



Candidate Number _____

Unit 1 Examination Paper

11 February 2023

Time allowed: 3 hours

To pass this examination candidates must obtain a mark of 50% or above. **You must answer ALL of the questions in Section A and THREE out of FOUR questions in Section B.**

Write in full sentences – a yes or no answer will not earn any marks. 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.

Please put your candidate identification number at the top right corner of each sheet of paper (NOT your name) and number the pages. At the end of the examination, collate your answers and put your answers only in proper order in the envelope. Please leave the envelope and your exam paper on your desk and wait to be directed to leave the room by the invigilator. Before leaving the room, please sign the registration form to confirm that you have left your paper on your desk.

Please write legibly, on one side of the paper only: **Marks may be lost if the examiners cannot read your answers.**

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

Section A

You must answer **ALL** of the questions in this section.

1. Explain the requirement that acceptance must mirror the offer and discuss the general rule that acceptance must be communicated.

(10 marks)

2. Explain the factors the court will consider when differentiating between a representation and a term.

(10 marks)

3. Identify when an intervening act may break the chain of causation between the Defendant's breach and the Claimant's loss or damage.

(10 marks)

4. Explain the relevance of the standard of care and how courts will determine whether a defendant has breached their duty of care.

(10 marks)

Total for Section A: 40 Marks

Section B

You must answer **THREE** questions in this section out of the following four.

Question 5: Contract Law

You work as a trainee legal executive in London. You are currently working in the Civil Litigation department at Trebor and Larkin LLP. Your friend, Joshua Hensch, knows you work in law and has emailed you asking for your advice in relation to a problem he has.

Joshua, who lives in Epsom, is selling his Ford Focus and puts an advert in the Epsom Post. The advert included the details of the vehicle, the mileage, his home address, telephone number, and email address. It stated that the Ford Focus is for sale for £8,995.

George lives in East Sussex and on his way through London saw the advert in a copy of the Epsom Post. He immediately called Joshua. George told Joshua that he is willing to buy the Ford Focus for £7,000. Joshua decided to accept it but told George that he wants him to put it in writing. George agrees to do this as soon as he can.

Five days later Joshua received an email from Lilli. Lilli wrote that she is willing to buy the car. George has not been in touch since he last spoke to Joshua so he writes back to Lilli and says that for £8,995 the Ford Focus is hers. Lilli wrote back saying she was willing to pay £6,000. Joshua replied to the email saying that he is not willing to sell for that amount. Lilli was disappointed but later that day she decided to buy the car anyway and wrote an email saying she accepts the initial price Joshua quoted and will buy the car for that money.

In the meantime, George is still very willing to buy the Ford Focus. He had however forgotten to send a letter to Joshua. He therefore decides that instead of sending a statement in writing he will just take the money and go to Epsom himself and meet Joshua there.

Joshua has now checked his email and has seen Lilli's email. Shortly after he read Lilli's email, George showed up at his door with the money.

Write the body of an email to Joshua advising whether any contracts have been formed.

(Total: 20 marks)

Question 6: Contract Law

You work as a trainee legal executive in the Civil Litigation department at Maurice and Parker LLP. The firm is based in Bournemouth. You are advising Lorenzo Rossi, a marine mechanic who owns a marine service and repairs business in Bournemouth. Last January, Mr Rossi decided that he wished to retire and decided to sell his business, Rossi Marine Services Ltd. The business had a very good reputation in the local area, it specialised in all areas of outboard engine servicing and repair.

On 26 January Mr Rossi had a telephone call from Mrs Julie Garner, who was interested in buying Rossi Marine Services Ltd. Mrs Garner arranged to meet Mr Rossi at his business premises on 30 January so that she could have a look around. During the visit Mr Rossi told Mrs Garner that Rossi Marine Services Ltd was making a profit of £80,000 per annum. Happy with this level of profit, Mrs Garner said she would like to agree terms to buy the business. The pair entered negotiations. It was agreed that Mrs Garner would purchase the premises, the two outboard motor stands and the outboard motor lifting tool. Mr Rossi promised that the tools were in excellent condition. They then signed a contract for the sale of the business.

The negotiations around the sale took six months and during this time Mr Rossi went on an eight-week tour of New Zealand with his wife. As a result, by the time the deal was finalised, the annual profit had dropped to £60,000. If Mr Rossi had checked the books he would have noticed this. Six months later, Mrs Garner started to prepare the year-end accounts. She discovered that the annual profits of the business in the year before the purchase had only been £60,000. To make matters worse, the outboard motor lifting tool keeps failing. Mrs Garner has sent a letter before action to Mr Rossi alleging misrepresentation.

Mr Rossi wishes for you to advise him on what misrepresentation is, whether his statements amount to misrepresentation and the potential consequence if Mrs Garner is successful in her claim.

(Total: 20 marks)

Question 7: Tort Law

You work for Masons and Spinks Solicitors in Cheltenham. Mr Spinks is a Senior Partner at the firm, and has approached you to do some work on the file of Hancock Logistics PLC. Recently one of their drivers was involved in an RTA and the company has admitted liability to anyone that they owed a duty to in relation to that accident.

Late one afternoon, Rufus, a delivery driver for Hancock Logistics PLC was driving his lorry in rush hour traffic. Rufus was tired and just wanted to get home. That afternoon, because of extreme weather conditions, there was a recommendation issued that high-sided vehicles should not use the motorway. However, Rufus took the motorway because he only had one junction to travel. He also drove over the speed limit to get off the motorway quicker. As he was driving, a gust of wind blew the lorry over resulting in a multi-car pile-up.

Luis was watching the news at home. His nephew Jerome, who Luis has raised from a young boy, uses that road to drive home. Luis thought he saw a car similar to Jerome's on the screen. Luis rushed to the hospital to see if Jerome was there. Two hours after seeing the incident on TV, Luis is informed that Jerome has been killed and is asked to identify the body. Owing to the number of patients, Jerome's body has not been cleaned up. Upon seeing Jerome, Luis suffers a nervous breakdown.

Raj is a nurse at the hospital. On the day of the crash, having complained of already being on duty for 20 hours due to a previous emergency, Raj was told he had to stay on shift and help with the accident victims. However, after working several more hours in such difficult conditions, Raj collapsed and has been signed off work since with a stress-related mental illness.

Write the body of a letter of advice to Hancock Logistics PLC advising whether you believe Luis and Raj could make a claim in these circumstances.

(20 marks)

Question 8: Tort Law

You work for Robert and Lyle LLP in Luton. You are a Paralegal in the Civil Litigation department and your firm is acting for Mr Terry Frascati.

Terry had been unemployed for several months. However, he had been learning to drive believing that would help improve his chances of finding a job. Three weeks ago, he passed his driving test and, subsequently, he obtained an interview which he had to drive to.

The mixture of driving and the prospect of the interview made Terry feel quite nervous. On his way to the interview he suffered a large anxiety attack during which he overran a red light and struck Sarah at high speed as she was crossing the road using a pedestrian crossing. Sarah was rushed to Luton General Infirmary where her condition was stabilised after being diagnosed with internal bleeding, a collapsed lung and multiple bone fractures.

Part of Sarah's post-operative care was undertaken by a junior nurse, Pascal, who was working his first shift. Pascal forgot to check the records to establish whether Sarah was allergic to anything before administering any medication. As a result Sarah was given medication which she was highly allergic to and she consequently suffered a massive heart attack and ended up paralyzed.

Write the body of a letter of advice to Terry setting out his liability, if any, for Sarah's injuries.

(20 marks)

Total for Section B: 60 Marks

END OF PAPER