

Practice Question: Breach of Contract & Remedies

After inheriting a large sum of money Adam Smith decided to indulge his passion for swimming and entered into a contract with Bath Ltd to construct an outdoor swimming pool in the garden of his house.

The pool was to be 25 metres long by 10 metres wide by 2 metres deep, and was to be cleaned by a special non-chlorine based filter system. The pool was due to be finished in March and Adam Smith entered into another contract with Colin to landscape his garden starting on 1 May.

Bath Ltd finished the pool on 15 March. However, when Adam Smith came to try it for the first time he found that it was only 1-80 metres deep. In addition, Bath Ltd had not installed the non-chlorine filter system but had instead used an ordinary chlorine based system. As a result, Adam Smith, who unknown to Bath Ltd was highly allergic to chlorine, suffered a severe reaction and had to take a week off his work and as a result lost a potentially lucrative contract.

On 1 April, Colin informed Adam Smith that he was too busy to do his garden and that he would have to get someone else to do it. The only person available, however, will charge Adam Smith £500 more than Colin agreed for doing the work.

Required:

Analyse the scenario from the perspective of the law of contract, advising Adam Smith:

- (a) Whether he can require Bath Ltd to reconstruct the swimming pool in order to make it the agreed depth, and if not, what alternative action is available to him? **(7 marks)**
- (b) What, if any, action can he take against Bath Ltd as a consequence of their failure to fit the chlorine free filter? **(7 marks)**
- (c) Whether he can require Colin to undertake the work on the garden, and if not, what alternative action is available to him? **(6 marks)**

(Total: 20 marks)