



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – CIVIL LITIGATION*

Time allowed: 1 hour and 30 minutes plus 15 minutes reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

Question 1

Reference: Question relates to **Document 1** of the case study materials and is concerned with the **Teppling File**.

- (a) How long will the Defendant, Trace Team Ltd, have to file a Defence?
(2 marks)
- (b) If Trace Team Ltd fail to file a Defence what should the Claimant do to bring the matter to an early conclusion?
(3 marks)
- (c) In due course the Defendant fails to file a Defence and you gain judgment. In the following alternative situations consider what the appropriate method of enforcement would be and how such applications are made.
- (i) Trace Team Ltd has a great deal of stock in their warehouse.
(3 marks)
- (ii) Trace Team Ltd owns the warehouse from which they operate.
(3 marks)
- (iii) You are aware that Trace Team Ltd has a deposit account at the Kempston Bank.
(3 marks)
- (Total: 14 marks)**

Question 2

Reference: Question relates to **Document 2** of the case study materials and is concerned with **Richard Compton**.

- (a) How long does Helena Savoy have to bring a personal injury claim?
(2 marks)
- (b) Having received the letter of claim from the Claimant's solicitor you are required to follow the personal injury protocol. Explain what the protocol requires the Defendant to do.
(6 marks)
- (c) Unfortunately, the matter cannot be settled through the use of the protocol and the Claimant issues proceedings. What options are available to the Defendant on receipt of the Claim?
(3 marks)
- (d) You believe that the Claim is poor and you decide to make an application for Summary Judgment. Explain the possible outcomes of such an application.
(4 marks)
- (e) On the assumption that an application for Summary Judgment was not made the matter would proceed to trial. Listing Questionnaires are likely to be used, state **two** matters which would be considered in this document.
(2 marks)
- (f) Once the case has been decided, how will the issue of costs be dealt with?
(4 marks)
- (Total: 21 marks)**

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Question 3

Reference: Question relates to **Document 3** of the case study materials and is concerned with **Andrea Rotherton**.

- (a) Andrea Rotherton wishes to know whether she will be able to obtain public funding for her Claim. Explain, with reasons, whether this will be possible.

(3 marks)

- (b) The Claim proceeds and the Defence filed by the Defendant is unclear on a number of issues. You decide to make a Request for Further Information. Explain how this is done.

(4 marks)

- (c) On the assumption that the Defence is clear the matter needs to be allocated to a track. List **two** substantive matters which would be considered on the Allocation Questionnaire and explain how they would relate to Andrea Rotherton's case.

(4 marks)

- (d) The matter is allocated to the fast track and standard directions are to be used. List **four** of the Directions to be used in this case.

(4 marks)

- (e) Before Trial the Defendant makes a Part 36 Offer.

- (i) How must such an Offer be made?

(3 marks)

- (ii) If the Claimant declines the Offer, what are the potential effects, if any, on the issue of costs?

(3 marks)

(Total: 21 marks)

Question 4

Reference: Question relates to **Document 4** of the case study materials and is concerned with **Milkingtons Holiday Park**.

(a) Sarah Brown has agreed to go through mediation. Explain the common aspects of mediation.

(4 marks)

(b) Give **two** advantages to the parties of using mediation.

(2 marks)

(c) The matter cannot be settled through mediation and consequently the case is allocated to the Small Claims track. Explain what standard directions would be used in this matter.

(4 marks)

(d) The Claimant is successful in her claim. Explain what costs she can recover.

(4 marks)

(Total: 14 marks)

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