



Sample Questions for NALP Level 3 Qualifications –

Typically most unit assignments will have a scenario and a series of questions with marks totaling 100 (sometimes there may be 6 questions – other times the assignment may be divided into 13 or 14 questions). Questions generally range from 5 marks to 20 marks such as the example below. Sometimes there may be less marks awarded if the question simply requires a definition, such as **what does Intestate mean? – 2 marks**

Students have to pass all learning outcomes which are clearly marked within the chapters of the Level 3 Workbooks.

SAMPLE 1 – UNIT 30 – An introduction to Law for Paralegals

Q1 a) Explain the stages that a Bill must go through in order to become an Act of Parliament. Once an Act is passed explain the various rules of language that are applicable so as to allow a judge to interpret the Act **10 marks**

b) Explain what is meant by a precedent and how this works within English law **5 marks**

c) What is meant by the expression 'separation of powers' and how does this guarantee the independence of the judiciary **5 marks**

This covers Learning Outcome 2 of Unit 30: A detailed knowledge of how law is made.

Areas covered should include:

How an Act of Parliament is created – the stages

Statutory Interpretation: literal rule, mischief rule, golden rule

Judicial precedent, binding and persuasive precedent, ratio decidendi, obiter dicta, law reports

The role of the judiciary, executive and legislature, separation of powers

Q2 Describe what is meant by the word Tort and the concept of common law negligence.

5 marks

This covers Learning Outcome 3 of Unit 30: Knowledge and application of understanding of the general legal principles of contract and tort law

Areas covered should include

An explanation of the concept of tort

Duty of care
Test of reasonableness
Proximity
Foreseeability

SAMPLE 2 – UNIT 31 – Legal Ethics and Responsibilities for Paralegals

You have been instructed in the matter of Imelda Jones and her daughter Bella Jones. She is a very able 90 years old, and attends your office with Bella. She wants to discuss the family business and in this regard wants to know about how to maintain the business secrets and would seek your advice on this. She also informs you that she wishes to transfer her house to Bella in order to avoid paying nursing home costs. Furthermore she would like to make a Will and that she would like Bella present when she does as she can answer all the legal questions. She also has another matter that

Q. Explain how you would prepare for a client meeting and the sort of matters that you would consider and how you would record the information. **20 marks**

Such a question relates to Learning Outcome 2 of Unit 31 – Know how to conduct a client interview effectively and efficiently:

Answers should cover the following points:

- How to take instructions
- Key stages of a client interview
- Dealing with vulnerable clients
- Responding to client's queries
- Regulation of services
- Drafting attendance note

SAMPLE 3 – UNIT 32 – Wills and Succession for Paralegals

A new client, Mr Smart, has come into the office over his brother's estate. His brother, Lanson Smart, has died without making a Will and he will require advice on what to do.

Q1 How is an estate distributed where a person dies intestate? **12 marks**

This covers learning Outcome 5 of Unit 32 – Understand the operation of the statutory Rules of Intestacy

Answers should cover the following points:

- Intestacy
- Administration of Estates Act 1925/S49
- Deaths after 2009
- Intestate Act 1952
- Distribution of beneficial entitlement on intestacy

Q2 If a person dies with a valid Will explain what grant of probate is required and how this is obtained? **10 marks**

This covers learning Outcome 7 of Unit 32 – Understand the law in relation to grants of representation

Answers should cover the following points:

- Probate
- Letters of Administration with the will
- Letters of Administration

SAMPLE 4 – UNIT 33 – Civil Litigation for Paralegals

Joseph Bright has come into the office and asks you to act on his behalf in connection with a claim he has against a Coffee Shop following an injury sustained when he popped in and ordered a coffee. The floor surface was wet and he slipped and broke his toe. There had been no warning signs or notices.

Q1 Explain to Joseph what your role as a paralegal will be in these circumstances? (4 marks)

This covers learning outcome 1 and in particular the role of the paralegal in differing circumstances

Answers should cover the following points:

- Trying to broker a settlement
- Concept of settlement/compromise
- Overriding objective

Q2 Joseph has been informed that legal fees can amount to a lot of money and is concerned that he will be landed with a hefty bill whether he wins or loses. Discuss the options available to him (10 marks)

This covers learning outcome 2 - relating to how civil actions can be funded

Answers need to cover the following points:

- The various methods of funding
- The most likely method for Joseph's case
- Any relevant other points

Q3 Explain the concept of disclosure and when this takes place (5 marks)

This covers learning outcome 4 - relating to understanding how to prepare for trial

Answers need to cover the following points:

- Evidence needs to be declared
- Can be no surprises
- Privileged documents

SAMPLE 5 – UNIT 34 - Criminal Litigation for Paralegals

Helen White comes into the office and tells you that she has been accused of shop lifting from Freezeland. She is alleged to have stolen two frozen packs of chicken wings and a bottle of water. She tells you that she has no recollection of taking any of the items concerned. She explains that she was apprehended in the store and the police were called. When the police arrived her bag was searched after which she was arrested and taken to the local police station. She requested a solicitor but was told that would not be necessary as it was an open and shut case and if she pleaded guilty it would go better for her. She remembers being told to sign something but isn't sure what this was. At this point she was released on bail and is due to appear at the magistrates court in three days time. This is her first alleged offence

Q1 Were the police entitled to search her before she was arrested (5 marks)

This covers Learning Criteria 1 of Unit 34 – understand police powers in the investigation and detection of a crime

Areas covered should include the following:

- The power of stop and search
- Search before and after arrest

- Search of a person or vehicle
- Intimate search
- Search of premises

Q2 Describe the mode of trial procedure and explain what factors a magistrates will take into account when deciding on the mode of trial and the most likely choice they would make here. (10 marks)

This covers Learning Outcome 3 of Unit 34 - Know in detail the classification of criminal offences and the criminal procedure that flows from each

Areas covered should include the following:

- Investigation
- Charge/summons
- Initial appearance at Magistrates Court
- Mode of trial enquiry
- Summary trial or committal hearing
- Plea and case management hearing
- Disclosure
- Trial on indictment

SAMPLE 6 – UNIT 35 – Commercial law for Paralegals

You work for the corporate department of a law firm. You have been asked to advise John Jones and Chris Carter who tell you that they have opened a cheese factory and have been producing a range of cream cheeses and hard cheeses that have proved so popular that the business has expanded enormously and they now have to consider the best format for the business in the future.

Q1 Explain the various business entities and the differences, advantages, and disadvantages between a partnership, limited liability partnership and private limited company (13 marks)

This covers Learning outcomes 1 and 2 of Unit 35 - understanding the formation and principles of a company and a partnership

Areas covered should include:

- Advantages/disadvantages of forming a company
- Formalities
- Tax implications
- Liability
- Definition of partnership
- Partnership agreement
- Formation of partnership and LLP
- Members and designated members property
- Fiduciary duty

- Winding up

Your clients tell you that they have developed a recipe for the most incredible tasting cheese! it is called the 'tricolour' and is three flavours of cheese in one. The technique used for achieving this is highly confidential and only John and Chris have the secret. They have also developed a stunning design for the covers of the cheese wrappers which again they would like to protect. There is however something that concerns you and that they tell you their claim to the unique technique is a recreation of an old idea and as such the idea may not be truly unique. This is worrying, because there is an on going negotiation with a distributor and wholesaler and fundamental to them entering into a three year contract is the purported exclusivity of the ability of the clients to produce the three flavoured cheese.

Q2 Explain what is meant by misrepresentation and what could happen to any contractual relationship formed if your clients were shown to have been deceitful concerning the exclusivity of the three flavoured cheese recipe (6 marks)

This covers Learning Outcome 4 of Unit 35 - understanding vitiating factors that affect a contract

Areas covered should include:

- Definition of misrepresentation
- Terms and representations
- Burden of proof
- Remedies

SAMPLE 7 – UNIT 36 – Conveyancing for Paralegals

You are instructed by Sarah Boodle who is buying a house 52 Hook Road, Little Hampton. She tells you that the house was last sold in 1956. Just before she died the previous owner took out a small mortgage on the property. Sarah informs you that she will be buying this property with her partner. She also tells you that the house was built in the nineteenth century near some coalmines. The area is now a beauty spot with no sign of the original mines. The cost of this house is £335,000, which Sarah says that she and her partner can just about afford.

Q1. Explain the essential matters that the buyers would expect to find in a contract of sale. Further, what matter would you expect to find included in a pre-contract check list (15 marks)

This covers Learning Outcomes 3 & 4 of Unit 36: know the steps of the conveyancing pre-contract process and know the procedure for exchange of contracts

Areas covered should include:

- Formalities of a valid contract
- When contracts can be exchanged
- Effect of a binding contract
- Methods of exchange

Q2. Given that the property was purchased in 1956 and is unregistered, explain the difference between registered and unregistered land and how do the Seller's legal representatives deduce title to the buyer's solicitors? How does this differ from registered land? (15 marks)

This covers Learning Outcome 1 of Unit 36: Understand the difference between registered and unregistered land

Areas covered should include:

- The differences between registered and unregistered land
- The differences between registered and unregistered conveyancing

Q3. What will be the percentage on stamp duty that will be payable on the purchase and when will this be payable? (3 marks)

This covers Learning Outcome 6 of Unit 36: Understand post-completion matters

Areas covered should include:

- Thresholds of SDLT
- The procedure for discharging SDLT

SAMPLE 8 – UNIT 37 – Employment Law for Paralegals

Deena Thompson was placed with a solicitors firm Stone & Gambit, by an agency she was registered with called Sour Temps. You agree that after hearing the facts surrounding her period of employment there that she was treated badly.

Q1. Explain why she would not be classed as an employee of Stone & Gambit and the various tests that would be applied to establish this. (10 marks)

This covers Learning Outcome 1 of Unit 37: Know and evaluate the difference between employees and other types of workers

Areas covered should include:

- Definition of an employee
- Full-time worker
- Part-time worker
- Independent contractor
- Agency worker
- Mutuality of obligations test
- Integration test
- Economic reality test
- Multiple test

Amy Brown was employed by Green & Co and had been there since 2008 with an unblemished employment record. Three months ago a new manager started who took an instant dislike to her. One day without warning Amy was called into the managers office and was told that she was being made redundant that day. She was also told she was incompetent. Two days later she went in to collect some personal items and saw that her job had been taken over by one of the managers friends

Q2. Describe how an action to an employment tribunal would be commenced and provide a brief summary of the contents of an ETI. If Amy was successful explain the three remedies that a tribunal can award. (6 marks)

This covers Learning Outcome 4 of Unit 37: Demonstrate a detailed knowledge of the principles and practice of unfair dismissal, constructive dismissal, wrongful dismissal and redundancy

Areas covered should include:

How to commence a claim
Content of an ETI form
Remedies available

SAMPLE 9 – UNIT 38 – Consumer Rights and Remedies for Paralegals

Harry Jones lives at 47 High Street, Bonnet on Sea, BS2 3LP. He seeks advice on the following: He recently engaged the services of Jane Gray, an electrician, to do some work on the wiring in his front room. She fitted new wiring, tested it and it appeared to work, so she left an invoice and went. Eight hours later, a short circuit occurred on the wiring she had fitted and subsequently caused damage in his front room. He has since contacted Jane who denies any liability and has demanded that her bill be paid. This is all of the information that you have on this matter prior to the interview.

Q1 Identify the relevant terms under the Consumer Rights Act 2015 that would be relevant to the problem that Harry Jones has. (13 Marks)

This covers Learning Outcome 2 of Unit 38: A thorough understanding of the nature of consumer law and practice in England and Wales

Areas covered should include:

Service rendered with reasonable care and skill
Service must be described
Satisfactory quality
Fit for purpose
Key principles protecting consumers of supply of goods and services
Statutory Rights available to consumers

Harry decides that he will try and repair the wiring himself. He goes on line and orders replacement wiring. Three days later he goes past 'Phillip's Hardware' an electrical supply shop. In

the window is exactly the same wiring he needs and has ordered, but for half the price. He goes into the shop to buy it but is told that this is a sample so he will have to order one that will be there tomorrow and he has to pay for it in advance. He does this and tries to cancel the one he has ordered on line. The online supplier tell him that it has already been dispatched, but he can return it and he will have to pay a previously undisclosed handling charge. The handling charge, in fact, is just a few pence short of the cost of the actual wiring. The next day this arrives in the post. Further, when he goes to 'Phillip's Hardware' to collect the one he has ordered it is a different size to the one in the window and the shop refuse to give him his money back.

Q2 (a) Prepare a set of notes that you would use to advise Harry of his position under the Consumer Contracts Regulations. (10 marks)

(b) What are his rights concerning goods that are sold by sample. (10 marks)

This covers Learning Outcome 2 of Unit 38: A thorough understanding of the nature of consumer law and practice in England and Wales

Areas covered should include:

Rejection of goods

Consumer Protection (Distance Selling) Regulations 2000

Provisions of Sale of Goods Act 1979 and the Supply of Goods and Services Act 1982