

## written examination

### **Unit 1: Regulatory Environment and Enforcement**

May 2022

#### **Guidance for this examination**

Please ensure that you indicate clearly, at the top of the answer booklet, the law viewpoint from which you will be answering: English, Scottish or Welsh.

The examiners may expect candidates to show knowledge of legislation which is in place but not in force (i.e. has been enacted) and regulations which have been made but are not yet in force, if they are directly relevant to the subject-matter of the examination.

#### **Examination structure**

There are two sections to the examination paper:

*Section A* Consists of six questions.  
Candidates should attempt to answer three questions.  
Total allocation of marks is 30 marks.  
Suggested time allocation is 30 minutes.

*Section B* Consists of four

Section A

Candidates should attempt to answer three questions.

Each question carries ten marks.

Total: 30 marks.

1. One element of a contract is the intention of the parties to create legal relations with each other. Explain the presumptions that the courts are likely to make when contracts are made in the following settings, using case law to support your answers:
  - (a) Contracts entered into in a business context. (5 marks)
  - (b) Contracts entered into in a social or domestic context. (5 marks)  
(total: 10 marks)
2. Describe what precedence means and outline two advantages and two disadvantages of this doctrine. (10 marks)
3. Answer both parts:
  - (a) Explain what defences are available to a defendant of a claim made against them under

Section B  
Candidates should attempt to answer two questions.  
Each question carries 35 marks.  
Total:



**English, Welsh and Northern Ireland Candidates ONLY:**

**10. Answer all three parts:**

(a) William Gellart in 'An Introduction to English Law' states:

"The difference between civil law and criminal law turns on the difference between two different objects which law seeks to pursue - redress or punishment."

Outline the objectives and burdens of proof in civil and criminal law.

(20 marks)

(b) In the County Court, cases can be allocated to the small claims track. Outline the maximum value of cases heard in this track and the main differences between the small claims track and the other tracks that cases can be allocated to.

(10 marks)

(c) List 5 methods of enforcement that are available to claimants awarded a County Court judgement in their favour.

(5 marks)

(total: 35 marks)

**Scottish Candidates ONLY:**

**10. Answer all three parts:**

(a) William Gellart in 'An Introduction to English Law' states:

"The difference between civil law and criminal law turns on the difference between two different objects which law seeks to pursue - redress or punishment."

Outline the objectives and burdens of proof in civil and criminal law.

(20 marks)

(b) In the Sheriff Court, cases can be deemed Simple Procedure. Outline the maximum value of cases heard in this way and the main differences between the Simple Procedure and Summary Cause and Ordinary Cause.

(10 marks)

(c) Explain the enforcement process that is available to a successful party in Simple Procedure.

(5 marks)

(total: 35 marks)

**Section B total of 70 marks.**

**END OF EXAMINATION PAPER.**