

LAW – Basic English Law

Monday 29 September 2014
3.00 p.m. – 5.00 p.m.

Time allowed – TWO hours

INSTRUCTIONS TO CANDIDATES

1. You should attempt **four questions** in Part A and **four questions** in Part B. There are ten questions altogether, five in Part A and five in Part B.
2. Each question in Part A carries **10** marks and each question in Part B carries **15** marks.
3. If more than four questions are answered in either Part A or Part B, only the first four presented will be marked.
4. Start each question (but not each part of each question) on a fresh sheet of paper.
5. Enter the question paper reference (LAW), the question number and your candidate number in the appropriate boxes at the top of each sheet of paper.
6. The scripts are photocopied for marking purposes.
 - a. Use **black ink**.
 - b. Write on one side of the paper only.
 - c. Write within the printed margins.
 - d. Do not use highlighter pens on your answer script.
7. Do not state your name anywhere in the answers.
8. Write clearly: examiners cannot award marks to scripts that cannot be read.
9. Reasoning should always be given where appropriate.

INFORMATION FOR CANDIDATES

1. The total number of marks for this paper is 100.
2. At the end of the examination the invigilator will instruct you to:
 - a. count the number of pages you have used;
 - b. use the boxes on each page of the answer script to number pages in the format “1 of 25, 2 of 25 etc”;
 - c. place your answer sheets in order in the white envelope, seal the envelope and leave the envelope on the desk.
3.
 - a. Do not staple the pages, or use sellotape or treasury tags.
 - b. You may take the examination paper with you.
4. This question paper consists of 4 pages in total, including this page.

PART A

Question 1

According to the Civil Procedure Rules Part 1, what is the overriding objective in Court procedure and what obligations are imposed by the overriding objective both on the Court and on the Court User?

10 marks

Question 2

Define each element necessary to establish malicious falsehood.

10 marks

Question 3

Identify and briefly describe the different forms of evidence, giving examples.

10 marks

Question 4

Explain the four essential requirements for formation of a valid contract.

10 marks

Question 5

Summarise the rights for a third party to object to a new company name at Companies House and the Company Names Tribunal.

10 marks

PART B

Question 6

Give a brief definition of each of the following and compare the advantages and disadvantages of operating a business under each.

- a) A Limited Company.
- b) A partnership formed under the Partnership Act 1895.
- c) A limited liability partnership under the Limited Liability Partnerships Act 2000.
- d) A sole trader.

15 marks

Question 7

Identify and explain the various criteria necessary in order to establish grounds for an interim injunction.

15 marks

Question 8

Briefly discuss European sources of law, both Primary and Secondary, and explain their application to the United Kingdom.

15 marks

Question 9

Susie is driving very slowly as she is towing a horse box containing her two horses. Simon is driving very close behind Susie. He has just stolen the car he is driving and he is making his getaway with his accomplice Terry. Getting impatient, Simon overtakes Susie on a blind bend and collides with Karen who is travelling in the opposite direction. Karen is not wearing a seat belt because she did not want to crease her dress. Her car has just failed its MOT for faulty brakes so she cannot stop and her car careens down a bank into a ditch. Karen and her passenger, Ben, who had accompanied her to the MOT testing station, both suffer serious head injuries. Simon's car spins off the road and hits a tree and he and Terry both sustain serious lacerations.

Outline the relevant legal principles, and applying legal reasoning, identify the potential defendants, consider their liability and advise as to what defences they could use to avoid or limit their liability.

15 marks

Question 10

Bill Jagger, a UK regulated person, acts in IP matters for Merrist Pipes Limited, who own a UK registered trade mark. Bill receives a written request from John Jones, a regulated person asking for a letter of consent from Merrist Pipes Limited, to register and use a trade mark application in the name of his Clients, Acme Traders Limited. John advises Bill that Acme Traders Limited are facing a short deadline for filing the signed letter of consent with the trade mark authorities. A week after receiving the request from John, Bill writes to John Jones requiring an undertaking from him to meet Bill's fees for forwarding John's request for consent to Merrist Pipes Limited. Pending a response from John, Bill takes no action to report the request for consent to his clients.

With reference to the relevant portions of the IPReg Rules of Conduct and the Guidance Notes thereto, discuss the above situation.

15 marks