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UNIVERSITY OF BOLTON

SCHOOL OF LAW

**BACHELOR OF LAWS (LLB) WITH FOUNDATION
YEAR**

**SEMESTER 2
EXAMINATIONS 2018/2019**

CORE LEGAL PRINCIPLES – SEVEN KEY AREAS

LAW3505

Date: Wednesday 21 May 2019

Time: 2.00 – 3.30

INSTRUCTIONS TO CANDIDATES:

There are THIRTY-FIVE questions on this paper.

Answer ALL questions.

All questions carry equal marks.

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Law Pathway
Semester 2 Examinations 2018/19
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Module No: LAW3505

Criminal Law

1. Types of intent are
 - a. Direct and Indirect intent
 - b. Primary and Secondary intent
 - c. Direct and Circumstantial intent
 - d. Principal and Subsidiary intent

2. Causation exist in two forms. They are
 - a. Factual and Attitudinal causation
 - b. Legal and factual causation
 - c. Full and Partial causation
 - d. Real and Existential causation

3. *“Where the charge is murder and in the rare cases where the simple direction is not enough, the jury should be directed that they are not entitled to infer the necessary intention, unless they feel sure that death or serious bodily harm was a virtual certainty (barring some unforeseen intervention) as a result of the defendant’s actions and that the defendant appreciated that such was the case”*
Which case is the above quote taken from?
 - a. R v Quebec
 - b. Donoghue v Stephenson
 - c. Woollen (1998) UKHL 28
 - d. R v Rudley

4. Which of the following is the physical element of murder
 - a. Death of the victim
 - b. Unlawful force on the body
 - c. Cuts on the skin
 - d. Penetration of the anus

5. Classification of criminal law on the basis of harm caused include the following except
 - a. Offences in mens rea
 - b. Offences against the person
 - c. Offences against property
 - d. Offences against public order

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Contract Law

1. Acceptance is only valid where
 - a. The acceptance is not under the same terms as the original offer
 - b. The offer is closed
 - c. There is a counter offer
 - d. The acceptance is under the same terms as the original offer

2. Under what age is a person legally classified as a minor for the purpose of contract law
 - a. 25 years
 - b. 18 years
 - c. 16 years
 - d. 21 years

3. Executory contract means
 - a. When performance has been completed by both parties
 - b. When performance lies in the future and nothing has been done to carry out the arrangement
 - c. When performance is not real
 - d. When performance relates to personal property

4. Mr Adam agrees to sell a set of wall unit to Benson. The contract was written and signed by both parties without indicating the price of the wall unit. Is this contract enforceable?
 - a. No
 - b. Yes
 - c. Maybe
 - d. Not sure

5. Which of the following terms of a contract can lead to a repudiation of contract and action in damages?
 - a. Warranties
 - b. Consideration
 - c. Condition
 - d. Innominate terms

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Public Law

1. Which of the following is not a main component of the legislative arm of government in the United Kingdom
 - a. House of Commons
 - b. House of Lords
 - c. The Queen in Parliament
 - d. The Exchequer

2. Which of these statements best describe the United Kingdom as a unitary State
 - a. When the state is united
 - b. The United Kingdom is a sovereign state governed as one single unit in which the central government is supreme and any administrative divisions (sub-national units) exercise only powers that the central government chooses to delegate
 - c. When the state is not united
 - d. When people within the state are not united

3. Why is the United Kingdom's constitution said to be largely unwritten?
 - a. Because it is written by the Queen
 - b. Because it is engraved in gold tablets and not on paper.
 - c. Because its provisions cannot be found in a single document
 - d. Because it is written before BREXIT

4. Which of the following is not a source of the United Kingdom constitution
 - a. Sanctions
 - b. Constitutional conventions
 - c. European Union Law
 - d. Royal prerogative

5. Rule of Law encompasses the following ideas except
 - a. No-one should be able to justify their actions because of who they are
 - b. No-one is above the law
 - c. Laws should be transparent and powers should not be exercised in arbitrary manner
 - d. Might is right

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European Union Law

1. Which of these accurately describe the sources of European Union law
 - a. Treaties
 - b. Unwritten constitution
 - c. Coded laws
 - d. Legal exceptions

2. Subsidiarity means
 - a. Subsidiary companies
 - b. Subsidies
 - c. Decisions taken at the union level instead of national and regional level must be justified
 - d. Legal opportunities

3. Which of the following is the main treaty that formed the European Economic Community
 - a. Treaty of Australia
 - b. Treaty of Rome
 - c. Treaty of Germany
 - d. Treaty of the United Nations

4. The Council is constituted by
 - a. Ministers of Member States
 - b. Ministers of all countries in the world
 - c. Some ministers of all countries in the world
 - d. No ministers at all

5. The doctrine of supremacy of European Union Law dictates that
 - a. Treaty articles and regulation are not capable of direct effect against state, public bodies and individuals
 - b. European Union Law takes precedence over conflicting provisions of national law
 - c. Directives are not capable of direct effect
 - d. European Union Law is largely unwritten

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Land Law

1. Which of the following is true about fixtures
 - a. Fixtures are objects fixed to land in such a way as to be part of it
 - b. Pictures on the wall
 - c. Boat on a seashore
 - d. Legal interest that is unknown to law

2. What constitutes fixture is determined by
 - a. Degree of annexation and purpose of annexation
 - b. Degree of trepidation
 - c. Degree of expression
 - d. Purpose of expression

3. Which of the following is true
 - a. A person's right over land includes rights over the surface area of the land
 - b. A person's right over land extends to the ground water underneath the land
 - c. A person's right over land reach the airspace and all beneath the airspace
 - d. A person's right over land extends to the mineral resources.

4. The test of annexation was laid down in which case
 - a. Holland v Hodgson (1872)
 - b. Carlill v Carbolic Smokeball
 - c. Moffat v Kazana (1960)
 - d. Ryland v Fletcher

5. Land is best defined in Section 205(ix) LPA 1925 to include
 - a. Land of any tenure, a mines and minerals whether or not held apart from the surface, building or part of buildings
 - b. The transaction and obligation relating to land
 - c. Persons affected by an obligation to enter into contract for the sale of land
 - d. None of the above

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Equity and Trust

1. Which of the following is not an equitable remedy
 - a. Injunction
 - b. Specific performance
 - c. Rescission
 - d. Tortious liability

2. Section 24 and 25 of the Supreme Court Judicature Act is important because
 - a. It created the Supreme Court of Wales
 - b. It is Judicature only
 - c. It fused the principles of law and equity
 - d. It formed and gave power to people

3. A settlor fixes the extent of beneficiaries' interest with this clause "£10,000 to X on trust for my nephews in equal share". This type of trust is best described as
 - a. Constructive trust
 - b. Discretionary trust
 - c. Fixed trust
 - d. Implied trust

4. Express trust is established on the basis of the following certainties
 - a. Words, Intention, Objects
 - b. Words, Objects, Subject
 - c. Object, Verb, Subject
 - d. Object, Settlor, Intention

5. Adam paid £180 to Sam for a wristwatch with full knowledge that the item was stolen. Sam refused to deliver the wristwatch to Adam. Adam is thinking of invoking equitable remedies. Which equity maxim puts a stop to Adam's pursuit?
 - a. Equity will not suffer a wrong without a remedy
 - b. Equity follows the law
 - c. He who comes to equity must come with clean hands
 - d. Where equities are equal, the first in time prevails.

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Law of Tort

1. Contributory negligence means
 - a. To contribute resources to a business
 - b. Provide negligent support to a criminal enterprise
 - c. The defendant consented to run the risk of injury
 - d. None of the above

2. Where parties have contractual relationship, can there also be tortious liability?
 - a. Yes
 - b. No
 - c. Indifferent
 - d. None of the above

3. The following are elements of the tort of negligence except
 - a. Duty of care
 - b. Breach of duty
 - c. Loss of injury due to breach
 - d. Contributory negligence

4. Trespass against person includes the following except
 - a. Rape
 - b. Battery
 - c. Assault
 - d. False imprisonment

5. One of the following is a landmark case in the tort of trespass – nuisance
 - a. Donoghue v Stephenson
 - b. Fisher v Bell
 - c. Merritt v Merritt
 - d. Ryland v Fletcher

END OF QUESTIONS