

THE JOINT EXAMINATION BOARD

BASIC ENGLISH LAW PAPER

Wednesday, 5th November, 2003

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.
3. Please note the following:
 - Start each question (but not necessarily each part of each question) on a fresh sheet of paper.
 - Enter the Paper Designation (“Law”), 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
4. **Unless specifically requested answers are NOT required in letter form.**
5. **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.
6. Answers **MUST** be legible. If the examiners cannot read a candidate’s answer no marks will be awarded.
7. **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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Part A

(Four questions out of five)

1. Identify the essential requirements necessary for the formation of a valid contract and explain each one. (10 Marks)
2. Describe what is meant by an "interim injunction" and what must be established to obtain one. (10 Marks)
3. Identify and describe the main elements necessary to prove negligence and summarise the heads of damages recoverable under negligence. (10 Marks)
4. What is the doctrine of precedent? Summarise the effect of the doctrine on the structure and organisation of the English courts. (10 Marks)
5. Discuss and contrast, with examples, what is meant by the terms "Offer" and "Invitation to Treat" in contract law. (10 Marks)

Part B
(Four questions out of five)

6. Discuss what is meant by the "over-riding objective" in the Civil Procedure Rules. What obligations are imposed by the over-riding objective both on the Court and on the Court user? (15 Marks)
7. (a) Explain what is meant by the term "without prejudice". (2 Marks)
- (b) When and how are the "without prejudice" provisions applicable? (5 Marks)
- (c) Summarise the effect of Part 36 - Offers to Settle and Payments into Court - under the Civil Procedure Rules. (8 Marks)
8. Identify the different types of remedies available for infringement of intellectual property rights together with an explanation of each remedy. (15 Marks)
9. Prepare a summary for your client, who is the claimant in proceedings for unregistered design right infringement, of each stage of court proceedings in the High Court from issue of a claim form through to trial (inclusive), together with an outline description of each stage. (15 Marks)
10. Explain how each of the following businesses are formed and for each one provide an explanation of the advantages and disadvantages of operating a business in such a manner:
- (i) a sole trader; (5 Marks)
- (ii) a partnership; and (5 Marks)
- (iii) a limited company. (5 Marks)