

SAMPLE QUESTIONS FOR LEVEL 7 DIPLOMA IN PARALEGAL PRACTICE

UNIT 1 – CIVIL LITIGATION

You act for Sofia Sprogett who sustained an injury while climbing a wall at a climbing centre. Unfortunately, the member of staff supervising the climb didn't secure one of the harnesses properly and when Sofia missed one of the foot holds, she fell over 30 feet onto the floor. The harness she was wearing was supposed to prevent this from happening. The fall caused a fracture to her ankle and she will have to be in plaster for at least eight weeks.

Q. The climbing Centre does not respond to any of your letters. Outline the process of issuing proceedings against them and the content of the statement of case, and include what options the Centre has in response to the claim against them (7 marks)

This question relates to Learning outcome 1 of Unit 1: Understand and be able to apply the Pre-Action stage of civil litigation in England and Wales

In order to successfully complete this question, learners will have to include in their answer, the following:

What claim form will be used and the contents of such.

The content of the particulars of claim

Particulars can be integral to the Claim form or sent separately within 14 days

Defendant has 14 days to respond with defence or extra 14 days if acknowledges service

The different forms of response

UNIT 2 – CRIMINAL PRACTICE

Your firm is consulted by Bill Brown a 24 year-old male who has been arrested for an offence of inflicting GBH on Akrim Salim contrary to section 20 Offences Against the Person Act 1861 (an "either way" offence). You attend at the police station to represent him. He denies the offence.

Q. Bill is worried about the costs that he might have to pay if he loses his case and also is interested to understand what costs he might get back if he wins it. Outline what Part 45 on Costs and the Criminal Practice Direction Part X says when you come to advise him (10 marks)

This question relates to Learning Outcome 5 of Unit 2: Know' the accused's right to appeal and how costs will be dealt with.

To successfully complete this question, learners will have to include the following in their answer:

Knowledge of the Practice Direction as mentioned. This should encompass costs inter-partes.

What costs will it cover upon conviction

The default rule that the D will pay P's costs.

When costs from central funds might be payable

Information on wasted costs

An explanation of assessment of costs and what this includes.

The right to make representations

Whether complexity of the case is a factor.

UNIT 3 – MATRIMONIAL CIVIL PARTNERSHIPS

You act for Julia Kettle who is engaged to Kelly Harris. They want to get married but understand that they will have to become civil partners. Kelly is from California and wants some advice about the legality of marriage and civil partnerships in the UK. Explain the requirements for a valid civil partnership and how this could be annulled. (10 marks)

This question relates to Learning Outcome 1 of Unit 3: Understand valid, void and voidable marriages and civil partnerships.

To successfully complete this question, learners will have to include in their answers, the following:

The requirements for a valid civil partnership

How a civil partnership can be annulled

Refer to the Gender Recognition Act 2004

Discuss the Marriage (Same Sex Couples) Act 2014

UNIT 4 – CONVEYANCING

You act for Jean Martinez in connection with her purchase of 52 Toffee Lane, Southampton for £285,000. This is a brand new property which has been built in the plot adjoining the seller's main residence. She is selling her leasehold flat for £199,950. She has an existing mortgage and will be porting this to the new property.

- a) **Write a paragraph to be included in the client care letter, to the client with information on what checks you will conduct for anti money laundering. (5 marks)**
- b) **Jean informs you that her parents have given her £15,000 towards the purchase. Discuss what procedures you will need to follow as a result of this information. (5 marks)**

These questions relate to Learning Outcome 1 of Unit 4: Understand what information to obtain when taking instructions and why it is required. Know the importance of conducting anti money laundering checks.

To successfully complete question a) learners will have to include in their answers, the following:

Electronic ID checks
Photographic ID required
Proof of address required
Money Laundering regulations
Any reasonable alternative

To successfully complete question b) learners will have to include in their answers, the following:

Letter to Donor
Recommend Independent legal advice
Request their ID
Request Proof of funds
Check a gift and not a loan

UNIT 5 – SUCCESSION

You work for the firm of Beatle Stones and Grittle as a Paralegal in the private client department. Lily Falcon wants assistance in drafting her first Will – she is 85 years old and has brought her son with her for support, since she feels a bit nervous. She explains that she has cash in the bank, two pensions and a property that need to be disposed of. She also has some family heirlooms of sentimental value that she would like to pass on to certain members of the family. She also has a favourite charity that she would like to leave £8,000 to. Explain to Lily how a Will is made and the types of clauses that are included in a Will and the types of gifts she can make in it. (25 Marks)

This question relates to Learning Outcomes 1 & 2 of Unit 5: Analyse the formalities for making a Will and evaluate the devises and legacies that a testator can bequeath and the circumstances where these may fail.

To successfully complete this question, learners will have to include in their answers, the following:

S9 Wills Act 1837
In writing with explanation or case
Signed with explanation or case
Attested with explanation or case
Capacity with explanation or case
Intention with explanation or case

Revocation clause, irrespective of the fact she has not made a previous Will

Appointment of Executors
Any burial or cremation wishes
Devises with explanation
Legacies with explanation
Cy-pres clause for charity with explanation
Gift of residue and why this is important

UNIT 6 – CORPORATE AND BUSINESS STRUCTURES

You work for the Business Division of Jones McCalvey LLP. You have been asked to advise Thomas.

Eleven years ago, Thomas started a business as a sole trader importing silk scarves from India. After five years, he then got his wife Belinda on board to help out with the business. Belinda has been a great help and the business has been growing fast and earned substantial profits.

Thomas recently got in touch with an old friend Stephen who has been a pioneer in the sustainable food supply sector over the past ten years, and is now an executive director of a fast growing company called VegGreen Ltd. (“VegGreen”). Stephen asked Thomas whether he was interested to invest in his business. Stephen also said that GoVeg is considering changing its business form to a public limited company in order to grow the business further.

Thomas, at the age of 45, has been in the silk scarf industry for eleven years and feels that now is his opportunity to invest in a new venture and decides to get involved in Stephen’s business. He is even thinking of closing down his current business so that he can devote himself to GoVeg. As a prudent businessman, he would like to seek advice from your firm before he takes any action.

Q. Explain to Thomas the current form of business that he is now in with his wife Belinda and their potential liability in this business. (8 marks)

This question relates to Learning Outcomes 1 and 5 of Unit 6: Understand the various types of Business Structures available to organisations and have a thorough understanding as to the Creation and Dissolution of Partnerships

In order to successfully complete this question, learners will have to include in their answers, the following:

Thomas was a sole trader before he got Belinda on board to his business

Their business is a general partnership.

Definition of Partnerships ‘the relationship which subsists between persons carrying on a business in common with a view of profit’ (s.1 PA1890)

Each of their potential liability can be unlimited as each of them will be jointly and severally liable of all the debts incurred by the business.

There is no separate legal personality in general partnership, unless the partnership is in the form of a limited liability partnership or there is a partnership agreement in place to state otherwise.