

**THE JOINT EXAMINATION BOARD**

**PAPER LAW – Basic English Law**

**Tuesday 30 October 2007**

**3.00 – 5.00 p.m.**

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

1. You should attempt **four of the five questions from Part A** and **four of the five questions from Part B**.
2. Each question in Part A carries 10 marks and each question in Part B carries 15 marks. Marks for sub-sections of a question are also indicated as appropriate. If five questions are answered in either Part A or Part B, they will be marked in the order presented and the fifth ignored.
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 Name (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. Do not use highlighters in your answer;
  - d. Do not staple or join pages together in any way;
  - e. Do not state your name anywhere in the answers;
  - f. Write clearly, as examiners cannot award marks to scripts that cannot be read;
  - g. Reasoning should always be given where appropriate.
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 and put them in the WHITE envelope provided. **Any answer script taken out of the examination room will not be marked.**

This paper consists of **Three** pages, including this one.

**PAPER LAW – Basic English Law  
Tuesday 30 October 2007**

**Part A**

1. Enumerate and explain the requirements for a valid contract.

**10 Marks**

2. Identify and explain the minimum requirements necessary for the formation of a private limited company (including their function) and describe what forms are required to incorporate.

**10 Marks**

3. Describe the English civil court structure, including: (i) routes of appeal; (ii) basis for possible appeals; and (iii) which Courts' decisions are binding on others.

**10 Marks**

4. Describe the differences between the assignment and novation of an existing and binding contract.

**10 Marks**

5. Summarise the sources of English law and provide a concise explanation of three of the sources, including who or what is responsible for their creation.

**10 Marks**

**PAPER LAW – Basic English Law  
Tuesday 30 October 2007**

**Part B**

6. Identify three final civil remedies available for infringement of an intellectual property right and, for each, explain the basis on which each remedy is granted.

**15 Marks**

7. James runs a gardening service. On his first visit to Veronica, he tended her garden as instructed, weeding and pruning the plants. He charged her £100 which Veronica reluctantly paid despite thinking it very expensive. The following week James arrives as Veronica is rushing out to work. He suggests that on this visit he should instead mow Veronica's lawn and that will cost £20. As she leaves, in response Veronica says "Why don't you mow it? and the £100 I paid you last week should cover the mowing this time, as I thought it was too expensive anyway". Nothing else is said between Veronica and James. James mows the lawn and charges Veronica £20 for the mowing. Veronica refuses to pay £20.

a) **Is there a contract between Veronica and James for the lawn mowing?**  
Your answer should mention the elements necessary to establish a contract and an analysis as to whether each element is applicable in this situation.

*(10 Marks)*

b) As a separate issue; **would Veronica be able to enforce a contract had James initially agreed to Veronica's price suggestion but then not mowed the lawn?**

*(5 Marks)*

**15 Marks**

8. Explain the purpose and effect of:

(a) litigation privilege; and

(b) "without prejudice" communications.

Explain the necessary circumstances for each to exist.

**15 Marks**

9.1 Identify and explain each element necessary to establish negligence.

*(8 Marks)*

9.2 Identify and explain three defences to the tort, additional to absence of the elements identified in Question 9.1 above.

*(7 Marks)*

**15 Marks**

10. Identify and explain for each the principal grounds under which judicial review of a public body's decision can be sought.

**15 Marks**