

THE JOINT EXAMINATION BOARD

BASIC ENGLISH LAW

Monday 31st October 2011

3.00 p.m. – 5.00 p.m.

*Please read the following instructions carefully. **Time Allowed – 2 HOURS***

1. You should attempt **four of questions 1 to 5** in Part A and **four of questions 6 to 10** in Part B.
2. Each question in Part A carries a maximum of ten marks and each question in Part B carries a maximum of fifteen marks. The marks awarded to each question, and each sub-section if applicable, are shown at the foot of the question. If more than the required 4 questions are answered in Part A or Part B, only the first 4 respective answers will be marked.
3. Please note the following:
 - a. Start each question (but not necessarily each part of each question) on a fresh sheet of paper;
 - b. Enter the Paper Title (LAW), the question number and your Examination number in the appropriate boxes at the top of each sheet of paper;
 - c. The scripts are photocopied for marking purposes. Please write with a **dark inked pen** on one side of the paper only and within the printed margins, and do not use highlighters in your answer;
 - d. Do not state your name anywhere in the answers;
 - e. Write clearly; examiners cannot award marks to scripts that cannot be read;
 - f. Reasoning should always be given where appropriate;
 - g. You must number all the pages of your answer script. Once the exam finishes, an additional 5 minutes will be allowed for you to do this.
4. Under the Examination Regulations **you may be disqualified from the examination and have other disciplinary measures taken against you if:**
 - a. you are found with unauthorised printed matter or other unauthorised material in the examination room;
 - b. your mobile phone is found to be switched on;
 - c. you copy the work of another candidate, use an electronic aid, or communicate with another candidate or with anyone outside the examination;
 - d. you continue to write after being told to stop writing by the invigilator(s). **NO WRITING OF ANY KIND IS PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED.**
5. **At the end of the examination assemble your answer sheets in question number order, number all the pages and put them in the WHITE envelope provided.** Do not staple or join your answer sheets together in any way. Any answer script taken out of the examination room will not be marked.

THIS PAPER CONSISTS OF **THREE PAGES**, INCLUDING THIS ONE.

PRINCIPLES OF ENGLISH LAW

PART A

1. Explain the function and roles of each of the following in civil litigation:

- (a) Judge;
- (b) Barrister, and
- (c) Solicitor

(10 marks)

2. According to the Civil Procedure Rules Part 1, what is the over-riding objective in Court procedure? What obligations are imposed by the over-riding objective both on the court and on the court user.

(10 marks)

3. Summarise the doctrine of judicial precedent. Indicate some advantages and disadvantages.

(10 marks)

4. Under the Civil Procedure Rules, civil litigation is allocated to one of three "Woolf tracks".

Summarise the characteristics and benefits of each track.

[You do not need to discuss any special provisions for the Patents County Court.]

(10 marks)

5. Identify and describe each of the four essential requirements necessary for formation of a valid contract.

(10 marks)

PART B

6. (a) What is an interim injunction? (3 marks)
- (b) Discuss the principles used by the English Courts in assessing whether or not to grant an interim injunction. (12 marks)
- (15 marks)**
7. Explain the different types of evidence. Discuss each type. (15 marks)
8. In the context of statements relating to trade in goods and services, define malicious falsehood. Discuss each of the necessary elements to prove malicious falsehood and what defences can be raised to such a claim. (15 marks)
9. Before catching her bus home from shopping in the town, Sally Brown went into the Town Council's public toilets. She used the toilet cubicle, but when she tried to leave the door handle broke in her hand and she could not open the door. Having failed to attract attention by shouting and banging on the door, she tried to climb out of the cubicle by means of standing on the toilet seat and then standing on to the toilet roll fixture. The toilet roll rotated and Sally fell and suffered a compound fracture of her ankle. Sally wants to sue the Council for carelessness in not properly maintaining the Town public toilets and for causing her injury as a result. Explain to Sally what she must demonstrate in any case she brings against the Council and make an assessment as to whether Sally may be successful. (15 marks)
10. Colin started making garden furniture in his shed as a hobby after he was made redundant two years ago. Over that period, he started selling his furniture to local people and now he has a reputation and a number of orders. Such is the demand that he is seriously considering setting up his own business and the local garden centre has suggested that they would be prepared to order £10,000 worth of furniture if Colin could guarantee delivery. Colin's friend Tony wants to join him in running the business but has told him that they must form a registered company if they are to expand their operation, particularly as they would need to rent larger premises and hire a number of workers if they were to meet the order from the garden centre. Advise Colin on the different types of trading structure which are available to him, together with a description of the nature of each type and draw a conclusion as to which may best serve Colin.
[You need not consider Public Limited Companies in your answer] (15 marks)