



## 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 **Roger Tinker file**.

- (a) Explain the procedure to be adopted, if Safe Supper Ltd accepts liability in full.

**(7 marks)**

Unfortunately, Safe Supper Ltd denies full responsibility for the injuries that Roger Tinker sustained, stating that Roger is responsible for his injuries by not wearing his gloves.

- (b) Explain how the matter of Directions will be dealt with, and give **three** examples of appropriate Directions for this case.

**(4 marks)**

Safe Supper Ltd has not provided any maintenance records for the refrigeration units, stating that there are no records. You suspect that there are records and that they are detrimental to Safe Supper Ltd's case.

- (c) Explain the procedure to be adopted to obtain the records.

**(5 marks)**

The matter proceeds to trial and your client is successful.

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

**(4 marks)**

**(Total: 20 marks)**

## Question 2

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

(a) Explain whether Sunny Days Caravan Park Ltd can issue proceedings after the time period stated in **Document 3**.

**(5 marks)**

(b) Identify Fay Burling's first steps to respond to a claim made against her by Sunny Days Caravan Park Ltd.

**(2 marks)**

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

(c) Give **four** examples of the matters considered in the form.

**(4 marks)**

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

**(6 marks)**

**(Total: 17 marks)**

## Question 3

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

(a) Explain to Rabbah Zaki why he will still be able to bring a personal injury claim.

**(3 marks)**

(b) Identify the methods of funding that would be appropriate in the circumstances.

**(5 marks)**

(c) Rabbah Zaki wishes to know whether he has to prove that the faulty play equipment caused his injuries and, if so, to what standard.

**(2 marks)**

Unfortunately, the matter is not resolved through the Pre-Action Protocol. You draft the Claim and the Particulars of Claim and would like Rabbah Zaki to sign it.

(d) Draft the Statement of Truth.

**(3 marks)**

**(Total: 13 marks)**

**Turn over**

#### **Question 4**

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

(a) Identify the options that Pointon Accounting Ltd has in the method for issuing proceedings.

**(3 marks)**

(b) State how long Kevin Green will have in order to file a defence.

**(2 marks)**

(c) Explain the procedure to be adopted, should Kevin Green fail to file a defence within the prescribed time.

**(4 marks)**

Kevin Green does file a defence and the matter proceeds. One of the Directions relates to the use of experts.

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

**(6 marks)**

The matter proceeds to trial and your client is unsuccessful.

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

**(5 marks)**

**(Total: 20 marks)**

**End of Examination Paper**

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