



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 9 – CIVIL LITIGATION*

Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

Reference: Question relates to **Documents 1 and 2** of the case study materials and is concerned with the **Mark Redman file**.

(a) Explain what is meant by 'disbursements'.

(2 marks)

(b) State how long Mark Redman will have in order to file a defence.

(2 marks)

A defence is filed and 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.

(4 marks)

Expert witnesses will play an important part in the case.

(d) Explain what rules will apply to the use of experts in this matter.

(6 marks)

The matter proceeds to trial and your client is unsuccessful.

(e) 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)

Question 2

Reference: Question relates to **Documents 1 and 3** of the case study materials and is concerned with the **Niall Quant t/a The Horton Playhouse file**.

- (a) Explain why the letter from the claimant's solicitor (**Document 3**) is **not** capable of being a Part 36 offer.

(5 marks)

The claimant's solicitor sends a subsequent letter, which does amount to a valid Part 36 offer.

- (b) Advise your client about the risks he faces, if he rejects the offer and the claimant is awarded more than £18,000 at trial.

(6 marks)

- (c) Explain how directions will be dealt with in this case and list **three** relevant directions.

(4 marks)

- (d) Explain what effect, if any, a failure to comply with directions by either party would have.

(4 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 **Kidot Food Machines Ltd file**.

- (a) Explain why the Letter of Claim should state that Peter Chimes has 30 days from the date of the letter to reply.

(3 marks)

The Defendant has indicated that he would prefer to enter into arbitration through the trade body arbitration scheme.

- (b) Advise your client of the potential effects of refusing to go through arbitration on any claim it may bring.

(4 marks)

The client declined arbitration, and the case was allocated to the Fast Track. Kidot Food Machines Ltd was successful at trial.

- (c) Explain how the matter of costs will be dealt with, assuming that there were no consequences of the refusal by Kidot Food Machines Ltd to enter into arbitration.

(4 marks)

Peter Chimes is unlikely to pay the judgment debt, and enforcement will be required.

- (d) Explain how you will determine the most appropriate method of enforcement.

(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 **Gavin Holiday file**.

(a) Explain the procedure to be adopted, if Peddlington Doors Ltd accepts liability.

(7 marks)

Peddlington Doors Ltd does not accept liability and the case is allocated to the Fast Track. Having already sent a Letter of Claim, you draft the Claim and Particulars of Claim and would like Gavin Holiday to sign it.

(b) (i) Draft the Statement of Truth for the Particulars of Claim.

(3 marks)

(ii) Explain to Gavin Holiday the importance of the Statement of Truth.

(3 marks)

The case proceeds in the Fast Track and is approaching trial.

(c) Give **four** examples of the matters considered in the Listing Questionnaire (Pre-Trial Checklist) form.

(4 marks)

(Total: 17 marks)

End of Examination Paper

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