



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 15 – Civil Litigation

Question paper

June 2024

Time allowed: 3 hours and 15 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 100 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.
- A basic calculator is provided should you require the use of one.
- 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 **Case 1 – Megan Halliday (trading as The Nice Place) and Documents 1, 2 and 3** of the case study materials.

JC Electrical Ltd has acknowledged service. It is clear from correspondence with its solicitors that it considers that the principal responsibility for the fire lies with the manufacturers of the pizza oven.

- (a) Explain the steps that you would expect JC Electrical Ltd to take at the same time as filing a defence, including an explanation of any documents to be drafted, and whether you would take any action to protect the interests of your client as a result.

(8 marks)

- (b) Explain what action would need to be taken, in terms of format and substance, to convert Document 1 into a witness statement to be used on behalf of the claimant.

(10 marks)

Megan Halliday is concerned at how long the case is taking. Megan asks whether it is possible to short-circuit matters by a compromise.

- (c) Explain the requirements of a claimant's Part 36 offer and the consequences of such an offer, depending on whether or not it is accepted or is the subject of a counter-offer by the defendant.

(10 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to **Case 2 – Thomas Freeman and Documents 4, 5 and 6** of the case study materials.

- (a) Explain the procedure that will initially be adopted by the claimant in relation to this claim.

(8 marks)

The defendant is alleging contributory negligence.

- (b) Explain the consequences resulting from this.

(5 marks)

Proceedings have been commenced and standard directions have been given. You consider that there are documents the defendant has control of which have not been disclosed and which relate to the health and safety procedures of the defendant. You consider that these are relevant to the issues between the parties.

- (c) Explain the procedures by which you could seek access to these documents and the criteria that the court would apply.

(7 marks)

(Total: 20 marks)

Turn over

Question 3

Reference: Question relates to **Case 3 – Curzon Kitchens Ltd.**

- (a) Explain the steps you will take in relation to the defendant before commencing proceedings to establish that it is financially viable to do so.

(5 marks)

You are instructed to commence proceedings.

- (b) Explain the nature and content of the documents that will be required to commence proceedings and the procedure which applies.

(9 marks)

Proceedings are duly issued and Turnpike Inns Ltd files an acknowledgement of service and serves a defence which reads, in full, "We do not consider that anything further is due."

- (c) Explain the application that you would advise should be made by the claimant and the possible outcomes.

(8 marks)

Eventually judgment is entered for the full amount due, together with interest and costs.

- (d) Explain the procedures for enforcing this judgment.

(8 marks)

(Total: 30 marks)

Question 4

Reference: Question relates to **Case 4 – Ravi Gavaskar and Document 7** of the case study materials.

You have established that Ravi Gavaskar has no BTE and that he and his family have limited financial resources.

(a) Explain the funding options available to Ravi Gavaskar in relation to his claim and the implications of each available option. **(6 marks)**

(b) Explain the action you will need to take as a matter of urgency in the circumstances of this case. **(5 marks)**

(c) Explain how the conviction of the defendant can be used in establishing liability in this case. **(5 marks)**

The defendant's insurers have admitted liability and are pressing for the case to be finalised. You are of the opinion that the uncertainty over the possible late onset of epilepsy means that it is inadvisable to finalise the claim at this stage.

(d) Explain the procedure that could be adopted to deal with this eventuality. **(6 marks)**

(Total: 22 marks)

End of the examination

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