



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

**Unit 9 – Civil Litigation**

**Question paper**

**January 2023**

**Time allowed: 1 hour and 45 minutes (includes 15 minutes' reading time)**

**Instructions and information**

- It is recommended that you take **15** minutes to read through this question paper before you start answering the questions. However, if you wish, 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 Patricia Waddington File.

The Council has denied liability for the injuries sustained by Patricia Waddington.

- (a) Explain how the matter should proceed before a Claim Form is issued.

**(6 marks)**

Unfortunately, the matter could not be settled, and the case is to be allocated to an appropriate track.

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

**(5 marks)**

The Court decides the case should be allocated to the Fast Track.

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

**(4 marks)**

The case proceeds to trial and the Claimant is successful.

- (d) Explain how the matter of costs will be dealt with.

**(4 marks)**

**(Total: 19 marks)**

## Question 2

Reference: Question relates to **Documents 1** and **3** of the case study materials and is concerned with the Henry Pearson File.

Offroaders R US Ltd. issue a Claim but you believe it is very weak.

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

**(6 marks)**

Your application was not successful and the matter proceeds. Expert witnesses will play an important part in the case.

- (b) Explain what rules will apply to the use of an expert in this matter.

**(4 marks)**

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, the court grants judgment in favour of Henry Pearson.

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

**(5 marks)**

**(Total: 19 marks)**

**Turn over**

### Question 3

Reference: Question relates to **Documents 1** and **4** of the case study materials and is concerned with the Akunna Yakubu File.

- (a) Explain **two** methods of funding appropriate for Akunna in the circumstances.

**(4 marks)**

- (b) Explain the procedure to be followed in this case if liability is accepted by the employer.

**(6 marks)**

Unfortunately, liability is not accepted, with the insurer insisting that Akunna should have checked the lift before using it and that he is responsible for his injuries. The matter cannot be settled, and you issue proceedings.

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

**(2 marks)**

The Defendant files a Defence, however it is unclear and confusing.

- (d) Explain what procedure you will adopt to clarify matters, including an explanation of the content of any documents to be drafted.

**(6 marks)**

**(Total: 18 marks)**

#### Question 4

Reference: Question relates to **Documents 1** and **5** of the case study materials and is concerned with the Montgomery Laundry Services Ltd. File.

You suspect that Cipton Hotels Ltd. may be in financial difficulty, despite the email received from Amanda Clunes.

- (a) List **four** sources of information that could be used to assist in assessing the company's financial resources.

**(4 marks)**

There is an arbitration clause in the contract between Montgomery Laundry Services Ltd. and Cipton Hotels Ltd.

- (b) Explain briefly what arbitration is and how it works.

**(6 marks)**

- (c) Explain the potential effects of your client refusing to go through arbitration if Montgomery Laundry Services Ltd. bring a claim.

**(4 marks)**

**(Total: 14 marks)**

**End of the examination**