



Instituto Superior de Economia e Gestão

UNIVERSIDADE TÉCNICA DE LISBOA

DESDE 1911

## BUSINESS LAW

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### **EXERCISES**

#### **Chapter III – Commercial Acts**

1. Analyze the following contracts indicating whether they should be classified as commercial acts. If the answer is positive, indicate whether the criteria of its commerciality is objective or subjective and if they are pure or mixed commercial acts.

- a) **Anthony**, public employee, buys from a company '**AA, Lda**' an urban building composed by several apartments to rent;
- b) **Charles** orders from **Beatrice**, carpenter, a furniture for his home;
- c) **Daniel** celebrates with company '**BB, SA**' a contract under which he begins to work under its control and direction whose activity is building roads, ports and railways.
- d) **Francisco** sells to the company '**CC, Lda**' a rustic building where he practiced agriculture, allocated by the buyer to the construction of a building for a wood storage and a furniture manufacture.
- e) **Francisco** sells to the company '**DD, Lda**' a rustic building where he practiced agriculture, allocated by the buyer to the exploitation of a stone quarry.
- f) **Gustavo**, who is regularly dedicated to buying and selling cars, buys a used vehicle, from **Hector** (student).
- g) The company '**EE, SA**' donates a painting to a foundation for its cultural purposes.
- h) **Isabel** made a loan contract at the bank '**FF, SA**' to pay the price of the goods she wants to buy for resale.

2. Consider the people listed below, indicating justifiably, whether they are traders:

- a) Sales representatives with powers of representation.
- b) Trade managers, assistants and trade clerks.
- c) Trade commissioners.
- d) Agents.
- e) Commercial agents.
- f) Commercial companies directors.
- g) Pharmaceutical
- h) Architects.

3. **Anthony**, under 17 years, owns an establishment of ready-to-wear, directed by **Peter**, his father. Are **Anthony** and **Peter** traders? In the case of **Anthony** be disqualified as a trader by a court decision of disability, which establishes as his curator **John**, who acquires the trade quality?

4. **B** and **C** engage the construction activity. On 2th January 2008 they bought to **A** materials needed for the execution of a contract for the construction of a bridge by the price 500,000.00 euros. The price will be paid until the end of February 2008. On February 2008, during the construction of the bridge, it collapsed. Under the circumstances **B** and **C** haven't received the expected price for the construction contract, so they were unable to pay their debt to **A**. **B** and **D** are married in acquired common property regime and **C** and **E** are married under the same marital regime.

Answer, justifying the following questions:

- a) Is the work done by **B** and **C** commercial?
- b) Is the contract celebrated between **B / C** and **A** a commercial act?
- c) Are **B** and **C** traders?
- d) May **A** require the payment of the € 500,000.00 to **B** or **C** or both of them?
- e) Are the spouses of **B** and **C** liable for the payment of debts incurred in the exercise of their activity?
- f) If **B** and **C** take out a bank loan to pay the debt and fall behind on repayment to the bank the amount loaned, what is the rate of interest applicable?

5. **Armindo**, married with **Berta** according to a general common property regime, dedicates his life to make wine using the grapes produced by him on his own land and others bought from the local producers in the region of Colares. In 2007, **Armindo** acquired by a leasing contract, from the company '**CC - Leasing, SA**', a truck which will allow him to deliver his produced and bottled wine to his clients. Who is responsible for payment of the debt due to the car leasing company?

6. **Camila**, craftswoman, is married under a separate property regime with **Andrew**. In 2002, **Camila** tired from selling her pieces at low prices in fairs and markets, decided to open a kiosk to sell newspapers and magazines, in the central square of Bairro da Serafina. The first acquisition of **Camila** was a ton of chewing gum to '**PASTILHEX, Lda**', to resell subsequently at her kiosk. For this acquisition **Camila** had as guarantor **Godfrey**, married with **Mary**, at a general common property marital regime. Simultaneously, bought twenty packs of cigarettes from a **Colombian farmer**. In 2004, due to several complaints, **Camila** bought an awning (for winter) and two sun umbrellas (for the summer), to protect her customers to '**Michael Hunger, Protection Against Weather, EIRL**'. Because she had no money to pay the awning and the umbrellas, she made a loan contract of 1.000,00 euros with the '**Bank Mega, SA**'. In 2005, **Camila** remained a debtor of 25,000.00 euros to '**PASTILHEX, Lda**', so the company decided to demand **Mary** to receive the missing amount of money. Due to severe financial problems, **Camila** has not paid yet any of the missing amounts of money to her creditors. Quid Juris?