

THE JOINT EXAMINATION BOARD

LAW PAPER

BASIC ENGLISH LAW

19th April, 1993

3.00 p.m. - 5.00 p.m.

Please read the following instructions carefully. This is a TWO HOUR Paper.

1. You should attempt no more than 4 questions from Part A and no more than 4 questions from Part B.
2. The number of marks allotted to each question is placed in brackets at the end of the question.
3. Where a question permits of reasons being given for the conclusions reached, such reasons should be given.
4. Start each question (but not necessarily each part of each question) on a fresh sheet of paper. In the appropriate boxes at the top of each sheet please enter the designation of the paper, the question number, and your Examination number. Write on one side of the paper only using BLACK ink. You must NOT staple pages together. You must NOT state your name anywhere in the answers.
5. Unless specifically requested answers are NOT required in letter form.
6. NO printed matter or other written material may be taken into the examination room.
7. Answers MUST be legible. If the examiners cannot read a candidate's answers no marks will be awarded.

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**PART A**

You should attempt 4 (but no more than 4) questions from this section.

1. What are the divisions of the High Court for civil litigation?  
Give brief examples of the types of cases heard in each. (10 marks)
2. What are the major sources of English Law? (10 marks)
3. What documents or statements are required in the formation of a limited company? (10 marks)
- 4.a) You receive a letter from an English computer company offering to do "all your renewals" at cost + £5 service charge a time. You reply saying their offer is accepted and provide a list of Trade Mark renewals to be effected. Now the computer company has written back expressing regret about an unfortunate printing error in their initial letter which should have stated £25 instead of £5 and should also have specified patent renewals only : Trade Mark renewals were charged at £50. Is there a valid contract between you and the computer company for the performance of any kind of renewal for a £5 service charge? Give brief reasons for your answer.
- b) Toppo Limited is a registered company which is empowered by the objects clause in its Memorandum of Association to manufacture and sell millinery. The board of Directors decides to expand the company's activities and open a fitness centre. The directors negotiate with Trimfit Limited, suppliers of gymnastic equipment for the purchase of several thousand pounds' worth of apparatus. Advise Trimfit Limited of its position if a contract is entered into. (10 marks)

5. What does the term "privity of contract" mean? Give exceptions to the general rule.  
(10 marks)
6. Compare the roles in civil litigation, of barristers and solicitors; what are their liabilities in negligence?  
(10 marks)

## PART B

You should attempt 4 (but no more than 4) questions from this section.

- 7.a) What role does the European Court of Justice play in the English Legal System?  
b) Distinguish between EC Regulations and EC Directives.  
(15 marks)
8. Describe the principal differences between:-  
(i) limited companies  
(ii) partnerships  
(iii) sole traders  
(15 marks)
9. Explain how precedent is applied in the English courts and comment on the circumstances when a judge is not obliged to follow precedent.  
(15 marks)
10. What is the effect of marking a letter "Without prejudice" and in what circumstances is it advisable (a) to do so and (b) not to do so.  
(15 marks)
11. What are the remedies and reliefs generally available to the successful plaintiff in an action for infringement of intellectual property rights in the High Court and how may they be enforced.  
(15 marks)

