



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

**Unit 9 – Civil Litigation**

**Question paper**

**June 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.
- 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 **Moreton Home Interiors Ltd** file.

- (a) Draft the key points of the Defence Statement on behalf of Moreton Home Interiors Ltd.

**Do not draft the formal parts of the Defence, such as headings.**

**(6 marks)**

You file the Defence but, in your opinion, the claim is weak and you consider making an application for Summary Judgment.

- (b) Explain the possible outcomes of an application for Summary Judgment.

**(5 marks)**

After some consideration, you decide not to make an application for Summary Judgment and the case, having been allocated to the Multi-Track, proceeds. 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, Moreton Home Interiors Ltd are successful in defending the claim.

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

**(5 marks)**

**(Total: 20 marks)**

## Question 2

Reference: Question relates to **Documents 1** and **3** of the case study materials and is concerned with the **Gertrude Meyer** file.

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

**(4 marks)**

On the assumption that the Pre-Action Protocol for Low Value Personal Injury Claims is not used, the matter is allocated to the Fast Track.

- (b) Explain how the matter of directions will be dealt with in this matter.

**(4 marks)**

The Defendant has failed to follow one of the directions.

- (c) Explain the options available to the Court in respect of a failure to comply.

**(5 marks)**

Gertrude Meyer is successful at trial.

- (d) Explain how costs will be decided.

**(4 marks)**

**(Total: 17 marks)**

**Turn over**

### Question 3

Reference: Question relates to **Documents 1** and **4** of the case study materials and is concerned with the **Imogen Pointer trading as Slide and Glide Bicycles** file.

As was suspected, Electric Bikes R Us Ltd have begun legal proceedings.

- (a) Identify how long Imogen Pointer has to submit a Defence.

**(2 marks)**

The Claimant's Particulars of Claim are unclear and confusing.

- (b) Explain what procedure you will adopt to clarify matters and include an explanation of the content of any documents to be drafted.

**(5 marks)**

The matter proceeds and is allocated to the Fast Track. The directions indicate that a trial bundle will be required.

- (c) Explain who will be required to compile the trial bundle and what it should contain.

**(4 marks)**

Your client is successful at trial. You advise your client that in the future she may wish to use Alternative Dispute Resolution (ADR).

- (d) Explain the benefits of using ADR.

**(4 marks)**

**(Total: 15 marks)**

#### **Question 4**

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

(a) Explain what disbursements are.

**(2 marks)**

(b) Outline the process that the Claimant will need to go through before issuing proceedings.

**(6 marks)**

You subsequently issue proceedings.

(c) Explain which track the case is likely to be allocated to.

**(6 marks)**

(d) Identify the purpose of a Statement of Truth and the consequences if such a document is subsequently found to be untrue.

**(4 marks)**

**(Total: 18 marks)**

**End of the examination**

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