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Exam : **E05**

Title : Examination element of M05 Insurance law

Version : DEMO

1.Which proceeding illustrates public law in England and Wales?
A. A claim for damages for a breach of contract.
B. A prosecution seeking a fine for a criminal offence.
C. A claim seeking compensation for negligence.
D. An application to enforce a beneficiary's rights under a trust.
Answer: B
Explanation:
Public law concerns the exercise of state power and matters affecting the community. A criminal prosecution is brought to establish an offence and obtain a public penalty, so B is the example of public law.

2.An English local authority buys office equipment from a supplier on ordinary commercial terms. It claims compensation because the goods supplied did not meet the terms agreed. It relies only on the supplier's promise, not on any statutory power.
How should this claim be classified?
A. Public law — enforcement of contractual rights.
B. Private law — enforcement of contractual rights.
C. Public law — exercise of statutory powers.
D. Private law — enforcement of duties imposed by tort law.
Answer: B
Explanation:
B is correct because the authority is enforcing a promise in an ordinary commercial agreement. Contractual rights of this kind belong to private law.

3.Which statements about the legal system of England and Wales are correct? (Choose three)
A. Legal rules established by higher courts can bind lower courts.
B. An Act of Parliament can alter a rule developed at common law.
C. Ministers may direct judges how to decide individual cases.
D. Common law and equity can be administered in the same civil proceedings.
E. England and Wales share a single legal jurisdiction with Scotland.
Answer: A, B, D
Explanation:
Under the doctrine of precedent, relevant legal rules established by higher courts can bind lower courts; this does not make every comment in a judgment binding. Parliament can change common-law rules by legislation. Courts can administer common law and equity together in civil proceedings; they are not separate court systems that a claimant must use one after the other.

4.An insurance claims handler compares two sources of English law: an Act passed by the UK Parliament that has received Royal Assent, and a judgment in which a court develops a rule of contract law.
How should these two sources be classified?
A. Act: primary legislation; judgment: case law.
B. Act: case law; judgment: primary legislation.
C. Act: delegated legislation; judgment: case law.

D. Act: primary legislation; judgment: delegated legislation.
Answer: A
Explanation:
An Act enacted by Parliament is primary legislation. A legal rule developed through a court judgment belongs to case law.

5.Assume an Act applying in England and Wales authorises a minister to prescribe the form of an application. Using that power, the minister makes a statutory instrument. One provision instead introduces a new levy that the Act does not authorise. No other enactment confers power to impose it. Which statement about that provision is correct?
A. It is primary legislation, so only a later Act can remove it.
B. It is case law, so a higher court must overrule it.
C. It is delegated legislation that may be challenged in court for exceeding the power granted.
D. It is delegated legislation whose publication prevents a challenge based on the limits of that power.
Answer: C
Explanation:
The minister is exercising a power delegated by an Act; a statutory instrument is a common form of delegated legislation. Its provisions must remain within the authority conferred. The stated power covers an application form, not the new levy, and the QUESTION NO: excludes another statutory source of authority. The provision may therefore be challenged in court as beyond the power granted, often called ultra vires.