESTIONS

All questions carry equal marks. Questions in two or more parts have an equal allocation of marks for each part, except where otherwise stated.

QUESTION ONE

The members of a company can give their sanction to a proposed course of action in four distinct ways.

- (a) by a resolution passed at a general meeting of the company, duly convened and held (whether physically or virtually);
- (b) by a unanimous written resolution or in the case of a single member company, by the written decision of the sole member;
- (c) by a majority written resolution; and
- (d) by an estoppel, created through their unanimous informal agreement.

You are required to explain the operation of each of these four means and you must cite all relevant case and statute law in your answer.

QUESTION TWO

Brian is a director of Alpine Cars Limited (the "Company") which operates a car sales business. Brian is not a shareholder in the Company which is owned by a family consortium headed-up by George although Brian has worked in the Company for 10 years; first as a car salesman before being promoted on a number of occasions until finally being appointed a director of the Company with responsibility for sales. There are three other directors (all family members, making four directors in total).

George, the majority shareholder and Managing Director of the Company approaches you for advice. It has come to his knowledge that Brian has been "double-dealing" for the last two years selling second-hand cars through a website fronted by his wife, Helen. Specifically, George has heard that Helen has been buying cars from Brian that were traded in to the Company at a discounted price before they sell them on for a significant profit on their website and Brian has been using the Company's garage-workshop to service the cars late at night and on Sundays when the garage-workshop is closed. He has used spare parts belonging to the Company but has not reimbursed the Company for these.

You are required to advise George on the following:

- (a) whether you believe there have been any breaches of the duties owed to the Company by its director, Brian, under Part 1 of the Companies Act 2014; **50%**
- (b) the remedies that are available to the Company arising from any breach of duties.

In your answer you must cite all relevant case and statute law and attempt to apply these to the facts provided above.

QUESTION THREE

Toby, Rosco and Maya are equal shareholders, holding 50 shares each in Droppa Enterprises Limited (the "Company"). The Company was established by their late mother Midge and each

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Selected Papers on Nonlinear Optical Spectroscopy Jeffrey H. Hunt,2000 SPIE Milestones are collections of seminal papers from the world literature covering important discoveries and developments in optics and photonics Compiler Construction William M. Waite,Gerhard Goos,2012-12-06 Compilers and operating systems constitute the basic interfaces between a programmer and the machine for which he is developing software In this book we are concerned with the construction of the former Our intent is to provide the reader with a firm theoretical basis for compiler construction and sound engineering principles for selecting alternate methods imple menting them and integrating them into a reliable economically viable product The emphasis is upon a clean decomposition employing modules that can be re used for many compilers separation of concerns to facilitate team programming and flexibility to accommodate hardware and system constraints A reader should be able to understand the questions he must ask when designing a compiler for language X on machine Y what tradeoffs are possible and what performance might be obtained He should not feel that any part of the

design rests on whom each decision must be based upon specific identifiable characteristics of the source and target languages or upon design goals of the compiler The vast majority of computer professionals will never write a compiler Nevertheless study of compiler technology provides important benefits for almost everyone in the field It focuses attention on the basic relationships between languages and machines Understanding of these relationships eases the inevitable transitions to new hardware and programming languages and improves a person's ability to make appropriate tradeoffs in design and implementation

Torts in Ireland Eoin Quill, 2014-08-22 The fourth edition of this well established textbook clarifies the essential concepts of tort law in Ireland while providing clear and detailed explanations of the rules relating to each tort New to this edition Key ground breaking decisions in a number of recent Supreme Court and High Court cases involving Privacy Immunity in the conduct of investigations No duty of care on a commercial server of alcohol Accrual and quantification of claims for pure economic loss Dismissal of claims for adducing misleading evidence Includes new cases on topics such as Psychiatric harm State liability for negligent misrepresentation Liability for violation of ECHR rights Witness immunity Employers liability Road traffic accidents Trespass Nuisance Misfeasance in public office Causation Contributory negligence Vicarious liability Damages All the core areas of the law of torts as applied in Ireland are dealt with along with reference to recent legislation and initiatives including The Defamation Act 2009 The Civil Law Miscellaneous Provisions Act 2011 The Criminal Law Defence and the Dwelling Act 2011 Focuses on Irish law but relevant new material from other jurisdictions such as England Australia Canada and the US is also included Written For Undergraduate law and business students legal practitioners and insurers

Knot Theory and Its Applications Kunio Murasugi, 2009-12-29 This book introduces the study of knots providing insights into recent applications in DNA research and graph theory It sets forth fundamental facts such as knot diagrams braid representations Seifert surfaces tangles and Alexander polynomials It also covers more recent developments and special topics such as chord diagrams and covering spaces The author avoids advanced mathematical terminology and intricate techniques in algebraic topology and group theory Numerous diagrams and exercises help readers understand and apply the theory Each chapter includes a supplement with interesting historical and mathematical comments

Nilpotence and Periodicity in Stable Homotopy Theory Douglas C. Ravenel, 1992-11-08 Nilpotence and Periodicity in Stable Homotopy Theory describes some major advances made in algebraic topology in recent years centering on the nilpotence and periodicity theorems which were conjectured by the author in 1977 and proved by Devinatz Hopkins and Smith in 1985 During the last ten years a number of significant advances have been made in homotopy theory and this book fills a real need for an up to date text on that topic Ravenel's first few chapters are written with a general mathematical audience in mind They survey both the ideas that lead up to the theorems and their applications to homotopy theory The book begins with some elementary concepts of homotopy theory that are needed to state the problem This includes such notions as homotopy homotopy equivalence CW complex and suspension Next the machinery of complex

cobordism Morava K theory and formal group laws in characteristic p are introduced The latter portion of the book provides specialists with a coherent and rigorous account of the proofs It includes hitherto unpublished material on the smash product and chromatic convergence theorems and on modular representations of the symmetric group **Understanding**

Jurisprudence Raymond Wacks,2005 Understanding Jurisprudence explores the concept of law and its role within society Detailing both the traditional and modern jurisprudential theories Raymond Wacks clearly relates these often complex arguments to the nature and purpose of our current legal systems This book reveals the intriguing and challenging nature of jurisprudence with clarity and enthusiasm Without avoiding the complexities and subtleties of the subject the author provides an illuminating guide to the central questions of legal theory An experienced teacher of jurisprudence and distinguished writer in the field his approach is stimulating accessible and entertaining **H Ring Spectra and Their Applications**

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Change and Aviation Stefan Gossling,Paul Upham,2012-05-04 This is a timely challenging and fascinating book on a topic of central importance to the success or otherwise of our climate change policies It sets down a clear marker for what has to be done in the aviation sector Professor John Whitelegg Stockholm Environment Institute University of York UK Climate Change and Aviation presents a clear picture of the transport sector s greatest challenge how to reconcile aviation s immense popularity with its considerable environmental damage and its dependence on liquid hydrocarbon energy sources This book avoids wishful thinking and takes the much harder but more productive path of considering difficult solutions that clash with short term and short sighted expectations about the unlimited growth potential for flying Professor Anthony Perl Urban Studies Program Simon Fraser University Canada A convincing and timely collection that brings together an impressive range of expertise The book integrates various perspectives into a powerful core argument we must do something and quickly to tackle the impact of aviation on our environment The authors recognise the political difficulties associated with promoting change but present constructive options for policy makers Required reading especially for transport ministers set on promoting the growth of air travel Professor Jon Shaw Director of the Centre for Sustainable Transport University of Plymouth UK Trends such as the massive growth in availability of air travel and air freight are among those which have led to aviation becoming one of the fastest growing emitters of greenhouse gases These trends have also caused a shift in expectations of how we do business where we go on holiday and what food and goods we can buy For these reasons aviation is and is set to stay high up on global political organizational and media agendas This textbook is the first to attempt a comprehensive review of the topic bringing together an international team of leading scientists Starting with the science of

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