

THE JOINT EXAMINATION BOARD

BASIC ENGLISH LAW PAPER

Wednesday, 13th November, 2002

3.00 p.m – 5.00 p.m.

Please read the following instructions carefully. Time Allowed – TWO HOURS

1. Candidates should attempt 4 questions from each section. All questions in Section A carry 10 marks. All questions in Section B carry 15 marks. If more questions than necessary are attempted, they will be marked in the order presented and the questions over the required number will be ignored.
2. Where a question permits, reasons should be given for the conclusions reached.
4. Please note the following:
 - Start each question (but not necessarily each part of each question) on a fresh sheet of paper.
 - Enter the Paper Number, the question number and your Examination number in the appropriate boxes at the top of each sheet of paper
 - Write on one side of the paper only, within the printed margins using a **BLACK** pen.
 - **DO NOT** use coloured pens or highlighters within the answers – they will not photocopy.
 - **DO NOT** staple or join pages together in any way
 - **DO 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. **ALL** mobile phones and electronic aids **must be** switched off and stored away.
7. Answers **MUST** be legible. If the examiners cannot read a candidate's answer no marks will be awarded.
8. **NO WRITING OF ANY KIND WILL BE PERMITTED AFTER THE TIME ALLOTTED TO THIS PAPER HAS EXPIRED. At the end of the examination assemble your answer sheets in question number order and place in the WHITE envelope provided.**

This paper consists of three pages, including this page.

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Basic English Law

Wednesday 13 November 2002

Part A

1. Identify the sources of English law and provide a concise explanation of three of the sources.

(10 Marks)

2. Explain what is meant by the term:

- a. ratio decidendi;
- b. res judicata; and
- c. obiter dicta.

(Candidates should discuss all 3 terms).

(10 Marks)

3. Discuss the procedural steps taken from the commencement of unregistered design right proceedings in the High Court up to (but not including) the trial. Your answer should include a concise explanation of each procedural step.

(10 Marks)

4. a) Your client has asked you about incorporating a company. Explain what minimum requirements must be met and briefly describe the documents or statements required for incorporation.

(Candidates should identify the nature of any official Forms referred to in their answer.)

(7 Marks)

- b) You have just incorporated your client's company called SWEET LIMITED and it started trading this week. Your client comes to see you complaining that another new company has just been incorporated by a local competitor with the name SWEETS LIMITED. Advise your client as to what options he has (if any) under the Companies Acts to protect the name and to procure a name change on the part of the competitor. Ignore any trade mark or passing-off issues.

(3 Marks)

5. Explain the hierarchy of the English civil court structure. As appropriate, for each appellate court indicate where appeals may be made on matters of law and/or fact and whether leave to appeal may be required.

(10 Marks)

Part B

1. List and provide an explanation of the main classifications of evidence that may be admitted in proceedings before a civil Court and how such evidence can be given.
(15 Marks)

2. At the weekend Chris, whilst looking through the local paper, notices an advertisement for a video camera. The advertisement reads:
"For Sale : Sony Camcorder – one owner, boxed as new, £500. Contact : James Warren, 18 The Hyde, London"
On Monday Chris posts James a cheque for £500. However, on Tuesday James sold the Camcorder to his friend Rupert for £450. James receives Chris' letter on Wednesday and immediately writes to Chris returning the cheque and telling him the Camcorder has been sold.

Advise Chris whether there was a contract between him and James and if so what are his remedies.

(15 Marks)

3. Yvonne, a concert pianist, went to the local fun fair on Saturday and paid to ride on the "Mountain of Doom", a fast roller coaster. In her excitement during the ride she put her hands outside the cabin of the roller coaster car and on one of the loops she hit her hand against a loose metal beam resulting in her hand being fractured.

After Yvonne got off the ride the manager of the park did not apologise but pointed Yvonne to the sign at the boarding platform that said "Keep Your Hands In The Car". Yvonne, feeling aggrieved at the lack of an apology now wants to obtain compensation.

- a) Discuss the issues involved in Yvonne's claim for compensation and possible defences to her claim.
- b) If Yvonne is successful what types of damages would she be entitled to?

(15 Marks)

4. What are the necessary elements to prove malicious falsehood and what defences can be raised to such a claim? Your answer should provide a concise explanation of each element and defence.

(15 Marks)

5. Compare and contrast warranties, representations and conditions in contract law.

(15 Marks)