



**CILEX Level 3 Certificate in Law and Practice/
CILEX Level 3 Professional Diploma in Law and Practice**

Unit 9 – Civil Litigation

Question paper

November 2023

Time allowed: 1 hour and 45 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 70 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.
- You are **not** allowed access to any statute books.
- A basic calculator is provided should you require the use of one.
- 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 **Documents 1 and 2** of the case study materials and is concerned with the case of **Tammy Burton**.

- (a) Explain **two** methods of funding that would be appropriate for Barbara Burton in the circumstances. **(4 marks)**

Barbara Burton is not sure whether the accident occurred too long ago for a claim to be brought.

- (b) Explain on what basis a claim could be brought by Barbara Burton. **(3 marks)**

- (c) Explain why Barbara Burton will be acting for her daughter, Tammy Burton. **(2 marks)**

Proceedings are issued and a Defence is filed. The case is allocated to the fast track. Barbara Burton would like her daughter to have the plastic surgery as soon as possible.

- (d) Explain what application can be made and on what basis the court could grant such an application in this case. **(5 marks)**

(Total: 14 marks)

Question 2

Reference: Question relates to **Documents 1** and **3** of the case study materials and is concerned with the **Easy Estate Agents Ltd** file.

Easy Estate Agents Ltd issue proceedings to recover the £37,500 + VAT.

(a) Identify how long the Defendant has to submit a Defence.

(2 marks)

Ndidi Okoro files a Defence but you believe it is very weak.

(b) Explain the procedure to be adopted to try to bring the claim to an early conclusion.

(5 marks)

The matter progresses and the Listing Questionnaire (Pre-Trial Checklist) needs to be completed.

(c) Provide **four** examples of the matters considered on the form.

(4 marks)

At trial, Easy Estate Agents Ltd are successful.

(d) Explain how the matter of costs was dealt with throughout the case up to, but not including, the final hearing.

(5 marks)

(e) In each of the following situations, explain which method of enforcement would be most appropriate if Ndidi Okoro failed to pay the judgment:

(i) if she owns a house;

(2 marks)

(ii) if she owns a number of valuable original paintings.

(2 marks)

(Total: 20 marks)

Turn over

Question 3

Reference: Question relates to **Documents 1 and 4** of the case study materials and is concerned with the **Jamie Varma** file.

- (a) Explain whether the Pre-Action Protocol for Low Value Personal Injury Claims could be used in this case.

(4 marks)

Assume that the Pre-Action Protocol for Low Value Personal Injury Claims is not used.

- (b) Explain how the matter should proceed before issuing a Claim.

(6 marks)

Unfortunately, the matter could not be settled and you decide to issue proceedings.

- (c) Identify the documentation that will be sent to Court to begin proceedings.

(4 marks)

The case is to be allocated to an appropriate track.

- (d) Explain on what basis the Court decides which track is appropriate.

(4 marks)

(Total: 18 marks)

Question 4

Reference: Question relates to **Documents 1** and **5** of the case study materials and is concerned with the **Tony Parsons** file.

The Defendant states that the company was unaware of the issued proceedings as the managing director was on holiday when the Order was issued. The company has made an application to the Court to set aside the Default Judgment.

(a) Explain to your client on what basis the Court may grant such an application.

(4 marks)

The Court sets aside the Order and the Defendant files a Defence.

(b) Explain how directions will be dealt with in this matter, giving **three** examples.

(4 marks)

The matter proceeds to trial.

(c) Outline the usual order of events at trial.

(6 marks)

Your client is successful at trial.

(d) Explain how costs will be decided.

(4 marks)

(Total: 18 marks)

End of the examination

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