

UNIVERSITY OF BOLTON

SCHOOL OF LAW

LLB LAW WITH FOUNDATION

SEMESTER 2 EXAMINATION 2023/2024

CORE LEGAL PRINCIPLES

MODULE NO: LAW3507

Date: Wednesday 15th May 2024

Time: 2.00pm – 4.00pm

INSTRUCTIONS TO CANDIDATES:

There are two sections to this exam.

Section one contains a problem question. Your answer to this question should be written in the answer booklet provided.

Section two contains twenty-five multiple choice questions. You should write the question number on the page followed by your answer. Please do not write the full answer.

Marks are indicated next to each section heading.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

Section One

Problem Question (50 Marks)

On Monday 8 January 2024, Bolton's premium car dealership, Bolton Fast, placed the following advertisement on their website:

'For sale, 1961 E-Type Jaguar, fully restored and in perfect working order — perfect for countryside drives. Only £100,000.'

Gill immediately emails Bolton Fast stating the following:

'I will purchase the E-Type Jaguar for £85,000, please advise if credit facility is available.'

On Tuesday 9 January 2024, Bolton Fast replies by email stating the following:

'We are not prepared to sell for less than £95,000. The credit facility is only available if your grantor is acceptable to us, and you send a Memorandum of understanding. Please confirm by the close of business today if interested.'

That afternoon, Gill faxes Bolton Fast to say that she is willing to accept their terms and will buy the E-Type Jaguar for £95,000.

She also faxes a letter she receives from Salford Assurance Ltd. (the guarantor) which states:

'It is our policy to ensure that our subsidiary, Bolton Fast, remains solvent at all times — attached is a Memorandum of Understanding.'

However, both faxes were not properly transmitted. Gill then posts a letter at 17:00 accepting Bolton Fast's terms, although she is aware that there is an ongoing postal strike.

David, an accountant, telephones Bolton Fast on Wednesday 10 January 2024 at 09:30am stating that he wants to buy the E-Type Jaguar at the advertised price (£100,000). Bolton Fast agrees to sell to David, so they send Gill a fax on Wednesday evening stating that the car is no longer available for sale.

Bolton Fast receive Gill's letter at 3.45 pm on Thursday 11 January 2024. Additionally, Gill does not read the fax from Bolton Fast until 16:00pm on Thursday.

Question continues over the page

Please Turn Page

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

Question continued

Advise the parties as to their legal positions.

You have been asked by the client to:

- a) Provide preliminary advice on the matter in relation to whether there is a contract between Bolton Fast and Gill.
- b) In the event that there was a contract, what are Gill's options in relation to the possible breach of contract by Bolton Fast?

Please note that responses should be in the traditional format of problem-style answers, insofar that you must support your submissions with relevant legislation and case law.

Section Two

Multiple Choice Questions (twenty-five questions at two marks each)

1. What is meant by constitutional dualism?
 - a. That we have two legal systems.
 - b. That we have two Constitutions that each have equal effect in law.
 - c. That international legislation needs to be transposed into our domestic legal framework.
 - d. That either Parliament or the Monarch can create or repeals law in the United Kingdom.
 - e. That the Prime Minister acting in consort with the Monarch can enact new legislation.
2. What is a tort?
 - a. A civil wrong where the remedy is usually an action for damages.
 - b. A crime established by an intentional act.
 - c. A method for imposing liability for failing to adhere to secondary legislation.
 - d. A method for establishing a Defendant's guilt beyond a reasonable doubt.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

3. Which UK court enjoys the highest authority?
 - a. The Court of Appeal
 - b. Manchester Crown Court
 - c. The Supreme Court
 - d. Manchester Civil Justice Centre
 - e. Rhyl County Court

4. How is the mental element of an offence referred to?
 - a. *Actus reus*
 - b. *Mens rea*
 - c. *Reus actus*
 - d. *Rea mens*

5. When does a bill become an Act of Parliament?
 - a. When the Prime Minister agrees with the bill.
 - b. When the House of Lords approves the bill.
 - c. When the bill successfully passes through both the House of Commons and the House of Lords.
 - d. When the bill has been through the House of Commons, the House of Lords and has received royal assent.

6. When did the United Kingdom leave the European Union?
 - a. 23:00 GMT 31 January 2020
 - b. 23 June 2016
 - c. 31 December 2020
 - d. 29 March 2017
 - e. 31 October 2019

7. How did the UK leave the European Union?
 - a. After the UK voted to leave in the EU referendum.
 - b. By passing the European Union (Withdrawal Agreement) Act 2020.
 - c. By triggering Article 50 TEU on 29 March 2017.
 - d. When the UK Supreme Court gave its ruling in *R (Miller)*.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

8. When did EU law primacy end in the UK?
- When the UK electorate voted to leave the European Union on 23 June 2016.
 - When the Retained EU Law (Revocation and Reform) Act 2024 entered into force.
 - When Theresa May triggered Article 50 TEU on 29 March 2017.
 - When the UK withdrew from the European Union on 31 January 2020.
9. An advertisement is placed online stating that a pair of vintage French wardrobes are for sale for £3000. The next day the advert is removed before your client can respond. The next day the advert is relisted at £4000. Can your client still communicate their acceptance for £3000?
- If it can be proven that the website went down, then maybe.
 - No, silence cannot constitute acceptance.
 - If it can be proven that the £1000 increase is unjustified.
10. How is the conduct element of an offence referred to?
- Actus reus*
 - Reus actus*
 - Mens rea*
 - Rea mens*
11. What is the role of the Crown Prosecution Service?
- To sentence a Defendant after their guilt has been established.
 - To arrest and interview a suspect.
 - To set out the rules relating to criminal legal aid.
 - To guide the jury to reach its verdict.
 - To prosecute cases criminal cases after being investigated by the police.
12. What was the effect of the Human Rights Act 1998?
- It gave legal effect to the English Bill of Rights 1689.
 - It transposed the European Convention on Human Rights into domestic UK legislation.
 - It created the concept of human rights for UK nationals.
 - It gave the UK electorate the right to make laws in the place of the monarch.
 - It gave Parliament to power to amend the European Convention on Human Rights.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

13. Which answer best describes what is meant by 'fee simple absolute in possession'?

- a. You pay a single fee to be in possession of a property.
- b. An individual owns a property and the land it is built upon indefinitely.
- c. An individual owns the land that a property is built upon, but not the land itself.
- d. An individual owns the land that a property is built upon, but not the property itself.

14. What is the burden of proof for establishing criminal liability?

- a. The prosecution must prove the defendant's guilt on the balance of probabilities.
- b. The prosecution must prove the Defendant's guilt beyond a reasonable doubt.
- c. The prosecution must demonstrate 'hard evidence' such as CCTV evidence to prove the Defendant's guilt.
- d. The Defendant will need to prove their innocence to the jury.

15. How is a duty of care established?

- a. The harm must be reasonably foreseeable, the parties must be in a relationship of proximity and it must be fair, just and reasonable to impose liability.
- b. The risk of harm must be certain, the parties must be cohabitating, and it must be reasonable to impose liability.
- c. The risk of harm must be virtually certain while the parties being in close proximity to one another.
- d. When necessary, fair and reasonable to impose a duty of care onto another.

16. What is meant by 'the neighbour principle' in respect to tortious liability?

- a. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour.
- b. You can only be liable if you have not regularly cooperated with your neighbour.
- c. You must regularly cooperate with your neighbour to avoid liability.
- d. If you fail to cooperate with your neighbour, you will incur liability.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

17. What is the maximum sentence that can be imposed by a magistrates' court for a single summary only offence?

- a. Six months
- b. Two years.
- c. Five years.
- d. Three months.
- e. A life sentence.

18. You are acting for a client who has just purchased a residential property for £500,000. What percentage ought to be paid in stamp duty land tax?

- a. 0%
- b. 12%
- c. 5%
- d. 40%
- e. 10%

19. What is the civil standard of proof?

- a. That the Defendant acted with civility.
- b. On the balance of probabilities.
- c. Beyond a reasonable doubt.
- d. That the Defendant did not act with civility.

20. How did the UK join the European Union?

- a. As a result of the UK electorate voting to join the European Union.
- b. After the Prime Minister requested for the United Kingdom to join.
- c. When the Monarch requested that the United Kingdom to join.
- d. Through Parliament passing the European Communities Act 1972.

21. Which answer best describes what is meant by 'terms of years absolute'?

- a. You own the property that the land is built upon, but not the land itself.
- b. You own the land the property is built upon, but not the property itself.
- c. You own a property absolutely but only for a certain number of years.
- d. You own the property and the land it is built upon until the terms of an agreement expire.

University of Bolton
School of Law
LLB Law with Foundation
Semester 2 Examination 2023/2024
Core Legal Principles
Module No: LAW3507

22. Which characteristics best describes the 'reasonable man'.

- a. The reasonable man is presumed to be both free from both over-apprehension and from over-confidence.
- b. The reasonable man may be inept in his decision making, but nevertheless means well.
- c. He is innocent until proven otherwise.
- d. The reasonable man is afforded equal protection under the law and is endowed with human rights.
- e. The reasonable man takes necessary and reasonable steps to avoid liability.

23. What characteristics need to be satisfied to establish an easement?

- a. There must be a dominant and servient tenement.
- b. The dominant and servient tenements must be owned or occupied by different persons.
- c. The right must benefit the dominant tenement.
- d. The right must be capable of forming the subject matter of a grant.
- e. All the above.

24. When is a will valid?

- a. When it is in writing and signed.
- b. When it is in writing and signed in the presence of two witnesses.
- c. When the person making the will made it voluntarily and was of sound mind, it is in writing and it is signed in the presence of two witnesses.
- d. When it is written and witnessed by three solicitors.
- e. It will only be valid if written on a sheet of A4 paper.

25. A price tag in a shop window is advertising a luxury designer watch at £3,000. What is this price tag?

- a. An offer.
- b. Consideration.
- c. A bargain.
- d. An error.
- e. An invitation to treat.

END OF QUESTIONS