



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

Unit 9 – Civil Litigation

Question paper

June 2022

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 **Meili Yang**.

Having further discussed the case with Meili Yang, you calculate the claim to be in the region of £12,000. Having received the insurer details from the Defendant, you lodge the Claim Notification Form (CNF). The insurer has now indicated that they contest the Claim.

(a) Identify how the case will proceed.

(2 marks)

The Defendant insists that they are not at fault for Meili Yang's injuries and you issue proceedings. The case is allocated to the Fast Track.

(b) Identify how directions will be dealt with in this case and list any **three** relevant directions.

(4 marks)

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

(c) Give **four** examples of the matters to be considered in the Listing Questionnaire.

(4 marks)

Meili Yang's Claim is unsuccessful at trial.

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

(5 marks)

(Total: 15 marks)

Question 2

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

- (a) Identify the documents which are required to be filed to begin proceedings and where they must be sent.

(3 marks)

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

- (b) Explain what procedure you will adopt to clarify matters, including the contents of any documents to be drafted.

(5 marks)

The matter proceeds to trial.

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

(6 marks)

Barry Waters is successful at trial. He has concerns about Parker & Duke LLP's ability to pay the Judgment Debt.

- (d) Explain the appropriate way the Judgment Debt could be enforced if Parker & Duke LLP own the building they operate from.

(3 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 **Sebastian Humphries file**.

Sebastian Humphries has some concerns in respect of funding the claim.

- (a) Explain **two** methods of funding that would be appropriate in these circumstances.

(4 marks)

Having agreed how the matter will be funded, Sebastian Humphries also has concerns as to whether he will be able to make a claim.

- (b) Explain why Sebastian Humphries is able to bring a claim.

(3 marks)

You issue proceedings and the Defendant files a Defence. The case is allocated to the Multi Track.

- (c) Explain the basis on which the court makes the decision to allocate a case to the appropriate track.

(6 marks)

The Defendant's solicitor has sent a Part 36 offer of £25,000. The Claim is for £28,000.

- (d) Advise your client of the risks of rejecting the Part 36 offer, should the offer be higher than an award made by the court.

(5 marks)

(Total: 18 marks)

Question 4

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

(a) Draft the key points of the Defence Statement on behalf of Cheropandy Printing Ltd.

[**Note to candidates: Do not** draft the formal parts of the Defence Statement, such as headings.]

(7 marks)

(b) Identify how long Cheropandy Printing Ltd will have to file a Defence.

(2 marks)

You file the Defence and the matter proceeds to trial. Your client is successful in defending the claim.

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

(5 marks)

You advise Cheropandy Printing Ltd to consider Alternative Dispute Resolution (ADR) in the future.

(d) Identify and explain **three** advantages of using arbitration between businesses.

(6 marks)

(Total: 20 marks)

End of the Examination

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