

SAMPLE QUESTIONS FOR LEVEL 4 DIPLOMA IN PARALEGAL STUDIES

UNIT 1 – ENGLISH LEGAL SYSTEM

Explain how laws are made in the UK and the role that the Crown plays in this process (10 marks)

This question relates to Learning Outcome 2 of Unit 1 : understand the Modern Day sources of Law

In order to correctly answer this question, learners will have to include the following in their answer:

Laws are made by Parliament – two houses: House of Commons and House of Lords

The number of ways that laws can be introduced to Parliament

The various stages and readings that a bill has to go through before it is made into law

The Queen has to put her assent to it by signing it before it becomes law and cannot refuse to do so

UNIT 2 – THE LAW OF CONTRACT

Q. John bought an antique chair from an auction believing it to be a Louis XIV original. He paid £125,000. Six months later John discovered that the chair he purchased was not an original and discovered upon further investigation, that it was in fact made by a furniture maker in the late eighteenth century and that it was only worth £10,000. John contacted the auction house that said they had an honest belief it was an original Louis XIV.

- a) Discuss how the law of mistake may apply to John's situation in respect of the auction house (10 marks)**

This question relates to Learning Outcome 2 of Unit 2: Understand the vitiating factors that could render a contract void or voidable.

In order to correctly answer this question, learners will have to include the following in their answer:

Differentiate between unilateral and common mistake

identify this as a common mistake situation because parties contracted under shared belief in facts that were in fact incorrect.

Relief if the mistake is such as to make the contract “essentially different” apply relevant case law to determine whether this satisfies that threshold

- b) Would the outcome be different if the auction house knew that the chair was not an original Louise XIV, but knew that John assumed it**

was an original even if they had not discussed the history of its origin? (4 Marks)

The learner must discuss terms of the contract and whether the origins of the chair was such a term and come to a conclusion

UNIT 3 – THE LAW OF TORT

Q. What are the elements that a claimant has to prove to be successful in the tort of negligence (20 marks)

This question relates to Learning Outcome 2 of Unit 3: Understand the concept of negligence

In order to correctly answer this question, learners will have to include the following in their answer:

Explanation in detail of the three stages of negligence: a duty of care owed by the Defendant to the Claimant, breach of that duty of care and whether there has been loss suffered as a result of that breach.

A discussion whether the defendant has satisfied these three elements.

There should also be an understanding of causation and also of the remoteness rules.

UNIT 4 – CRIMINAL LAW

Q. Explain what a crime is including all the elements: the physical element, the mental element and offences of strict liability. (14 marks)

This question relates to Learning Outcome 1 of Unit 4: Understand the nature of Criminal Law

In order to correctly answer this question, learners will have to include the following in their answer:

Description of Actus Reus and Mens Rea and give examples

Also mention of intent and recklessness as well as negligence.

Mention of Strict liability offences which require proof of the actus reus only and are usually reserved for more minor offences or offences concerning the protection of the public.

UNIT 5 – WILLS, PROBATE AND FAMILY PROVISION

You work for the firm of Price and Court as a Paralegal in the Private Client Department. Your principle is Mr Price. He asks you to look at the case of Tom Stone and has asked you to prepare some preliminary notes with a view to making a Will. You were told as follows: -

Tom is a very demanding client and before he signs anything he needs to understand exactly what all the legal terms are within a Will and also what actually makes a Will valid. You are told that he is planning on marrying a Sharon Jones and wishes to know if this will affect the Will in anyway. He wants to make several gifts, one of which is the proceeds of her Crooks & Co Bank account and her Mother's rose gold ring to Sharon Jones as well as £5,000 to a Cancer Research Charity which is registered in Wibchester.

Q. Prepare a draft letter for Tom Stone who lives at 66 Songbird Avenue, Wibchester, W15 9JU explaining all of the formalities for a valid Will and some of the Terms of the Will that can be included. (16 Marks)

This question relates to Learning Outcome 1 of Unit 5: Understand the concept of Wills; including the formalities required, capacity and how to make additions or alterations

In order to correctly answer this question, learners will have to include the following in their answer:

Draft an actual letter and include The Wills Act 1837 as amended

Testator over the age of 18 unless it's a privileged Will

Testator needs to understand the document that is being prepared is intended to be a Will

Testator needs to have sufficient capacity to make a Will

Will needs to be signed

Will needs to be witnessed by two independent witnesses

Terms of the Will should include Executorship, Revocation clause, Attestation clause, Charity clause and Cy-pres clause

UNIT 6 – CIVIL LITIGATION

Q. Mr John James comes into your office. He is 24 years old and has been injured while working in a glass factory called 'Glass Menagerie Ltd'. He wishes to sue the company for his injuries and states the following: he had been working for the company for about 7 weeks having had a 1 hour training session before being left to get on with his role. He was driving a small forklift truck when he knocked a box of vases off a shelf which fell onto the concrete floor smashing and splintering everywhere. Mr James was the only worker in the vicinity and a serious casualty as a huge shard struck him in the side of his face leaving him permanently scarred. It turns out that the vases should never have been on the shelf and the employer had stored them there temporarily until further space was found.

Mr James is concerned that you may not take the case because has no means of funding it himself. However, you believe that he has a good case against his

employer and believe that his employer would find it difficult to successfully defend it. Write a letter to Mr James explaining what options there are for funding the claim. (15 marks)

This question relates to Learning Outcome 1 of Unit 6: Understand the Civil Court structure and the preliminary considerations that should be made before commencing an action

In order to correctly answer this question, learners should write a letter and include:

The two methods of funding

The situation with regard to Legal Aid

Discuss Conditional Fee Arrangements including the relevant legislation and what is included and how CFAs work.

UNIT 7 CRIMINAL PRACTICE

Q. You have received a telephone call from a distraught Mr Brown. He informs you that his 19 year old son, George, is in police custody at the local police station. He has been informed that his son was stopped by some officers whilst doing their rounds, at 2am, in the street outside a prominent local hairdresser's house in possession of several items of valuable jewellery.

The hairdresser claims to be able to identify George as the burglar.

Mr Brown asks you if you will act for his son in this matter and you agree to do so.

George has a recent conviction for burglary for which he was given a Community Order with an unpaid work requirement of 120 hours. He has not completed that order. He has also failed to appear at Court on 2 previous occasions.

What powers of search do the Police have for Mr Brown's home, where George is also living? You need to outline the powers that they have if (a) Harry is not yet in custody and (b) once Harry is in custody (8 marks)

This question relates to Learning Outcome 2 of Unit 7: Understand what occurs after arrest

In order to correctly answer this question, learners will have to include the following in their answer:

Whether this is an indictable offence and what relevant sections of the Police and Criminal Evidence Act 1984 may apply to search of premises and whether any authorization is required for a police officer to do so.

UNIT 8 – MATRIMONIAL AND CIVIL PARTNERSHIP LAW & PROCEDURE

Q. Explain fully the ground on which a Divorce may be ordered under Section 1 of the Matrimonial Causes Act 1973 and the facts that need to be proved. (15 marks)

This Question relates to Learning Outcome 2 of Unit 8: Understand the divorce process

In order to correctly answer this question, learners will have to include the following in their answer:

***Explain that there is only one ground for divorce - irretrievable breakdown. The various facts to prove the one ground for a divorce and include whether the test is objective or subjective
Refer to living together in the same house but as separate households.
Refer to a time to reconcile and give the period permitted, i.e. 6 months.***

UNIT 9 – CONVEYANCING

Q. Mr John Crackle has been recommended to you by a close friend and client. He has recently won a substantial amount of money on the Lotto. He intends to set up his own business buying properties for letting. He is waiting for the payment to come through but has initially instructed you to act in the purchase of his sister's home as she is in financial difficulty. He intends to get a buy-to-let mortgage so that he can purchase this before his winnings arrive. He is paying the full market value of £280,000 and the property is Leasehold.

- a) What initial letters will you write on receipt of your client's purchase instructions? (8 marks)**
- b) His sister bought the property in 1986 and took out a mortgage out around 4 years ago. Do you think the title will be registered or unregistered and give reasons for your answer? (6 marks)**

These questions are covered by Learning Outcomes 1 (for Q.a): Understand what information to obtain when taking instructions and why it is required and 6 (for Q.b)) Understand the different processes involved in unregistered property transactions and leasehold property transactions.

In order to correctly answer this question, learners will have to include the following in their answer:

For Q.a)
Contents of a Client care letter
Letter to seller's solicitors requesting contract
Letter to estate agent or referrer

For Q.b)

Even though all land in England and Wales has, since 1st December 1990, been subject to compulsory registration, many parcels of land remain unregistered until one of the relevant triggers occurs.

The granting of a first legal mortgage triggers first registration

Likely that was unregistered when purchased but now registered due to their recent mortgage

UNIT 10 – SUCCESSION

You work for a law firm and have assisted Mrs Jones in making her Will.

Five years later, you receive a call from one of Mrs Jones' sons to say that his mother has sadly passed away. A check of your strongroom shows that you hold the original Will which gifts legacies to three animal charities, her sister and her brother and leaves the residue to her four sons. All her sons are appointed as Executors.

Mrs Jones has through her Will divided her Estate between her four children and on checking the Will you see that it is perfectly valid.

Q. Explain what type of Oath you would take out and state what information will be placed on the Oath and the type of Tax form that would be used given that the Estate is worth Net value £320,000.

(14 marks)

This question relates to Learning Outcomes 5 and 6 of Unit 10: Understand the Procedure in administering an estate and Understand when Inheritance Tax is payable and the procedures for submitting the appropriate tax forms

In order to correctly answer this question, learners will have to include the following in their answer:

What type of oath would be applied for and why eg Oath for Executors – valid Will and Executor(s) willing to act

What tax form that should be completed and why: IHT 205

Explain what Information that is contained in the oath