

CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 15 – Civil Litigation

Question paper

January 2026

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- A basic calculator is provided should you require the use of one.
- You are **not** allowed access to any statute books.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

Reference: Question relates to **Case One – Emma Richardson and Document 1** of the case study materials.

(a) Advise Angus Richardson what the available options are for funding a claim on behalf of Emma Richardson and what their implications are for him in terms of potential liability.

(8 marks)

(b) Explain what procedural or other steps must be taken at the outset in relation to the proposed claim having regard to Emma Richardson's age, including any specific issues relating to the circumstances of the claim.

(8 marks)

(c) Explain whether any (and if so which) pre-action protocol applies to this claim and the pre-action steps which should or may be undertaken on behalf of the proposed claimant.

(8 marks)

(Total: 24 marks)

Question 2

Reference: Question relates to **Case One – Emma Richardson and Document 1** of the case study materials.

Shirley Pereira asks you to arrange for Lorraine Carpenter to provide a witness statement.

(a) Explain the formal requirements for a witness statement and outline what you would expect the substance of the statement to be.

(10 marks)

Following pre-action negotiations, the solicitors acting for Brenfell Events and Celebrations Ltd make a pre-action Part 36 offer to settle the claim. Counsel advises that the offer is inadequate and recommends making a counter-offer.

(b) Explain the purpose and consequences of Part 36 offers with specific reference to the position in relation to this claim.

(8 marks)

Following receipt of a counter-offer, Brenfell Events and Celebrations Ltd agree upon a settlement figure which counsel considers to be appropriate.

(c) Explain the procedure for giving formal legal effect to this settlement and indicate how the funds will be dealt with.

(8 marks)

(Total: 26 marks)

Question 3

Reference: Question relates to **Case Two – Marston Enterprises Limited (MEL) and Document 2** of the case study materials.

Shirley Pereira writes a letter of claim to Walford Plastics plc (WP). When the company responds through its solicitors (who are DCP legal representatives), it completely denies any responsibility and alleges that any problems must have arisen during the course of the manufacturing process at MEL. It maintains this approach and Joginder Singh gives instructions to commence proceedings.

(a) Explain the process for commencing proceedings in this case, including an outline of the contents of the documents that must be produced.

DO NOT DRAFT THESE DOCUMENTS

(12 marks)

(b) Explain which track the claim will be allocated to and the consequences of this for the subsequent conduct of the proceedings.

(5 marks)

When disclosure by lists takes place pursuant to the directions given, there is no reference in the defendant's list to any documents relating to the actual procurement of Fluorethane for this consignment. Having regard to the discrepancy between the original explanation given and subsequent statements in relation to this, Kempstons takes the view that there has been a nondisclosure.

(c) Explain the procedures which can be invoked to obtain disclosure of any relevant documents.

(6 marks)

(Total: 23 marks)

Turn over

Question 4

Reference: Question relates to **Case Two – Marston Enterprises Limited (MEL) and Document 2** of the case study materials.

On the date specified in directions for the exchange of witness statements, Kempstons provides the statements of two of the three witnesses they intend to rely on but by an oversight the third statement is not provided. The oversight is identified within 24 hours.

(a) Explain the steps that Kempstons must now undertake in relation to this oversight and the criteria that will be applicable.

(8 marks)

At a case management hearing, the district judge invited the parties to consider appointing a single joint expert, but as each party has instructed an expert, and they take very different views as to the reason why the batch of plastic in question did not produce satisfactory mouldings, neither party was willing to agree to this.

(b) Explain how the court is likely to deal with the expert evidence, on the assumption that each party is entitled to utilise the evidence of one expert.

(6 marks)

After a trial in the county court before a Circuit Judge, judgment is entered in favour of MEL for damages in the sum of £60,500, together with costs. In the course of her judgment, the judge explained why she rejected the evidence of the expert witness for the defendant as being based on speculation rather than a proper factual basis. The defendant indicates that it wishes to appeal.

(c) Explain the procedure for appeal and the criteria for determining whether an appeal will be successful.

(6 marks)

The appeal is unsuccessful. MEL is awarded its costs of the appeal. WP has no proposals in relation to the costs or satisfying the judgment.

(d) Explain how the costs will be ascertained and the procedures available to MEL to enforce the judgment.

(7 marks)

(Total: 27 marks)

End of the examination