

SQE1 Functioning Legal Knowledge sample questions

14 April 2020

SQE1 is the first part of the SQE assessment and tests the application of functioning legal knowledge. This is a computer-based single best answer multiple choice test.

This document contains 90 sample questions from this assessment to help both education providers and candidates plan SQE training and prepare for the assessment.

These questions can help you understand the content and format of this assessment, as well as offering insight into its level and breadth.

The pass mark for each sitting of the SQE will be set by the Exam Board. The pass mark for the SQE will vary between different sittings of the assessment, to ensure that the standard of the assessment remains consistent from one sitting to the next. On these two sets of 45 questions, the pass mark would be likely to be in the range 55% - 60%. Further information on methods of setting the pass mark for the SQE will be published in due course.

The functioning legal knowledge part of SQE1 will involve two assessments. There will be 360 questions in total - 180 in each assessment. They will cover the following subject areas:

1. Business Law and Practice; Dispute Resolution; Contract; Tort; Legal System of England and Wales; Constitutional and Administrative Law and EU Law and Legal Services. (Sample questions 1-45)
2. Property Practice; Wills and the Administration of Estates; Solicitors Accounts; Land Law; Trusts; Criminal Law and Practice. (Sample questions 46-90)

Ethics and Professional Conduct will be examined pervasively across the two assessments above.

For the most up to date info on the SQE, please visit sra.org.uk/sqe

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Question 1

The owner of a Greek restaurant orders wall tiles that include a border design showing the Greek flag. After the tiles have been fitted, the owner notices that the tiles are decorated with the flag of Uruguay. The owner wants the tiles to be replaced.

In a claim for breach of contract which of the following measure of damages is the court most likely to award?

- A. Expectation.
- B. Reliance.
- C. Cost of cure.
- D. Loss of amenity.
- E. Mental distress.

Question 2

In March 2019, a claimant commenced a claim against his plumber for a breach of contract alleged to have taken place in June 2013. The plumber operated as a sole trader. In August 2019, the plumber died. The plumber's assets are being dealt with by her personal representatives. In October 2019, the claimant applied to substitute the plumber's personal representatives for the deceased plumber in the claim, so that the claim could continue.

What powers does the court have to make a substitution for the plumber as a deceased party in the claim?

- A. The court can order a new party to be substituted because the relevant limitation period was current when the claimant applied for the substitution.
- B. The court cannot order a new party to be substituted because the relevant limitation period has expired.
- C. The court can order a new party to be substituted because the relevant limitation period was current when the proceedings were started.
- D. The court can order a new party to be substituted because the relevant limitation period was current when the plumber died.
- E. The court cannot order a new party to be substituted because liability remains with the plumber's business.

Question 3

A man is given a bicycle as a gift. He later agrees to sell the bicycle for £25 to a woman but no payment has yet been made. He subsequently discovers that the bicycle is worth £390. He informs the woman that he no longer wishes to sell the bicycle because he was mistaken about its value.

What advice would you give the woman?

- A. There is a contract because there is executed consideration.
- B. There is a contract because sufficient consideration has been promised.
- C. There is no contract because the consideration is insufficient.
- D. There is no contract because adequate consideration has not been promised.
- E. There is no contract because the consideration promised is only executory.

Question 4

Last month a cycling enthusiast incorporated an online bicycle accessories shop. He is the sole director and he and a friend are the only shareholders. Prior to incorporation of the company, the enthusiast negotiated a contract with a provider of cycling clothing. The contract was signed, prior to the receipt of the certificate of incorporation, by the enthusiast in his own name, on behalf of the company.

With whom, if anyone, does the benefit of the contract reside?

- A. The company only.
- B. The shareholders only.
- C. The enthusiast only.
- D. The enthusiast and the company jointly.
- E. No one, the contract is void.

Question 5

A woman in the UK asserts that her rights under Article 8 of the European Convention on Human Rights (ECHR) have been infringed by a public authority. Although she wishes to protest, she is unwilling to bring court proceedings under the Human Rights Act 1998 (HRA) against the public authority, because of the publicity she might receive, and because of the possible cost. The woman's wealthy cousin is not affected by the alleged infringement, but says she would be willing to bring proceedings on behalf of the woman.

Can the cousin bring legal proceedings as the woman's representative under the HRA?

- A. Yes, because family representatives are specifically granted standing under the HRA.
- B. Yes, because the HRA provides that proceedings may be brought by a representative where anonymity is a serious concern for the victim.
- C. No, because only a victim of the infringement can bring an action and the cousin is not a victim.
- D. Yes, because the court will be satisfied that the cousin as a representative is able to meet the expenses of the proceedings.
- E. No, because a representative can only bring an action under the HRA where it replaces numerous individuals making identical claims.

Question 6

A decision is made by the Court of Appeal (Civil Division) in favour of the claimant. The defendant wishes to obtain permission to appeal.

Which of the following courts have the power to grant permission to appeal?

- A. The Court of Appeal only.
- B. The Supreme Court only.
- C. The House of Lords only.
- D. The Court of Appeal and the Supreme Court.
- E. The Court of Appeal and the House of Lords.

Question 7

An architect received a leaflet from website designers advertising their website design packages. On the back of the leaflet was a copy of the website designers' standard terms, which contained a limitation clause. The architect wrote a letter to the website designers asking them to design his website and he attached to his letter a copy of his own standard terms and conditions, which did not contain a limitation clause. The architect received a quotation for £2,500 from the website designers. The architect signed and returned a tear-off slip to the website designers which stated that he accepted the quotation on the website designers' standard terms and conditions.

Which of the following statements best describes the legal position?

- A. The terms on the leaflet constituted an offer which the architect accepted by asking for a quotation.
- B. The quotation constituted an offer which the architect accepted on the website designers' standard terms and conditions.
- C. The quotation constituted an offer which the architect accepted on the architect's standard terms and conditions.
- D. The letter from the architect to the web designers constituted an offer which the web designers accepted by sending a quotation.
- E. The letter from the architect to the web designers constituted a counter offer which the web designers accepted by sending a quotation.

Question 8

A company created a floating charge over all its assets in favour of a trade supplier, as security for sums due from time to time.

Five years later, the same company entered into a debenture with a bank, creating a floating charge over all the assets of the company, as security for a loan from the bank.

The trade supplier's charge was not registered at Companies House. However, before the debenture was signed, the company notified the bank that the trade supplier already held a valid floating charge over the company's assets. The debenture was duly executed, and was immediately registered at Companies House. The company went into administration ten months after entering into the debenture, with outstanding sums due and unpaid both to the trade supplier and to the bank.

Which creditor of the company has a prior claim to the company's assets?

- A. The bank, because the trade supplier's failure to register its charge makes the charge void against the company.
- B. The trade supplier, because the bank had actual notice of the existence of the trade supplier's charge.
- C. The bank, because the trade supplier's failure to register its charge makes the charge void against the administrator and the bank.
- D. The trade supplier, because the bank's charge was created less than 12 months before the company went into administration.
- E. The trade supplier, because the priority of floating charges is determined solely according to their dates of creation.

Question 9

A company is the claimant in an action for negligence against a defendant accountancy practice. The claimant seeks damages for allegedly negligent professional advice provided by the defendant to the claimant. Standard disclosure has been ordered. A two page letter sent to the claimant's managing director by a financial adviser is included in the claimant's list of documents. The financial adviser is independent of both parties to the litigation. The letter was found in the office of the claimant's managing director, and the only copy is in the possession of the claimant's solicitor. It is clear that the letter was written with the sole purpose of giving advice about drafting the letter before claim in the present litigation.

On what basis can the claimant claim a right to withhold inspection of the letter?

- A. The letter is no longer in the control of the party disclosing it.
- B. The letter is subject to legal advice privilege.
- C. It would be disproportionate to the issues in the case to permit inspection of the letter.
- D. The letter is subject to litigation privilege.
- E. The letter was written after the cause of action accrued.

Question 10

The directors of a private limited company plan to sell some land which is owned by the company. The proposed purchaser of the land is known to all the directors, and is the father of one of the directors. The company's directors are all also shareholders in the company. The land has recently been independently valued at £70,000 and it is agreed that this will be the sale price. The company's most recent set of annual accounts states net profits of £770,000 and net assets of £600,000. The company has adopted the Companies (Model Articles) Regulations 2008 (unamended) as its articles of association.

Does the proposed sale of land require shareholder approval?

- A. No, because the transaction falls under the directors' general authority to manage the company's business.
- B. No, because the transaction involves the sale and purchase of land which is a non-cash asset.
- C. No, because the transaction involves the sale and purchase of an asset at its fair market value.
- D. Yes, because the transaction involves the sale and purchase of land whose value exceeds 10% of the company's asset value.
- E. Yes, because the company's directors are all also shareholders in the company.

Question 11

A man runs a very popular farmers market on a small farm on the edge of a village every Thursday. This results in the village becoming very busy on Thursdays when many of its roads are blocked by parked cars. Because of this, on Thursdays, a woman who runs a business in the village is unable to deliver her goods and she loses trade as a result.

Which cause of action should the woman pursue in tort?

- A. Private nuisance.
- B. Public nuisance.
- C. Rylands v Fletcher.
- D. Negligence.
- E. Trespass to land.

Question 12

An ordinary trading partnership has three partners: the senior partner, the managing partner, and the junior partner. The three partners share income profits equally and capital profits in accordance with their capital contributions as follows:

Senior partner: 50%

Managing partner: 30%

Junior partner: 20%

Five years ago, the firm purchased office premises. The premises have just been sold for a profit, realising a chargeable gain.

Who will be liable to pay tax on the gain realised on the sale?

- A. Each partner will be liable to pay capital gains tax on one third of the gain and the firm will have no liability.
- B. The firm will be liable to pay corporation tax on the entire gain and the partners will have no liability.
- C. Each partner will be liable to pay income tax on one third of the gain and the firm will have no liability.
- D. The senior partner will be liable to pay capital gains tax on 50% of the gain, the managing partner on 30% of the gain and the junior partner on 20% of the gain.
- E. The senior partner will be liable to pay income tax on 50% of the gain, the managing partner on 30% of the gain and the junior partner on 20% of the gain.

Question 13

A company has an accounting reference date of 31 December. It commenced trading in April, so that its first accounting period ended on 31 December of the year in which it commenced trading. During this first accounting period, the company made neither a trading profit nor a trading loss. However the company did make a chargeable gain of £75,000 in the November, from the sale of a freehold property. The company made no capital losses during this first accounting period.

In its second accounting period, which ended on 31 December the following year, the company made a trading loss of £45,000. The company made no capital gain and no capital loss during the second accounting period.

Can the trading loss of £45,000 made in the second accounting period be set off against the chargeable gain of £75,000 from the first accounting period?

- A. Yes, because no trading or capital losses were incurred in the first accounting period.
- B. No, because a trading loss can only be set off against trading profits from an earlier accounting period.
- C. Yes, because the chargeable gain occurred within the 12 month period ending immediately before the accounting period in which the trading loss was incurred.
- D. No, because the company was not carrying on business for a full 12 month period before the accounting period in which the trading loss was incurred.
- E. No, because a trading loss can only be carried forward and set off against trading profits from a subsequent accounting period.

Question 14

A private limited company was incorporated with the Companies (Model Articles) Regulations 2008 ('the Model Articles') as its articles of association, but following further investment from some new shareholders, has recently adopted amended articles of association. The amended articles of association ('the New Articles') are based on the Model Articles but also include some special articles.

What must be filed with the Registrar of Companies following the adoption of the New Articles?

- A. The board minutes proposing the changes to the Model Articles and the shareholders' resolution to adopt the New Articles.
- B. The shareholders' resolution to adopt the New Articles and the prescribed fee.
- C. The New Articles and the prescribed fee.
- D. The shareholders' resolution to adopt the New Articles and the New Articles.
- E. The board minutes proposing the changes to the Model Articles and the New Articles.

Question 15

In the course of a trial various arguments are put to the judge as to the exact meaning of a particular section of a relevant statute. When deciding the case, the judge first looks at the natural ordinary meaning of the words used. However such an interpretation of those words results in an absurd meaning being given to the section. The judge therefore, in coming to his decision, interprets the words in a different way which does not result in an absurd meaning.

What method of statutory interpretation has the judge used?

- A. The literal rule.
- B. The mischief rule.
- C. The extrinsic evidence rule.
- D. The golden rule.
- E. The intrinsic evidence rule.

Question 16

Following a series of terrorist explosions in central London, the government invoked emergency prerogative powers. These powers enabled the government to take control over commercial buildings damaged in the explosions. The powers also enabled the government to deny the occupiers access to those buildings while forensic teams undertook the lengthy process of gathering evidence. Recognising the impact on the occupiers of such buildings, Parliament passed legislation creating a compensation scheme allowing those affected to claim for any costs and losses incurred while those buildings are under the government's control.

Notwithstanding this new legislation, the government is continuing to use the prerogative powers in order to avoid paying any such compensation under the statutory scheme.

Which of the following statements best summarises the legal position?

- A. Where there is overlap between a prerogative power and a statute, neither prevails; the courts look to the common law for guidance.
- B. Where there is overlap between a prerogative power and a statute, the statute prevails.
- C. Where there is overlap between a prerogative power and a statute, the prerogative power prevails.
- D. Where there is overlap between a prerogative power and a statute, the judge hearing the matter may refer to proceedings in Parliament for guidance.
- E. Where there is overlap between a prerogative power and a statute, the judge hearing the matter may refer to a higher court for guidance.

Question 17

A solicitor is dealing with a negligence case for a client. At the outset the solicitor gave a written estimate of likely total costs of £15,000 including counsel's fees and other disbursements. A few weeks later the solicitor decides that expert evidence is also needed and the cost of this will be an additional £3,000.

Which of the following best explains what the solicitor should do next?

- A. The solicitor does not need to do anything because the client was informed that it was only an estimate at the outset.
- B. The solicitor does not need to do anything because experts' costs are awarded by the court.
- C. The solicitor does not need to do anything because he is not obliged to tell the client about third party costs.
- D. The solicitor should write to the client to inform him about the cost of the expert and ask for his instructions because a solicitor must get prior approval for every item of expenditure.
- E. The solicitor should write to the client to inform him about the cost of the expert and ask for his instructions because the original estimate is no longer accurate.

Question 18

A non-UK national living in the UK has allegedly committed a serious crime in his country of origin. His country of origin is not a signatory to the European Convention on Human Rights ('the Convention'). The UK government has issued an order for the deportation of the man to his country of origin. However, the man asserts that evidence will be used against him in respect of the alleged crime which has been obtained by the use of torture. The man appeals under the Convention against the deportation order in the High Court and the High Court accepts the man's assertion.

Which of the following best explains whether the High Court would uphold the deportation order?

- A. It would not uphold the order because the Convention provides that member countries must secure the Convention rights for everyone within their jurisdiction.
- B. It would not uphold the order because the merits of deportation decisions involving the human rights of nationals from non-signatory countries must be considered by the European Court of Human Rights.
- C. It would uphold the order because the UK government is not responsible for how another sovereign state obtains evidence for use in criminal trials.
- D. It would uphold the order because non-UK nationals do not benefit from UK human rights protection.
- E. It would uphold the order because the man has allegedly committed a serious crime and the Convention is not intended to protect criminals.

Question 19

A man instructs his solicitor to act for him in the purchase of the entire issued share capital of a private limited company from another company. The solicitor advises on the share purchase and helps to prepare and negotiate all the necessary documentation. Neither the solicitor nor his firm is authorised by the Financial Conduct Authority to carry on a 'regulated activity' as defined in the Financial Services and Markets Act 2000 and related secondary legislation.

Has the solicitor breached the general prohibition against carrying on a regulated activity?

- A. Yes, because the solicitor has given advice on the purchase of shares in a specific company and no exclusion or exemption applies.
- B. Yes, because the transaction involves the purchase of the entire issued share capital of the company and no exclusion or exemption applies.
- C. No, because an exemption applies to professional firms which are supervised by the Solicitors Regulation Authority when they engage in corporate work.
- D. No, because an exclusion applies if the transaction relates to the purchase of any number of shares in a private limited company.
- E. No, because an exclusion applies if the transaction involves at least 50% of the voting shares in the company.

Question 20

A claimant is bringing a claim against a defendant, seeking damages for breach of contract. The claimant alleges that the parties agreed to an oral amendment to the contract. The defendant denies that the parties had any such agreement. The only evidence on this issue, which will determine the outcome of the claim, is the conflicting oral evidence of the claimant and the defendant.

Which of the following best describes the burden of proof, if any, which the court will apply in deciding the issue?

- A. The burden lies with the defendant to disprove the claimant's allegation beyond reasonable doubt.
- B. The burden lies with the defendant to disprove the claimant's allegation on the balance of probabilities.
- C. Neither party bears the burden of proof and the judge will order a retrial if the judge cannot be sure which party's evidence is correct.
- D. The burden lies with the claimant to prove the allegation on the balance of probabilities.
- E. The burden lies with the claimant to prove the allegation beyond reasonable doubt.

Question 21

A man is using his new mountain bike which is a state of the art product. It has a specially developed metal frame which enhances the bike's performance over rough terrain. However due to metal corrosion in some of the screws, which was unforeseeable, the handle bar snaps in two when the man is using it. He breaks both wrists.

Which of the following best explains whether the man can recover damages for his injuries under the Consumer Protection Act 1987?

- A. Yes, because the bike is defective.
- B. Yes, because there has been a breach of the duty of care.
- C. Yes, because his injuries are not too remote.
- D. No, because the injuries were not foreseeable.
- E. No, because damages for personal injuries are not awarded under the Consumer Protection Act.

Question 22

A claim for damages for professional negligence is settled on terms that the defendant surveyor must pay to the claimant damages of £60,000 together with the claimant's legal costs, to be assessed on the standard basis. In 2017 the claimant had entered into a written conditional fee agreement with her solicitor which provided for a success fee of 90%. The solicitor has calculated his professional charges at £20,000 before addition of the success fee and VAT.

What sum may the solicitor charge the client for his professional fees, net of VAT?

- A. £15,000.
- B. £18,000.
- C. £30,000.
- D. £35,000.
- E. £38,000.

Question 23

In an appeal before the Court of Appeal, the appellant relies in argument on an earlier decision of the Judicial Committee of the Privy Council (JCPC) which indicates that the appeal should be allowed. The respondent relies in argument on an earlier decision of the Court of Appeal which indicates that the appeal should not be allowed.

How should the Court of Appeal treat the two decisions to which it has been referred?

- A. The court should consider itself bound by the earlier decision of the JCPC.
- B. The court should consider itself bound by the earlier decision of the Court of Appeal.
- C. The court should consider itself bound by both earlier decisions and must transfer the appeal to a higher court.
- D. The court should treat both earlier decisions as having persuasive value only and must decide which of the two to follow.
- E. The court should treat both earlier decisions as without precedent value and should make its decision without regard to either.

Question 24

The UK authorities have failed to implement an EU directive. The implementation date has passed. If it had been implemented, the directive would have conferred clearly identifiable rights on UK workers employed by the UK Health Authority. A UK national has suffered loss as a result of this non-implementation. The UK national can show a causal link between the loss she has suffered and the non-implementation.

Could the UK national claim non-contractual damages against the UK authorities under EU law?

- A. Yes, because she can show a causal link between the non-implementation and the loss suffered.
- B. Yes, because directives are directly applicable.
- C. Yes, because she was employed by the UK Health Authority.
- D. No, because she was employed by the UK Health Authority.
- E. No, because the directive has not been implemented.

Question 25

Three clients decide to go into business together. They each invest equal amounts of capital in the business, and agree to share the profits equally. After two years, the business has made a loss and the clients no longer believe the business is viable.

Have the three clients been working in partnership together?

- A. Yes, because they are in business together and intended to make a profit even though they have made a loss.
- B. Yes, because they agreed to invest equal amounts of capital in the business.
- C. No, because they have not entered into a written partnership agreement.
- D. No, because they have not registered themselves as a partnership.
- E. No, because they agreed to share profits equally but did not agree how to share losses between them.

Question 26

A company has created a fixed charge in favour of its bank over machinery owned by the company and used in the company's factory. The company is solvent. The fixed charge has been correctly registered at Companies House. The company now wishes to sell some of the machinery and seeks legal advice on how to proceed.

What advice should the company receive in relation to the sale of the machinery?

- A. The company can proceed to sell the machinery freely because the charge has not yet crystallised.
- B. The company can only sell the machinery if it does so with the consent of the bank as chargeholder.
- C. The company can only sell the machinery if the bank is a party to the sale because the bank has legal title to the machinery.
- D. The company can only sell the machinery with the consent of its unsecured creditors.
- E. The company can proceed to sell the machinery once it has registered the sale at Companies House.

Question 27

A company ('the retailer') entered into a contract with another company ('the supplier') to purchase 30,000 flat-pack boxes at a price of £60,000. The retailer paid a deposit of £20,000. When delivered, the boxes were defective and the supplier was unable to supply replacement boxes. The retailer rejected the boxes and did not pay the balance of the purchase price. To avoid incurring further losses, the retailer obtained replacement boxes from another supplier for £70,000. The retailer has followed all appropriate pre-action procedures, and the retailer's solicitor is now ready to draft and issue a claim form.

Ignoring interest, what sum can the retailer properly claim against the supplier?

- A. £70,000.
- B. £10,000.
- C. £30,000.
- D. £20,000.
- E. £60,000.

Question 28

A junior employee at a summer camp for young people has been convicted of an assault on a participant in the camp. The victim is suing the camp organisers for damages for psychological trauma on the basis that they are vicariously liable for the actions of the employee.

Which of the following best describes whether vicarious liability will apply?

- A. Vicarious liability will exist if the employee's act is sufficiently closely connected to his employment.
- B. Vicarious liability cannot apply to criminal behaviour.
- C. Vicarious liability will apply only if the assault occurred in working hours.
- D. Vicarious liability can only apply to senior employees.
- E. Vicarious liability will not apply because the employer obtained no benefit.

Question 29

A solicitor acts for a client in relation to the acquisition of a private limited company. Two days before the transaction is due to complete the solicitor suspects that his client will be using the transaction to launder money. The solicitor reports this to the nominated officer who makes a suspicious activity report to the relevant authority.

What action should the solicitor now take?

- A. Proceed with the transaction as the solicitor has made the disclosure to the nominated officer.
- B. Proceed with the transaction only after receiving authorisation from the relevant authority.
- C. Proceed with the transaction after a period of three days if no response is received from the relevant authority.
- D. Explain to the client that he cannot act as a suspicious activity report is pending.
- E. Explain to the client that a suspicious activity report has been made and then proceed with the transaction.

Question 30

In March a buyer entered into a contract for the purchase of a children's nursery because of a fraudulent statement made by the seller in January about the previous year's sales figures. In April, after purchasing the nursery, the buyer employed a builder to carry out extensive building works to the nursery including demolishing outbuildings and adding an extension. In May the buyer discovered the fraudulent statement was false and decided that he wished to rescind the contract.

Could the buyer rescind the contract?

- A. No, because rescission is not an available remedy for misrepresentation.
- B. No, because a third party has acquired rights.
- C. No, because the buyer has affirmed the contract.
- D. No, because restitution is impossible.
- E. No, because there is a statutory bar under the Misrepresentation Act 1967.

Question 31

A disabled employee at a firm of solicitors has requested that the firm buy some computer software for him to use at work. This software enables a person with the employee's disability to use a computer more effectively. The partners in the firm want advice on their obligations under the Equality Act 2010 ('the Act').

What must the partners in the firm do to meet their obligations under the Act?

- A. They must make substantial adjustments to ensure that the disabled employee is not placed at a disadvantage compared to those who are not disabled.
- B. They must make reasonable adjustments to ensure that the disabled employee is not placed at a substantial disadvantage compared to those who are not disabled.
- C. They must make adjustments to ensure that the disabled employee is not placed at a significant disadvantage compared to those who are not disabled.
- D. They must make significant adjustments to ensure that the disabled employee is not placed at a disadvantage compared to those who are not disabled.
- E. They must make adjustments to ensure that the disabled employee is not placed at an unreasonable disadvantage compared to those who are not disabled.

Question 32

A solicitor in a law firm has received a phone call from the managing director of a private limited company incorporated in the UK, which is a new client. The managing director wants to know why the solicitor's firm is asking for documents to verify the identity of the company's shareholder. The company's shareholder lives in Russia and owns and holds the entire shareholding of the company.

Which of the following responses best explains the advice the solicitor should give to the managing director?

- A. The solicitor is under an obligation to identify and verify the identity of the company's shareholder because the shareholder lives outside the UK.
- B. The solicitor is under an obligation to identify and verify the identity of the company's shareholder because the shareholder lives in Russia.
- C. The solicitor is under an obligation to identify and verify the identity of the company's shareholder because the shareholder owns more than 25% of the shares.
- D. The structure of the company and the way the shares are held by the shareholder may raise issues about tax evasion.
- E. The solicitor is considering making a suspicious activity report to the firm's nominated officer.

Question 33

A man engaged an estate agent to sell his property. The terms of their agreement were contained in a written document. The agreement provided for payment of commission to the estate agent on completion of a sale, provided that the estate agent introduced the purchaser. The sale of the property completed and a dispute arose as to whether the estate agent had introduced the purchaser. The estate agent brought proceedings against the man for payment of the commission alleged due under the written agreement. The proceedings were successful at trial, resulting in an award of damages to the estate agent of £12,000.

What, if any, order for costs might be expected in the circumstances of this case?

- A. No order for costs because the claim arose from a consumer contract within the meaning of the Consumer Rights Act 2015.
- B. An order in favour of the estate agent confined to reimbursement of court fees paid because the claim is a small claim.
- C. No order for costs because qualified one way costs shifting applies to the claim.
- D. An order in favour of the estate agent for fixed costs only.
- E. An order in favour of the estate agent for costs on the standard basis, summarily assessed at the conclusion of trial.

Question 34

A company buys drums of an industrial cleaning acid from a woman and stores them in its factory. The drums are not suitable for the storage of the acid and the acid leaks causing damage to the floor of the factory. A company employee sees that damage to the floor is being caused by the leak but fails to move the drums. The drums could have been moved at no cost to the company. The company claims £5,000 which is the cost of the repair to the floor. The woman refuses to pay that amount arguing the damages payable should be lower.

Will the woman succeed in her argument?

- A. Yes, because the company is under a duty to minimise its losses by moving the drums.
- B. Yes, because the company is guilty of contributory negligence by not moving the drums.
- C. No, because the woman must compensate the company for all losses flowing from the breach.
- D. No, because the woman must compensate the company for all losses that are in the reasonable contemplation of the company.
- E. Yes, because there is a break in the chain of causation.

Question 35

A solicitor has been instructed by a client company that is suffering cash flow difficulties. The solicitor has been instructed by the client to advise on its directors' duties in respect of monitoring the company's financial position. In the course of discussions, the client mentions that it is considering attempting to improve its financial position by investing in equity securities and asks whether the solicitor can recommend any stockbrokers.

The solicitor's brother is a partner in a firm of stockbrokers which is authorised by the Financial Conduct Authority and which has made substantial returns for the solicitor and other clients. The solicitor has concluded that making the referral would:

- (i) not in any way compromise his independence as the client's legal advisor; and
- (ii) be in the best interests of the client because the stockbrokers are the best available in this field.

The solicitor will not get a financial benefit from the referral. The solicitor knows that the brother would be grateful for the business introduction.

Which of the following steps should the solicitor take next?

- A. Cease to act for the client.
- B. Refer the client to an individual at the stockbrokers other than the solicitor's brother.
- C. Get written confirmation from the brother that the solicitor will not get a financial benefit in return for the business referral.
- D. Inform the client that the solicitor's brother is a partner of the stockbrokers.
- E. Ask somebody else in the solicitor's firm to refer the client to the stockbrokers.

Question 36

A client objects to a decision which has been made to grant planning permission for the building of a supermarket on land near his home. The client has discovered that the chairman of the planning committee that made the decision is a non-executive director of the supermarket chain in question.

Which of the following best describes the status of this decision?

- A. Only where the facts suggest to the court that there was in fact a conflict of interest and that the decision was in fact biased will the decision be held unlawful.
- B. If the client can prove that a fair minded and informed observer would naturally conclude that there was a conflict of interest, the decision will be held to be automatically biased and thus unlawful.
- C. For the decision to breach the rule against bias and thus be held unlawful, the client must prove to the court on a balance of probabilities that the chairman was actually biased.
- D. Only if the facts suggest to the court that a fair minded and informed observer would conclude that the decision was biased will the decision be held unlawful.
- E. If the facts suggest to the court that a fair minded and informed observer would conclude that there was a real possibility of bias, the decision will be held unlawful.

Question 37

A solicitor is advising a client on an employment contract in respect of a position that the client has been offered in a start-up company. The client currently has a permanent position at an established company.

The following day the solicitor sits next to a new acquaintance at a golf club dinner. The new acquaintance tells the solicitor that he is concerned that the business he works for is bound for financial failure because its key customer is to be taken into receivership shortly. The new acquaintance then tells the solicitor the name of the business he works for. Much to the solicitor's surprise it is, by coincidence, the start-up company.

Is the solicitor obliged to inform the client of the reported concerns about the financial prospects of the start-up company?

- A. No, because the information was obtained in the course of the solicitor's personal life and therefore does not impact on his professional obligations.
- B. No, because the duty of confidentiality overrides the duty of disclosure.
- C. No, because information obtained from clients must be kept confidential unless disclosure is required or permitted by law or the client consents.
- D. Yes, because the information is material to the client's matter.
- E. Yes, because the duty of disclosure overrides the duty of confidentiality.

Question 38

A man is employed by a roofing company to repair roofs. The role requires him to wear special gloves in order to protect his hands when he handles roof tiles. Whilst standing on some scaffolding, negligently erected by the roofing company, he falls off, suffers serious injury to his head and brings a claim. He carelessly failed to wear the gloves at the time.

Which of the following best describes whether the company can successfully claim contributory negligence on the part of the roofer?

- A. The company cannot claim contributory negligence because the roofer's carelessness did not cause or contribute to the injury.
- B. The company cannot claim contributory negligence because the roofer did not owe the company a duty of care.
- C. The company can claim contributory negligence because the roofer's carelessness caused or contributed to the injury.
- D. The company can claim contributory negligence because the roofer's carelessness materially increased the risk of injury.
- E. The company can claim contributory negligence because the roofer owed the company a duty of care.

Question 39

A solicitor acts for a client who is raising finance secured against his home to fund his new business. The solicitor will be providing advice and preparing all the necessary documentation in connection with the mortgage. The client asks the solicitor to explain the key differences between a repayment mortgage and an endowment mortgage. Neither the solicitor nor his firm is authorised by the Financial Conduct Authority to carry on a regulated activity.

Can the solicitor give the explanation requested about the types of mortgages?

- A. Yes, because such advice is a necessary part of the provision of his legal services.
- B. Yes, because he is subject to the Solicitors' Financial Services (Scope) Rules 2001 and therefore falls within an exemption from the Financial Services and Markets Act 2000.
- C. Yes, because the provision of generic advice is outside the scope of the Financial Services and Markets Act 2000.
- D. No, because such advice does not fall within an exemption from the Financial Services and Market Acts 2000.
- E. No, because he is not authorised by the Financial Conduct Authority to give advice in respect of either type of mortgage.

Question 40

The UK government has introduced a Parliamentary Bill ("the Bill") to repeal a UK statute. The government is able to command a majority in the House of Commons, but the Bill is opposed in the House of Lords. The Parliament Acts 1911 and 1949 are invoked in order to pass the Bill into law.

What further steps are required for the Bill to become law?

- A. The Bill will require approval in the House of Commons and to receive Royal Assent.
- B. The Bill will require approval in the House of Commons and the House of Lords and to receive Royal Assent.
- C. The Bill will require approval in the House of Commons and in a UK referendum.
- D. The Bill will require approval in the House of Commons, the House of Lords and in a UK referendum and to receive Royal Assent.
- E. The Bill will require approval in the House of Commons, the House of Lords and in a UK referendum.

Question 41

A man and a woman who had never met each other were at a swimming pool. The man had a lesson from a qualified instructor but due to the negligence of the instructor the man struggled in the deep end of the pool and drowned. The woman saw the entire incident and developed traumatic neurosis as a result.

Can the woman recover damages against the instructor for the traumatic neurosis?

- A. Yes, because the instructor breached the duty of care he owed to the man and his negligence caused the woman loss.
- B. Yes, because the instructor breached the duty of care which he owed to the woman and his negligence caused her loss.
- C. Yes, because the woman is suffering from a medically recognised condition.
- D. No, because the instructor did not owe the woman a duty of care.
- E. No, because the woman's loss is too remote.

Question 42

A large public limited company ('PLC') leases a vending machine to a small village school. The school has failed to make a payment of £300 due under the lease agreement for the machine. PLC has commenced a claim against the school in the county court. The school is defending the claim on the basis that sums are not due, because the vending machine no longer works. PLC has instructed its solicitor to compile a list of documents containing 267 pages of emails and to seek expert evidence on vending machines from two different experts.

Are these instructions likely to be consistent with the overriding objective of the Civil Procedure Rules?

- A. No, because the overriding objective requires the parties to help the court deal with cases justly and at proportionate cost.
- B. No, because the overriding objective requires the parties to help the court deal with cases quickly.
- C. Yes, because the overriding objective applies only to the courts, not the parties.
- D. Yes, because the overriding objective requires proportionality only in regards to the relative merit of a claim, not in regards to the relative value of the claim.
- E. Yes, because the overriding objective applies only to pre-action conduct.

Question 43

A debtor owes an unsecured creditor £5,000 due to be repaid today. The debtor tells the creditor that he can only repay £4,000 and asks that the creditor agree to this being in full and final settlement of the whole amount. Fearing that the debtor, who also has other unsecured creditors, is about to be made bankrupt, the creditor agrees.

Can the creditor enforce the payment of the remaining £1,000?

- A. Yes, because the agreement to accept less than the full amount was extracted under duress.
- B. Yes, because the debtor provided no consideration in return for the agreement to accept less than the full amount.
- C. No, because the creditor has waived entitlement to claim the full amount.
- D. No, because the creditor obtained a legal benefit in receiving £4,000 rather than nothing.
- E. No, because the creditor obtained a practical benefit in receiving £4,000 rather than nothing.

Question 44

A driver drives negligently as a result of which he has an accident. A passenger in his car is hurt in the accident. The passenger had a serious pre-existing back condition of which the driver is aware. This condition is exacerbated by the accident and the passenger becomes paralysed.

Which of the following statements best describes whether the passenger can claim damages for his paralysis from the driver?

- A. The passenger can claim damages for his paralysis from the driver because the paralysis was in the contemplation of the parties as possible at the time of the accident.
- B. The passenger can claim damages for his paralysis from the driver because the driver must take the passenger as he finds him.
- C. The passenger cannot claim damages for his paralysis from the driver because it was not reasonably foreseeable that paralysis would result from the accident.
- D. The passenger cannot claim damages for his paralysis from the driver because the paralysis did not result from the accident in the normal course of events.
- E. The passenger cannot claim damages for his paralysis from the driver because the passenger is partially responsible for the paralysis because of his pre-existing condition.

Question 45

A woman owns shares in a private limited company. The shares are not in an ISA. In the 2018/19 tax year the woman receives a dividend of £5,000. Her only other source of income in the tax year is her salary. Her taxable income, including the dividend, is £38,000.

The personal allowance for 2018/19 is £11,850. The basic rate tax band for 2018/19 is £11,851-£46,350; the dividend allowance is £2,000.

How much income tax, if any, should the woman pay on the dividend?

- A. None, because the dividend was paid by a private limited company whose payment of corporation tax on its distributable profits satisfies the woman's liability to income tax.
- B. None, because her total income including the dividend does not exceed the upper threshold for basic rate tax.
- C. She will have to pay income tax at the income tax basic rate on the entire dividend because it exceeds her annual dividend allowance.
- D. She will have to pay income tax at the appropriate dividend tax rate on the proportion of the dividend that exceeds her annual dividend allowance.
- E. She will have to pay income tax at the income tax additional rate on the proportion of the dividend that exceeds her annual dividend allowance.

Question 46

A burglary takes place at a jewellery shop in the early hours of the morning. The police were called to the incident by the manager of a public house which is situated opposite the jewellery shop ten metres away. The manager of the public house viewed the burglary via the public house's closed circuit television (CCTV) system, however no recording of the burglary is available because the CCTV system was faulty.

The manager gave a statement to the police indicating that, despite the poor street lighting, he recognised the offender as a man who used to work in the public house until one year ago. He names the man to the police. The man, who has previous convictions for burglary, is arrested by the police. In his police interview under caution, the man agrees that he used to work in the public house, but denies that he committed the burglary. The police are considering whether to hold an identification procedure.

Would an identification procedure serve a useful purpose in this case?

- A. Yes, because the witness viewed the burglary via a CCTV camera which failed to record the incident.
- B. No, because the man is known to the witness.
- C. Yes, because the man is known to the police.
- D. No, because the lighting at the time of the offence was poor.
- E. No, because the distance between the jewellery shop and the public house was too great.

Question 47

A man was convicted of theft four months ago. He received a suspended sentence order of six months' custody. The operational period of the suspended sentence is 12 months. A requirement to complete 80 hours of unpaid work was attached to the suspended sentence order and the man has completed the unpaid work.

The man has now been convicted in the magistrates' court of a non-imprisonable driving offence committed one month ago.

Can the magistrates' court activate the sentence of imprisonment?

- A. Yes, because the man has committed an offence during the operational period of the suspended sentence order.
- B. No, because the new offence is non-imprisonable.
- C. No, because the man has completed the requirement attached to the suspended sentence order.
- D. No, because the operational period of the suspended sentence order is still running.
- E. Yes, because the man has committed an offence within the six month period of custody imposed.

Question 48

A man died leaving a will by which he left all his estate to three trustees to hold on trust for the four children of his best friend. The children are to inherit at the age of 18. Two of the children have reached the age of 18 and have received their share of the trust fund. The other two children are still under the age of 18. The trust fund comprises a portfolio of shares. One of the trustees has just died.

Which of the following best describes whether it is necessary for a replacement trustee to be appointed?

- A. A replacement trustee must be appointed because some of the beneficiaries are still under the age of 18.
- B. A replacement trustee must be appointed because three trustees were originally appointed and there are now only two trustees.
- C. There is no requirement to appoint a replacement trustee because the trust came into effect after the man's death and not during his lifetime.
- D. There is no requirement to appoint a replacement trustee because there is no land in the trust investments.
- E. There is no requirement to appoint a new trustee because there are two surviving trustees.

Question 49

A man died one month ago leaving a will by which he appointed his friend as his sole executor. The executor has not yet applied for a grant of probate. He wishes to protect himself against claims of unknown creditors and has decided to place advertisements in the London Gazette, a newspaper circulating in the district in which any land forming part of the estate is situated and any other newspaper or publication he considers might be appropriate.

Which of the following best describes how the executor can protect himself against claims from unknown creditors through advertising as above?

- A. He should place the advertisements and must wait for two months from the date of the grant of probate before distributing the estate.
- B. He should place the advertisements and must wait for two months from the date of the advertisements before distributing the estate.
- C. He should place the advertisements and must wait for two months from the date of death before distributing the estate.
- D. He should place the advertisements but must wait for two months from the date of death before doing so.
- E. He should place the advertisements but must wait for two months from the date of the grant of probate before doing so.

Question 50

By his will, a testator appointed his spouse, his friend and his adult son to be his executors. The testator has now died. The testator and his wife divorced after the will was executed. The son predeceased the testator and a grant of probate to the son's estate was obtained by his nephew.

The testator left all of his estate to his niece who is 20 years of age.

Who has the best right to apply for a grant of representation to the testator's estate?

- A. The testator's ex-spouse, the testator's friend and the nephew of the son only.
- B. The testator's friend and the testator's niece only.
- C. The testator's friend, the nephew of the son and the testator's niece only.
- D. The testator's friend only.
- E. The testator's friend and the nephew of the son only.

Question 51

A solicitor acts for a client who is found guilty of shoplifting. The client asks the solicitor to present a plea in mitigation on her behalf. At the hearing the client gives the court a false address and date of birth in order to conceal the fact that she has previous convictions.

Which of the following statements best describes what the solicitor should do?

- A. Cease to act immediately.
- B. Not refer to the client's character or previous convictions.
- C. Immediately correct the information about the client's address and date of birth without further reference to the client.
- D. Not refer directly to the client's previous convictions but imply that she is of good character.
- E. Ask the client to correct the information about her address and date of birth and if she refuses cease to act.

Question 52

A freeholder granted a 15 year commercial lease of a property in 2008 to a newsagent. The newsagent subsequently assigned the lease to a clothing retailer. The clothing retailer assigned the lease to a chemist. The chemist assigned the lease to a bookstore. All the assignments were made with the landlord's consent. For the assignment to the clothing retailer, the freeholder required an authorised guarantee agreement from the newsagent. Similarly, the freeholder required an authorised guarantee agreement from the chemist when the lease was assigned to the bookstore. The bookstore has failed to pay the latest quarter's rent.

Apart from the bookstore, from whom can the freeholder recover the outstanding rent?

- A. The chemist, the clothing retailer and the newsagent.
- B. The chemist only.
- C. The clothing retailer only.
- D. The newsagent only.
- E. The chemist and the newsagent only.

Question 53

A solicitor is acting for a tenant of business premises in connection with an application for the grant of a new tenancy, following service by the tenant of a request under s.26 of the Landlord and Tenant Act 1954 (the 1954 Act). Although the landlord is not opposing the grant of a new tenancy, the tenant is concerned that they will not reach agreement on the terms of the new tenancy.

The solicitor advises the tenant that in default of agreement the court has the power to order the grant of a new tenancy for a new duration. The tenant has asked for clarification on the extent of the court's powers.

If the landlord and tenant do not agree the terms of the new tenancy, what order can the court make?

- A. The court can only order the grant of a new tenancy on the same terms as the existing tenancy.
- B. The court can only order the grant of a new tenancy on the same terms as the existing tenancy except with regard to rent.
- C. The court can only order the grant of a new tenancy on the same terms as the existing tenancy for a term not exceeding 15 years.
- D. The court can only order the grant of a new tenancy on such terms as it determines under the 1954 Act for a term not exceeding 15 years.
- E. The court can only order the grant of a new tenancy on the same terms as the existing tenancy and contracted out of the 1954 Act.

Question 54

Under the terms of a will a company director's estate is to be held on trust to pay the income to his daughter for her life and after her death to be divided between all the present and former employees of his company.

The daughter consults a solicitor to ask whether the gift is valid. The daughter objects to the terms of her father's will and is also concerned that it is not workable. Although the daughter has a complete list of past and present employees of the company she is not sure that all of them can be traced.

Which of the following statements provides the best advice regarding the gift?

- A. The gift is not valid because the class of beneficiaries is administratively unworkable.
- B. The gift is not valid because a company cannot be a beneficiary.
- C. The gift is valid because the company still exists.
- D. The gift is valid because there are a large number of employees of the company who can benefit from it.
- E. The gift is valid because there is a complete record of past and present employees.

Question 55

A will trust contains the following provision:

“My Trustees shall hold my property on trust to permit my mother to live in the property for the remainder of her life and after her death to hold the property upon trust for such of my nephew and niece as survive my mother and attain the age of 21 years in equal shares.”

The nephew is now aged 20 years and the niece is aged 22 years.

Which of the following statements best describes the beneficial interests in the trust fund?

- A. The mother has a vested interest but the nephew and niece have contingent interests.
- B. The mother has a contingent interest but the nephew and niece have vested interests.
- C. The mother, nephew and niece all have contingent interests.
- D. The mother, nephew and niece all have vested interests.
- E. The mother and niece have vested interests but the nephew has a contingent interest.

Question 56

A solicitor is acting for the purchaser of a property with registered title. The purchaser is buying the property with the aid of a mortgage. Contracts have been exchanged, requisitions on title made, and the solicitor has conducted a pre-completion priority search of the title.

Following completion the solicitor will need to deal with post-completion matters involving payment of Stamp Duty Land Tax (SDLT) to HM Revenue & Customs and registration of the dealing at the Land Registry.

Registration at the Land Registry must take place within 30 working days of which date?

- A. The date contracts are exchanged, to avoid interest become payable on outstanding SDLT.
- B. The date of completion, to avoid interest becoming payable on outstanding completion monies.
- C. The date of completion, to avoid the equitable title in the property reverting to the seller.
- D. The date of the result of the priority search, to avoid subsequent entries being made on the title which bind the purchaser.
- E. The date of completion, to avoid the mortgagee's power of sale arising under the legal charge.

Question 57

A client has entered into a contract to sell her house. After the exchange of contracts, the client seeks your advice about whether she may keep the light fitting in the sitting room. This is held to the ceiling by three small screws and was made by the client's late father. The light fitting is not mentioned in the contract.

May the client remove the light fitting before completion?

- A. No, because the light fitting is likely to be a fixture due to the high degree of attachment.
- B. No, because the removal would constitute a breach of an implied term of the contract as the room would be unlit when the new owners moved in.
- C. No, because any item within a property is permanently part of the land and must not be removed.
- D. Yes, because the light fitting is likely to be a chattel due to the slight degree of attachment.
- E. Yes, because any item with sentimental value is always removable.

Question 58

A solicitor is acting for a client who is the sole owner of a freehold property. The property is not a listed building and is vacant, but was used as office premises until five years ago. The client plans to carry out internal works to the property so that she can let it as a single private dwelling house. She has asked for the solicitor's advice about whether her plans constitute 'development' and therefore whether she will need to obtain planning permission.

Will the client require planning permission for her plans for the property?

- A. Yes, although she will not require planning permission for the internal works, she will require planning permission for the change of use.
- B. No, the internal works do not constitute development and nor does the change of use because the previous use was abandoned over four years ago.
- C. No, the internal works do not constitute development and nor does the change of use because it is a change to a single private dwelling house.
- D. Yes, she will require planning permission for both the internal works and the change of use because they are developments which are not permitted.
- E. No, the internal works do not constitute development and nor does the change of use because the change is not material.

Question 59

An adult man has been charged with assault occasioning actual bodily harm upon his girlfriend with whom he has a child. He has pleaded not guilty and the case has been adjourned for trial. The man has a condition of bail not to contact his girlfriend. The police receive a report from his girlfriend's mother to say that the man is at his girlfriend's flat. When the police attend the flat they arrest the man on suspicion of breaching his bail condition.

The man admits visiting his girlfriend at her flat. He explains that his girlfriend telephoned him and asked him to visit because their child was ill. His girlfriend has confirmed that the man's account is correct. The police allege that the man has breached his bail condition.

Which of the following statements best represents the position regarding the allegation that he has breached his bail condition?

- A. The man is not in breach of his bail condition because contact was initiated by his girlfriend. The man will not face any consequences as a result of his visit to his girlfriend's flat.
- B. The man is not in breach of his bail condition because he had good reason to be in contact with his girlfriend. The man will not face any consequences as a result of his visit to his girlfriend's flat.
- C. The man is in breach of his bail condition. He may be charged with an offence of breach of bail condition.
- D. The man is in breach of his bail condition. He will be brought before the court for his bail to be reconsidered.
- E. The man is in breach of his bail condition. He will be remanded in custody until his case goes to trial.

Question 60

A man died intestate a month ago. He had never been married or in a civil partnership. At the time of his death, the man was living with his partner, with whom he had been cohabiting for 20 years, and her daughter (aged 23 years). The partner's daughter has lived with the man and his partner throughout their relationship. The man had a son (aged 25 years) from a previous relationship and a daughter (aged 19 years) whom he and his partner adopted ten years ago.

Who is entitled to share in the distribution of the man's estate?

- A. The partner, the son and the man's daughter only.
- B. The son, the man's daughter and the partner's daughter only.
- C. The son and the man's daughter only.
- D. The son only.
- E. The man's daughter only.

Question 61

A man has been charged with robbery. He was not represented at the police station because he declined legal advice. The man agreed to take part in a video identification parade and was positively identified by one of the witnesses to the crime. The man has a visible scar under his right eye which was mentioned by an eyewitness in their initial witness statement. No attempt was made by the video parade inspector to conceal the scar on the man's face when his image was placed in the compilation of images for the video identification parade.

A solicitor has now been instructed to represent the man at his forthcoming trial in the Crown Court, where the man will plead not guilty. As part of the solicitor's trial preparation, she has reviewed the images used in the video parade and has noted that only two of the other eight images shown in the video parade show similar looking males with a visible scar under their right eye. The solicitor establishes that as a consequence there has been a provable breach of Code D of PACE 1984.

Which of the following statements best states whether evidence of the video identification parade will be admitted in evidence at the man's trial?

- A. The breach of Code D of PACE may lead the court to conclude that the evidence should be excluded if its admission would be an abuse of process.
- B. The breach of Code D of PACE will compel the court to exclude the identification evidence because of its prejudicial effect.
- C. The breach of Code D of PACE may lead the court to conclude that the evidence should be excluded if its admission would have an adverse effect on the fairness of the proceedings.
- D. The breach of Code D of PACE will not compel the court to exclude the evidence because its admission would not have an adverse effect on the fairness of the proceedings.
- E. The breach of Code D of PACE will compel the court to conclude that the evidence should be excluded and order that the breach must be cured by the police conducting a further video identification parade in compliance with the Code.

Question 62

A man attacks a victim at a nightclub, violently banging the victim's head backwards against a wall and intending to cause the victim really serious bodily harm. The victim is badly injured and goes to the doorman who works at the nightclub to ask for help. The doorman thinks the victim is drunk and throws her out of the building. Soon afterwards the victim is found lying on the pavement and is taken to hospital. Her condition is very serious due to massive brain damage, sustained as a result of the man's actions together with some deterioration in her condition while she is lying on the pavement. She is placed on a life support machine which is switched off when it becomes clear she has suffered brain stem death. The man is charged with murder.

Which statement best explains the man's potential liability for murder?

- A. He cannot be found guilty of murder because the doorman's actions contributed to the victim's death.
- B. He cannot be found guilty of murder because death was not an inevitable consequence of his actions.
- C. He cannot be found guilty of murder because the victim only died as a result of the life support machine being switched off.
- D. He can be found guilty of murder because he has participated in a joint enterprise with the doorman resulting in the victim's death.
- E. He can be found guilty of murder because his conduct was a substantial and operative cause of the victim's death.

Question 63

A man finds a caravan in a field and decides to set fire to it. He does not know and does not check to find out if anyone is residing in the caravan but just sets fire to it. In fact there is an elderly man inside who cannot escape because of the smoke and who is burnt to death when the caravan is destroyed by the fire. The man intended to unlawfully destroy property but not to harm anyone.

Which of the following best describes the man's liability for involuntary manslaughter?

- A. He is not guilty as the unlawful act of destroying the caravan was not itself dangerous to life.
- B. He is not guilty because he did not intend by destroying the caravan to endanger the life of anyone.
- C. He is guilty because he was grossly negligent when he did not check to see if anyone was residing in the caravan before he set fire to it.
- D. He is guilty because he has committed an unlawful and dangerous act that has killed the elderly man.
- E. He is guilty because the death of the elderly man was foreseeable to the reasonable man.

Question 64

A husband, wife, and the wife's mother bought a house together 20 years ago. The transfer deed stated that they held the property as joint tenants in law and equity. The husband and wife separated a month ago, and the husband moved out of the house. Last week the wife was killed in a car accident. A few days before her death, the wife had made a will leaving all her property to her new boyfriend.

How is the title to the house now held?

- A. The husband and the wife's mother are joint tenants in law and tenants in common in equity.
- B. The husband, the wife's mother and the new boyfriend are joint tenants in law and tenants in common in equity.
- C. The wife's mother and the new boyfriend are joint tenants in law and equity.
- D. The wife's mother and the husband are joint tenants in law and equity.
- E. The wife's mother and the new boyfriend are joint tenants in law and tenants in common in equity.

Question 65

A man died leaving an estate comprising two bank accounts and a freehold property. His will divided the residue of his estate equally between his son and his daughter. Five years ago the man and his son (who was then 22) had a serious argument and his son left the family home. None of the family has seen him since. The personal representatives ('PRs') have questioned other relatives and friends to attempt to ascertain the son's whereabouts but with no success.

Three months ago the PRs placed advertisements complying with s.27 Trustee Act 1925 in the London Gazette and in a local newspaper. The PRs have had no responses to these notices from either the man's son or anyone claiming to be a creditor of the estate. They propose to distribute the entire residue to the man's daughter and pay only the creditors they currently know about.

Which of the following statements best describes the PRs' protection from claims by creditors and beneficiaries as a result of the enquiries made and s.27 Trustee Act 1925 notices placed?

- A. The PRs will be protected from claims by new creditors and unknown beneficiaries but not from a claim by the son.
- B. The PRs will be protected from claims by new creditors but not from unknown beneficiaries or the son.
- C. The PRs will be protected from claims by new creditors, unknown beneficiaries and the son.
- D. The PRs will not be protected from claims by new creditors but will be protected from claims by unknown beneficiaries and the son.
- E. The PRs will not be protected from claims by new creditors or unknown beneficiaries but will be protected from a claim by the son.

Question 66

A leasehold flat was owned by a brother and sister as tenants in common in equal shares. The sister died last month and under the terms of her will, the whole of her estate is given to her adult daughter absolutely. It is estimated that the flat is worth £200,000 as a very similar flat in the same block sold for that figure last month. The sister's estate will be subject to inheritance tax (IHT).

If the estimated worth of the flat is correct what will be the value of the sister's half share for IHT purposes?

- A. £100,000 less a percentage discount to reflect the fact that the flat was co-owned at the sister's death.
- B. £100,000 as no discount is available because of the application of the related property rules between brothers and sisters.
- C. £100,000 as no discount is available because of the application of the related property rules between a mother and daughter.
- D. £100,000 as no discount is available because of the application of the related property rules which apply when more than two close relatives are connected with the ownership of a property.
- E. £100,000 as no discount is available because the flat is leasehold.

Question 67

A man died on 4 May 2018. He left his entire estate to his nephew. He was a bachelor and did not make any lifetime gifts. His estate comprised a house free of mortgage worth £150,000 which he had lived in for over 20 years and bank and building society accounts with balances totalling £550,000. He also owned a house worth £170,000 free of mortgage which he inherited from his aunt and which has been rented out to tenants for the last 30 years. The man's debts and funeral expenses totalled £9,000. In the 2018/19 tax year the nil-rate band is £325,000 and the main residence nil-rate band is £125,000.

How much inheritance tax will be payable on the man's estate?

- A. £344,400.
- B. £214,400.
- C. £164,400.
- D. £162,000.
- E. £114,400.

Question 68

A man squeezed superglue into the hard drive of his colleague's computer. The man intended only to play a practical joke by making the computer temporarily unusable. He foresaw that his actions could cause damage to the computer and it was, in the circumstances known to him, unreasonable to take this risk. He did not foresee that damage was a virtually certain consequence of his actions. In fact the computer was damaged beyond repair and he ought to have foreseen that this was a virtual certainty. His actions were unreasonable.

Is the man guilty of criminal damage?

- A. No, because he did not intend to cause the damage.
- B. No, because he did not foresee that the damage was a virtually certain consequence of his actions.
- C. No, because he was only negligent with respect to the damage.
- D. Yes, because he foresaw the risk of damage and it was, in the circumstances known to him, unreasonable of him to take the risk.
- E. Yes, because he should have foreseen that the damage was a virtually certain consequence of his actions and his actions were unreasonable.

Question 69

A client goes to see his solicitor because his neighbour's roof has recently fallen into disrepair and he wants to see if he can do anything about it. He shows his solicitor a deed in which the neighbour gave a covenant for the benefit of the client's house "not to let the roof fall into disrepair."

Which of the following best describes why the client is likely to be able to sue the neighbour under this covenant?

- A. Because the building scheme exception will apply.
- B. Because the doctrine of mutual benefit and burden will apply.
- C. Because it is a positive covenant.
- D. Because it is a restrictive covenant.
- E. Because the neighbour was the original party to the deed.

Question 70

A testator died leaving a will by which all of his estate passed to his two adult children in equal shares. The estate assets included shares in a company quoted on the stock exchange with a probate value of £100,000. Half of the shares were transferred to the son and the other half were transferred to the daughter. At the date of the transfer, the total value of the shares was £150,000. A month later the son sold all of his shares and the net sale proceeds were £85,000. Two months later the daughter sold all of her shares and the net sale proceeds were £45,000. The executor has not yet completed the administration of the estate.

Which of the following statements best describes the capital gains tax position on the shares sold during the administration period?

- A. The son will make a gain, the daughter will make a loss and the executor will make neither a loss nor a gain.
- B. The son will make a gain, the executor and the daughter will make neither a loss nor a gain.
- C. The executor and the son will make a gain, the daughter will make a loss.
- D. The executor will make a gain, the son and daughter will make neither a loss nor a gain.
- E. The executor and the son will make a gain, the daughter will make neither a loss nor a gain.

Question 71

A woman has died. A few days after her body was found, her husband went to a public house and became very drunk. He admitted to a friend that he had killed his wife because he was jealous of her relationship with another man. This conversation was overheard by the landlord of the public house. The man's friend and the landlord gave statements to the police detailing the man's admission. The man has been arrested on suspicion of murder and interviewed under caution, during which he denied killing his wife and denied making the admission to his friend.

Is the man's admission to his friend in the public house admissible at his trial as an exception to the rule against hearsay?

- A. No, because the admission was made outside his trial.
- B. No, because the admission was not confirmed by the man in his interview under caution.
- C. Yes, because the admission can be corroborated by more than one person.
- D. Yes, because it is an admission to an offence.
- E. No, because the man was drunk when he made the admission.

Question 72

A firm of solicitors is acting on behalf of a client who is selling his property and purchasing a new property. A deposit of £25,000 has been received in respect of the sale and is held as stakeholder.

Which pair of double entries shows how the receipt of the deposit should be recorded?

- A. Credit cash sheet client account
Debit stakeholder ledger
- B. Credit cash sheet business account
Debit stakeholder ledger
- C. Credit client ledger client account
Debit stakeholder ledger
- D. Credit stakeholder ledger
Debit cash sheet client account
- E. Credit cash sheet client account
Debit client ledger client account

Question 73

A solicitor has been contacted by a woman who asks him to represent her father by attending him at the police station. The father has been arrested on suspicion of attempted murder and is in custody at the police station. The solicitor is fully aware of the circumstances of the allegation as he represented the woman's brother several days ago when the brother was arrested for the same offence. The brother has now been charged with the offence. The firm will carry out the usual conflict of interest check.

Do the rules of professional conduct allow the solicitor to represent the woman's father at the police station?

- A. No, although the solicitor can accept instructions from a third party, he cannot accept instructions from a close family member of the proposed client.
- B. No, the solicitor cannot accept instructions from a third party under any circumstances.
- C. Yes, the solicitor can accept instructions from the woman provided he is satisfied that the woman has the authority to give instructions and that there is no conflict of interest or risk of conflict.
- D. Yes, the solicitor can accept instructions from the woman provided he is satisfied that the woman has the authority to give instructions. A conflict of interest can never arise between close family members and there is no need to wait for the outcome of the conflict of interest check.
- E. Yes, the solicitor can accept instructions from the woman provided he is satisfied that the woman has the authority to give instructions. A conflict of interest will not arise where close family members are implicated in the same offence and there is no need to wait for the outcome of the conflict of interest check.

Question 74

A woman died and was survived by her husband and son who is aged 30 years. Under the terms of her will, the woman created a trust fund of her residuary estate in the following terms:

“to pay the income from my residuary estate to my husband for the remainder of his life and after his death I GIVE my residuary estate to my son if he survives my husband and attains the age of 25 years but if he does not so survive then to my sister absolutely”.

The husband is discussing the possibility of bringing the trust to an end with the trustees.

Whose consent is required to bring the trust to an end now?

- A. The husband and the son.
- B. The husband, the son and the sister.
- C. The husband and the sister.
- D. The sister.
- E. The son and the sister.

Question 75

A woman died six months ago leaving an estate of £60,000 to be divided equally between her three children at the age of 21. Her son is 24 and her two daughters are 19 and 14. Her son is about to receive his share of the estate. The trustees have received a request to advance capital to help set up the elder daughter's new catering business. The woman's will does not extend the trustees' powers of advancement.

What is the maximum amount the trustees can apply in accordance with the request?

- A. £0.
- B. £10,000.
- C. £20,000.
- D. £30,000.
- E. £40,000.

Question 76

A woman who is holding a laptop is walking home with her daughter when a man approaches them, points at the daughter and screams at the woman “Give me your laptop or I’ll break the girl’s neck.” His intention is to cause them both to fear that he will use the violence he threatens and then steal the laptop. The woman throws the laptop at the man who takes it and the woman and her daughter run away. The man is later caught and charged with robbery.

Is the man guilty of robbery?

- A. No, as he did not use actual force on any person.
- B. No, as his threats were directed at the daughter and not the woman who was the person in possession of the laptop.
- C. Yes, as he has stolen the laptop and immediately before and in order to do so has caused the woman and her daughter harassment, alarm or distress.
- D. Yes, as he has stolen the laptop and immediately before and in order to do so has put the daughter in fear of being then and there subjected to force.
- E. No, as he did not have with him a firearm or offensive weapon.

Question 77

A man owns the freehold of a commercial building and intends to grant a lease of the building to an insurance company. The man is registered for Value Added Tax (VAT) and, prior to granting the lease, exercises the option to tax for the building. The insurance company makes only exempt supplies for the purposes of VAT in the course of its business.

What effect does the man's option to tax the building have on the rent payable to the man by the insurance company?

- A. The rent payable will not be subject to VAT.
- B. The rent payable will be subject to VAT at 0%.
- C. The rent payable will be subject to VAT at 20%, which will be recoverable by the insurance company.
- D. The rent payable will be subject to VAT at 20%, which will be irrecoverable by the insurance company.
- E. The rent payable will be discounted in the hands of the insurance company by 20%.

Question 78

A man was drinking in a public bar and became very intoxicated. He had an argument with another customer and suddenly smashed this other customer in the face with his empty glass causing a wound that amounted to grievous bodily harm. The man was so intoxicated that he did not know what he was doing. The man's intoxication was voluntary. The man was arrested by the police. He has been charged with wounding with intent to cause grievous bodily harm.

Which of the following best describes the man's liability for wounding with intent to cause grievous bodily harm?

- A. He is not guilty because he was so intoxicated that he did not form the necessary intention for the offence.
- B. He is not guilty because intoxication provides a reasonable excuse for the attack.
- C. He is guilty because his voluntary intoxication is sufficiently reckless to satisfy the mens rea requirement for this offence.
- D. He is guilty because causing grievous bodily harm with intent is a crime of specific intent and intoxication is no defence to a crime of specific intent.
- E. He is guilty because causing grievous bodily harm with intent is a crime of basic intent and intoxication is no defence to a crime of basic intent.

Question 79

A freeholder ('the landlord') granted a ten year headlease to a tenant. After a year the tenant, with the landlord's consent, granted a sublease for a term of five years to a subtenant. Two years later, the tenant surrendered its headlease to the landlord.

Which of the following statements best describes the position of the subtenant?

- A. The subtenant's sublease is extinguished.
- B. The subtenant becomes the immediate tenant of the landlord on the terms of the headlease.
- C. The subtenant becomes the immediate tenant of the landlord on the terms of the sublease.
- D. The subtenant becomes the immediate tenant of the landlord on the terms of an overriding lease.
- E. The subtenant's sublease is forfeited.

Question 80

Three men and a woman enter an office where the woman works between 9am-5pm, Monday to Friday. The group enter the office at 10pm on a Saturday night to have a party. The woman lets them in using her keys. After half an hour they become bored and so one of the group suggests that they look around to see if there is any alcohol they can steal. Whilst inside the office the group search through the drawers and find some whisky which they drink. They also find £300 which they steal.

Which of the following best describes whether they are guilty of burglary?

- A. They are all not guilty because they did not enter as trespassers as the woman works in the office and has permission to enter.
- B. Only the men are guilty because the woman is not a trespasser as she works in the office and has permission to enter.
- C. They are all guilty because they all entered as trespassers and then stole when inside the office.
- D. They are all not guilty because they did not use any force to enter the office.
- E. They are all guilty as there was an intention to steal formed at the point of entry to the office.

Question 81

A solicitor is acting for the buyer of a freehold property with registered title. The seller's solicitor tells the buyer's solicitor that the property benefits from a legal right of way on foot, across a neighbour's registered freehold property, to reach a road.

What will the buyer's solicitor look for when examining the Land Registry official copy of the title to the property to confirm that the right of way is properly registered?

- A. An entry referring to an easement in the Property Register.
- B. An entry referring to an easement in the Proprietorship Register.
- C. An entry referring to an easement in the Charges Register.
- D. A restriction on dealings in the Proprietorship Register.
- E. An entry referring to a restrictive covenant in the Charges Register.

Question 82

A freeholder ('the landlord') has granted a commercial lease of a property to a tenant. The lease provides that the property may not be used other than for retail purposes. The tenant is a bookstore and requests landlord's consent to assign the lease to a supermarket. The bookstore is an independent trader that is finding it difficult to pay the rent. The supermarket is operated by a highly profitable national chain. The landlord wishes to withhold consent to the assignment, because it operates another supermarket opposite the property and is concerned that the assignee will take trade away from its own business.

The relevant wording of the alienation covenant in the lease is as follows:

"The Tenant shall not assign underlet or charge the Property without the prior written consent of the Landlord".

Can the landlord lawfully withhold consent to the assignment on the basis of the assignee's business?

- A. Yes, because a supermarket does not qualify as a retail purpose.
- B. Yes, because the landlord does not have to act reasonably in withholding consent.
- C. Yes, because competition by the assignee with the landlord's business is a ground for reasonably withholding consent.
- D. No, because competition by the assignee with the landlord's business is not a ground for reasonably withholding consent.
- E. No, because the supermarket is in a better financial position than the bookstore and consent cannot be withheld if the assignee provides a stronger covenant.

Question 83

A solicitor is acting for the seller of a freehold property with unregistered title. The solicitor is preparing for deduction of title to the property to a solicitor acting for the buyer. He examines the deeds and documents relating to the property.

Which of the following is the best candidate for a good root of title when deducing title to the property?

- A. A conveyance of the property, dated 10 March 1984.
- B. An assent of the property, dated 30 April 1988.
- C. A planning permission for the property, dated 15 May 2015.
- D. A will devising the property, dated 20 May 1984.
- E. A land charges search certificate, dated 8 March 1984.

Question 84

A solicitor supplements his income with buy-to-let flats. The solicitor decides to sell one of the flats and use the capital for another investment. One of the solicitor's clients offers the full asking price for the flat and the solicitor accepts his client's offer.

In the full knowledge that the solicitor is the seller, the client instructs the same solicitor in writing to act as his solicitor in the transaction. The solicitor accepts the instruction and prepares all the documents. The transfer is completed without complications.

Were the solicitor's actions in accordance with the SRA Standards and Regulations?

- A. Yes, because a solicitor can act where there is an own interest conflict if he has received written consent from the client.
- B. Yes, because a solicitor can act where there is an own interest conflict if he is satisfied it is in his client's best interests.
- C. Yes, because a solicitor can act where there is an own interest conflict if the solicitor and the client have a substantially common interest.
- D. No, because a solicitor cannot act if there is an own interest conflict unless the solicitor and the client are competing for the same objective.
- E. No, because a solicitor cannot act if there is an own interest conflict or a significant risk of an own interest conflict.

Question 85

A man has been arrested on suspicion of common assault by battery. He is a professional football player earning £180,000 per year. It is alleged that the man punched a photographer who was trying to take a picture of him whilst he was having a drink with a woman in a bar. The man has never been in trouble with the police before.

Will the man be entitled to publicly funded legal representation in connection with the defence of his case?

- A. The man will not be eligible for publicly funded legal representation by the duty solicitor at the police station because he will fail the means test.
- B. The man will be eligible for publicly funded legal representation by the duty solicitor at the police station and at all hearings up to and including sentence.
- C. The man will be eligible for publicly funded legal representation by the duty solicitor at the police station, limited to telephone advice only.
- D. The man will be eligible for publicly funded legal representation by the duty solicitor at the police station. He will also be able to get a representation order in the magistrates' court provided that he passes the interests of justice test, because there is no means test in the magistrates' court.
- E. The man will be eligible for publicly funded legal representation by the duty solicitor at the police station. He will not be able to get a representation order in the magistrates' court, because even if he passes the interests of justice test, he will fail the means test which applies in the magistrates' court.

Question 86

A man died ten months ago domiciled in England and Wales. A grant of representation to his estate was issued seven months ago. By his will, the man left all of his estate to his favourite charity. The man's widow is considering whether to bring a claim against his estate under the Inheritance (Provision for Family and Dependants) Act 1975 (the Act). There are no circumstances in which a court would give leave for a late application to be made under the Act.

Which of the following statements best explains whether the widow is able to bring a claim under the Act?

- A. The widow is able to bring a claim because a grant of representation was issued less than two years ago.
- B. The widow is able to bring a claim because the grant of representation was issued less than six months after the date of death.
- C. The widow is able to bring a claim because the man died less than two years ago.
- D. The widow is not able to bring a claim because the man died more than six months ago.
- E. The widow is not able to bring a claim because the grant of representation was issued more than six months ago.

Question 87

A woman was travelling on a train late at night when she was approached by a man holding a large knife. The woman ran away and fell, injuring her knee. The man had not intended to cause the woman any injury and had not realised that his actions created a risk of injury. The man did realise that his actions created a risk that the woman would fear that she would be subjected to immediate unlawful force.

Is the man guilty of assault occasioning actual bodily harm?

- A. No, because he did not realise that his actions created a risk of injury.
- B. No, because he did not intend to cause an injury.
- C. No, because injury was not a virtually certain consequence of his actions.
- D. Yes, because he realised that his actions created a risk that the woman would fear immediate unlawful force and injury was caused.
- E. Yes, because a reasonable person would have realised that there was a risk of injury and injury was caused.

Question 88

Under the terms of a man's will, the whole of his estate was given to his daughter. The man had a serious disagreement with his daughter and decided that he no longer wanted her to be the beneficiary of his will. He tore his original will into four pieces.

The man and his daughter are now reconciled and the man regretted his earlier decision. He wants his daughter to inherit the whole of his estate.

Is the man's will valid?

- A. No, because the will was revoked by destruction.
- B. Yes, because his daughter is the beneficiary named in the will and the man intends her to inherit the whole of his estate.
- C. No, because the will must be read as a whole and this is no longer possible.
- D. Yes, because a will must be revoked by a revocation clause in a new will executed in accordance with s.9 Wills Act 1837.
- E. Yes, because the doctrine of dependent relative revocation will apply.

Question 89

The freeholder of a commercial building (“the landlord”) granted a lease of the whole building to a tenant. The tenant is concerned that the building does not benefit from enough natural light and now wishes to create two new apertures in an external wall of the building to accommodate windows. The tenant is seeking the consent of the landlord to make these alterations.

The alterations covenant in the lease is as follows:

“The Tenant may not make alterations to the Building save for non-structural alterations”.

Can the landlord withhold consent to the tenant’s proposed alterations without giving reasons?

- A. Yes, because the landlord retains ownership of the external walls.
- B. Yes, because there is an absolute prohibition against structural alterations.
- C. No, because a proviso that landlord’s consent is not to be unreasonably withheld is implied into all absolute prohibitions on all alterations.
- D. No, because a proviso that landlord’s consent is not to be unreasonably withheld is implied into absolute prohibitions on structural alterations.
- E. No, because the proposed alterations are non-structural.

Question 90

A firm of solicitors is acting on behalf of the executors of a will. The administration of the estate will be completed shortly and the executors have asked the firm to pay the legacies due under the will. As a separate matter the firm also acts for one of the beneficiaries of the will in connection with the beneficiary's purchase of a property. The beneficiary is entitled to a legacy of £20,000 from the will. The beneficiary intends to use this £20,000 legacy to repay the £2,000 the firm has already incurred in surveyor's fees and searches (for which the firm has billed the beneficiary) and intends the balance of £18,000 to be retained by the firm as part of the purchase price.

Which of the following statements best explains the action the firm should take?

- A. The firm cannot transfer the funds from the executors' client account ledger to the beneficiary's client account ledger. The firm must send a cheque to the beneficiary for £20,000.
- B. The firm can transfer £2,000 from the executors' client account ledger to the firm's business account but must send a cheque for £18,000 to the beneficiary.
- C. The firm can transfer £2,000 from the executors' client account ledger to the firm's business account and then transfer £18,000 to the beneficiary's stakeholder account ledger.
- D. The firm can transfer £20,000 from the executors' client account ledger to the beneficiary's client account ledger and then transfer £2,000 to the firm's business account.
- E. The firm can transfer £20,000 from the executors' client account ledger to the beneficiary's client account ledger but cannot transfer £2,000 to the firm's business account until the purchase of the property is completed.

Answers

Question	Answer	Question	Answer
1	C	46	B
2	C	47	A
3	B	48	E
4	C	49	B
5	C	50	D
6	D	51	E
7	B	52	B
8	C	53	D
9	D	54	E
10	D	55	A
11	B	56	D
12	D	57	D
13	C	58	A
14	D	59	D
15	D	60	C
16	B	61	C
17	E	62	E
18	A	63	D
19	E	64	D
20	D	65	A
21	A	66	A
22	E	67	B
23	B	68	D
24	A	69	E
25	A	70	A
26	B	71	D
27	C	72	D
28	A	73	C
29	B	74	B
30	D	75	C
31	B	76	D
32	C	77	D
33	E	78	A
34	A	79	C
35	D	80	C
36	E	81	A
37	D	82	C
38	A	83	A
39	C	84	E
40	A	85	E
41	D	86	E
42	A	87	D
43	B	88	A
44	B	89	B
45	D	90	D

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