





5528-354 NOVEMBER 2015 Level 3 Diploma in Legal Administration

Proofreading in the legal environment

If provided, stick your candidate barcode label here. Thursday 5 November 2015 10:00 – 11:00

Candidate name (first, last)		
First		
Last		
Candidate enrolment number	Date of birth (DDMMYYYY)	Gender (M/F)
Assessment date (DDMMYYYY)	Centre number	Candidate signature and declaration
• If any additional answer shoets	arousod optor the additional r	number of pages in this box 📥 🚺

- If any additional answer sheets are used, enter the additional number of pages in this box.
 Please ensure that you staple additional answer sheets to the back of this answer
- booklet, clearly labelling them with your full name, enrolment number, centre number and qualification number in BLOCK CAPITALS.
- All candidates need to use a **black/blue pen. Do not** use a pencil or gel pen.
- If provided with source documents, these documents **will not** be returned to City & Guilds, and will be shredded. **Do not** write on the source documents.

*I declare that I had no prior knowledge of the questions in this assessment and that I will not divulge to any person any information about the questions.

You should have the following for this examination

• a pen with black or blue ink

General instructions

- The duration of this paper is 1 hour.
- The test is formed of two parts. Part 1 contains a passage which you need to compare and identify the **15** errors and Part 2 contains an article which you need to identify and correct the **35** errors.
- You can identify up to a **maximum** of **42 errors** in Part 2. However, if more than 42 errors are identified, your examination result will become void.
- You are required to achieve a minimum number of marks in both parts in order to pass.
- You will be **allowed** to use English, legal or mother tongue dictionaries to assist you in this test.
- The invigilator will tell you when you can start the test.
- At the end of the hour, the invigilator will tell you to 'stop writing' and to put your pens down. The invigilator will then collect the papers and return them to City & Guilds to be marked.

For examiner's use only			
Part 1			
Part 2			
Total			

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Part 1

Candidate instructions

- Compare the following passages.
- You are required to circle the **fifteen** errors, in **pen**, on the **second** passage.

1st passage

Litigation

The legal services provided in most civil matters include pre-action protocols, negotiation, mediation and contentious litigation. Most solicitors act for claimants and defendants in a variety of matters. These include claims surrounding:

- boundary and neighbour disputes
- breach of contracts
- business disputes
- conflicts relating to property rights
- consumer rights
- landlord and tenant issues
- recovery of money/debt recovery

Lawyers aim to resolve civil disputes and to avoid costly litigation. However, where a court action is necessary, the client's best interests are represented in an efficient, robust and cost-effective manner.

2nd passage

Litigation

The legal services provided in most civil matters includes pre-action protocols, negotiation, mediation and contentious litgation. Most solicitors' act for claimants and defendents in a variety of matters These include claims surrounding:

- boundary and neighbour disputes
- breach of Contracts
- business disputes
- conflicts relating to property rights
- consumer rights
- landlord and tennant issues
- recovery of money/debt recovery

Laywers aim to resolve civil disputes and to avoid costly litigation. However where a court action is necessary, the clients best interests are represented in an effficient, robust and cost- effective manner.

(15 marks)

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For examiner's use only

Spelling	Punctuation	Consistency Grammar Presentation	Total

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Part 2

Candidate instructions

- The article contains **thirty-five** errors which will be in the form of spelling, punctuation, consistency, grammar and presentation.
- You are required to circle, in **pen**, all the errors that you can find **and** write the correct answers in the margin.

Is it Manslaughter or Murder

When a person kills someone but had intended only to hurt them or to exert some force on them, then this is called manslaugter. It is considered to be a less serious offence than murder.

Murder are committed when a person of "sound mind" unlawfuly kills another person, with the intention to either kill or cause "grevous bodily harm". A person who is charged with murder must be tried at a Crown Court before a judge and jury. After one appearence before a Magistrates Court, the case will be sent directly to the Crown Court.

The crime of murder carry's a mandatory life sentence for an adult. If a person under the age of 18 are convicted of murder, then the person is detained "at Her Majestys pleasure". This in affect means that the length of the sentence in real terms will vary dependant upon the individual circumstances. Such circumstances could include the way in which the offence was commited, whether it was with anyone elses' help, and weather a weapon was used.

Attemted Murder

Where an assault takes place that is of the same level of seriousness as some murders, but where the victim has not died, then the offence of attempted murder could be applied. In order to be guilty of this offense a person must have had the intention to kill another person and must have done something 'more than merely preparatory" to commit the killing. For example, this could mean that knocking on someone's door with a sharp kitchen knive, while intending to kill, could be considered to be attempted murder. Physically stabbing someone with a knife, but not succeding, is much more likely to be considered to be attempted murder. In most cases, the charge of attempted murder must involve an attempt so serious that death could well have resulted from the actions of the defendent. When deciding whether or not someone is guilty of attempted murder, a jurry will consider the following factors;

Write the correct answers below

Write the correct answers below

- Was a weapon used that could easily have caused death (for example, a gun)?
- Was the attack so serious that it looked as if murder had been intended
- Where any words or behaviour used by the defendant that indicated the intention to kill?

There are some defences to murder which may apply. These could include self-defence and defence of another. Partial defences are differrent to complete defences (such as self-defence] as they bear all the ingredients of murder but if successfully argued, reduce the offence to an act of "voluntry manslaughter", not murder. There are three partial defences to murder: diminished responsibility loss of control and killing in pursuance of a suicide pact. In all such cases, the client must be carefully guided by the solicitor working on the case. Baristers should be chosen on the basis of their direct experience of these cases and on their track record. A QC (Queens Council) will usually also be required to help defend the case.

For examiner's use only

Spelling	Punctuation	Consistency Grammar Presentation	Total