

TOLES FOUNDATION EXAMINATION

Test of Legal English Skills – knowledge and
understanding of legal vocabulary

Do NOT open this paper until the invigilator gives you permission to do so.

You may NOT use a dictionary.

Answer all questions on the answer sheets in this booklet, using pen.

The time allowed for this examination is 90 minutes.

Legal reading and writing

Candidate code:																				
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SECTION 1

Look at the groups of words below. In each group, three of the words belong to the same subject area and there is one word that does not belong. **Put a circle around the word that is the odd one out.** Do NOT circle more than one answer for each sentence.

There is an example at the beginning (*).

(5 points)

Example
(*)

A. *account*

B. *money*

C. *shares*

D. *withdraw*

(1)

A. employer

B. salary

C. work

D. offer

(2)

A. premises

B. sole trader

C. company

D. partnership

(3)

A. solicitor

B. barrister

C. attorney

D. court

(4)

A. tenant

B. insolvent

C. landlord

D. rent

(5)

A. offer

B. acceptance

C. sue

D. consideration

SECTION 2

Look at the sentences below. Each sentence contains a mistake. The mistake is either an incorrect word or a word that should not be there. **Put a circle around the word.** Do NOT circle more than one answer for each sentence.

There is an example at the beginning (*).

(5 points)

Example

(*) *I would like to (remember) you that we have a meeting tomorrow.*

- (1) If it is necessary to go to the court I will claim very high damages from you.
- (2) This breach of contract it is a very serious matter.
- (3) I told you about the ground for the case when we spoke yesterday.
- (4) The bill is here. I will pay to it.
- (5) I want to request further informations please.

SECTION 3

Read the following pairs of sentences. For each pair of sentences there are two possibilities, A or B. Decide which sentence uses the correct preposition. **Write your answers in the box below.**

There is an example at the beginning (*).

(5 points)

Example

- (*) (A) *A sole trader is personally liable to any debts of the business.*
(B) *A sole trader is personally liable for any debts of the business.*

- (1) (A) Jenny works at New York City.
(B) Jenny works in New York City.
- (2) (A) The company transports all of its goods by rail.
(B) The company transports all of its goods with rail.
- (3) (A) Please put your address at the top of the page.
(B) Please put your address to the top of the page.
- (4) (A) I am interested for opening a new account at this bank.
(B) I am interested in opening a new account at this bank.
- (5) (A) I will meet you on 25 July.
(B) I will meet you at 25 July.

(*) B	(1)	(2)	(3)	(4)	(5)
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SECTION 4

Look at the article below. Read it and decide if the statements under it are **TRUE** or **FALSE**. Write your answers in the box below.

There is an example at the beginning (*).

(5 points)

Julia is a lawyer from Stockholm. She was born there. In 1998 she moved to the USA. At the moment she is based in New York. She works for a large law firm. The firm has over 100 partners in the New York office. Julia is an expert in Insurance law. Her job is to draft insurance contracts and to represent insurance companies in court when people make claims against the companies.

The last time she was in court was last week. She acted for HTP Insurance. The case was about a shipping company which wanted to make a very large claim under their insurance policy. Julia argued that the shipping company was not careful enough. She said that the insurance company should not pay the whole claim because of this. HTP Insurance was very pleased when the judge agreed with Julia.

Example

(*) *Julia works in New York.*

- (1) Julia is employed by an insurance company.
- (2) Julia was in court yesterday.
- (3) Julia's client was a shipping company.
- (4) Julia thought that the shipping company was negligent.
- (5) Julia won her case in court last week.

(*) TRUE	(1)	(2)	(3)	(4)	(5)
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SECTION 5

Here is a conversation between two lawyers. The conversation is mixed up. **Put the conversation in the correct order. Write your answers in the boxes numbered 1 – 8 below.**

There is an example at the beginning (*), which is the start of the conversation.

(8 points)

Example (*)

(AA) *Good morning David. How are you?*

- (A) That was my client. She hurt her hand in a machine when she was at work. We will try to get damages for her today.
- (B) I'm fine thanks. What are you doing today?
- (C) £10,000 plus costs. I'm confident we will get it. She hurt her hand very badly and an expert has said the machine was definitely faulty.
- (D) CostCo? I know that name! They were in the newspapers last year. One of their employees had a serious accident at work.
- (E) Thank you. I'll email you when I get back to the office and tell you what happened.
- (F) I have to go to court today. I'm acting for an employee of CostCo supermarkets.
- (G) If the expert says that, then I'm sure the judge will award you the full amount. Good luck!
- (H) How much is she claiming?

(*) AA	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
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SECTION 6

Look at the phrases at the below. They all belong to an area of law.

Under the headings below, put each phrase under the correct area of law. Write the letters (A,B,C, etc) in the spaces provided.

There is an example at the beginning (*).

(12 points)

Example (*)

(AA) *to incorporate a company*

(A) to register a copyright

(G) to pass off goods as originals

(B) to buy shares

(H) to get a green card

(C) to apply for a work permit

(I) to fill out a visa application

(D) to pay royalties

(J) to check the details of a passport

(E) to go into partnership

(K) to work as a sole trader

(F) to work on a merger deal

(L) to register a patent

Business law

(*) ...AA.....

1.

2.

3.

4.

Intellectual Property law

5.

6.

7.

8.

Immigration law

9.

10.

11.

12.

SECTION 8

Read the text below. It is from a contract. Some of the words in the text are underlined. The meanings of these words appear in the box below, but they are not in the same order. **Match the underlined words in the text with the correct meanings by writing the letters (A, B, C etc) in the box below.**

There is an example at the beginning (*).

(10 points)

FROM A TERMINATION CLAUSE

1.1 Unless terminated in accordance with (* AA) clause 1.2 below this agreement shall continue until 1 January 2008.

1.2 Either (A) party may terminate this agreement at any time by giving 3 months' advance (B) notice to the other party in writing.

1.3 Either party may (C) terminate this agreement with immediate effect in the event of the following occurrences:

- the other party has (D) committed a material breach of any of its obligations under this agreement and fails to (E) remedy any such breach within 14 days of receipt of a written notice which specifies the breach and requires it to be remedied (F) forthwith
- the other party (G) ceases to carry on business, makes an arrangement with its (H) creditors or becomes the object of (I) winding up, dissolution, administration, bankruptcy, or any other insolvency related procedure in any (J) jurisdiction to which it is subject.

(*)	a section or part of a written contract
AA	done, carried out
	one of the people or groups involved in a contract or a case in court
	correct, put right
	end
	warning, notification
	legal power over someone or something
	at once, immediately
	stops
	the closing of a company and the sale of its assets
	people that you owe money to

SECTION 9

Read the text below. There are ten words missing from the text. **In the spaces below, give the missing words.** The first letter of each word has been provided for you.

There is an example at the beginning (*).

(20 points)

SOLE TRADERS AND PARTNERSHIPS

There are several different ways to start a new business. If someone thinks that they would like to set up a business they should ask a lawyer for (*).

One way to start a business is to be a sole trader. This is good for people who work alone. It is a cheap and easy way to start a new business without too many complicated rules and (1) For example, you do not have to register your business or pay any registration fees. All you have to do is tell the tax authorities what you are doing. You must send them a statement called an annual self-assessment form every year. It shows the income of the business and the money that you (2) in running the business. These expenses are called your outgoings. As you are self-(3), your profits are taxed as income. The tax authorities will check your statement and (4) how much tax you have to pay. The disadvantage is that if the business does badly, you are (5) for any debts that the business runs up.

If two or more people want to set up in business together, one way to do it is to form a partnership. If you are going to do this it is best to ask a lawyer to (6) up a partnership agreement, which clearly states how the partnership will be run. The lawyer will need lots of details. He or she will need to know, for example, about the money, property or other assets that the partnership has. These things are called the (7) of the partnership. The agreement will also state how the profits will be shared. If the partnership is not successful and it makes a (8), this is shared in the same way as the profits.

If you are not willing to take all of the financial risks by yourself, going into partnership is probably a good choice. The partners can get together to apply to banks to take out a (9) if they need money to invest in the business. They can also share the responsibilities of the day to day running of the business. What are the disadvantages? Well, there are often disputes between the partners when they can't agree about things. They also have joint and (10) liability for any partnership debts. This means that partners are responsible for the debts individually and as a group. If one partner can't pay their share of a debt the others become responsible for it.

(*) advice

(1) r

(6) d

(2) s

(7) c

(3) e

(8) l

(4) c

(9) l

(5) l

(10) s

SECTION 10

Read this newspaper article about a case in court and answer the questions that follow.

Answer each question using a full sentence. *No points are awarded for answers that are not a full sentence.*

There is an example at the beginning (*).

(20 points)

NOISY PARK TO SHUT UP

There was a court victory yesterday for the residents of the small village of Sandybrook in the north of England. The village has the bad luck to be located near England's biggest Disney-style theme park, Wexford Towers. The park attracts nearly 3 million visitors a year, making it one of the country's top tourist attractions.

Steven and Lucy Harper bought a cottage in the village 12 years ago. At that time there were no noisy rides in the park. It opened at 10am and closed its gates to visitors at 4pm.

However, over the last 12 years things have changed dramatically. Every year the park has added more rides, which are bigger and noisier than ever before. The gigantic new rides have names like 'The Terminator' and 'Destruction'. The park now also stays open until dusk, which can be as late as 10pm during the summer months.

In 2005 the park introduced its biggest ride of all, named 'Death Mountain'. A recorded message is played every four minutes warning the people on the Death Mountain ride, 'Don't look down'. This makes the people scream very loudly, a noise the Harpers can hear when they sit in their living room trying to watch television. The machinery of the ride is also very loud and causes a disturbance to everyone in the village. To make things even worse, the park ends every night with a firework display from the Death Mountain ride. For Steven and Lucy Harper this was too much to bear. The television advertisement for the park says that the fireworks are 'The loudest and most spectacular anywhere in the world'.

Steven and Lucy Harper sent many letters of complaint to the park but had no success in reducing the levels of noise. As well as the noise from the park being a problem every day, the Harpers think that this noise reduces the value of their house. Finally they appointed a solicitor and took the park owners, Maybold Theme Parks Ltd, to court.

Yesterday district judge John McDonald ruled in their favour and issued a noise abatement order. The judge gave Wexford Towers until 1 February next year to produce plans to limit the noise. On that date park chiefs will have to appear before him again with their proposals.

Steven Harper, who runs a café in the village, was delighted with the result. A spokesman for the park said, 'We are naturally disappointed with the judge's conclusion, but of course, we will obey the law'.

SECTION 10 - QUESTIONS

Example () What is the name of the village where Steven and Lucy Harper live?*

Answer: Steven and Lucy Harper live in a village called Sandybrook.

- (1) What type of tourist attraction is very near to the village?
- (2) How many visitors does Wexford Towers attract every year?
- (3) What time did the theme park close when Steven and Lucy Harper bought their house?
- (4) What time does the park close now during the months of July and August?
- (5) How often does a recorded message play to people on the Death Mountain ride?
- (6) With what noisy event does the theme park close every night?
- (7) What do Steven and Lucy Harper think the noise from the park is doing to the value of their house?
- (8) Did Steven and Lucy Harper win their case in court?
- (9) When will the representatives of the park have to go to court again?
- (10) What type of business does Steven Harper run?

ANSWER KEY to the TOLES Foundation examination (sample paper)

SECTION 1

- (1) D offer
- (2) A premises
- (3) D court
- (4) B insolvent
- (5) C sue

SECTION 2

- (1) the
- (2) it
- (3) ground
- (4) to
- (5) informations

For information only - correct sentences

1. If it is necessary to go *to court* I will claim very high damages from you.
2. This breach of *contract* is a very serious matter.
3. I told you about the *grounds* for the case when we spoke yesterday.
4. The bill is here. I will *pay it*.
5. I want to request further *information* please.

SECTION 3

(1) B	(2) A	(3) A	(4) B	(5) A
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SECTION 4

(1) FALSE	(2) FALSE	(3) FALSE	(4) TRUE	(5) TRUE
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SECTION 5

(*) AA	(1) B	(2) F	(3) D	(4) A	(5) H	(6) C	(7) G	(8) E
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SECTION 6

Business law

1. (B) to buy shares
2. (E) to go into partnership
3. (F) to work on a merger deal
4. (K) to work as a sole trader

Intellectual Property law

1. (A) to register a copyright
2. (D) to pay royalties
3. (G) to pass off goods as originals
4. (L) to register a patent

Immigration law

1. (C) to apply for a work permit
2. (H) to get a green card
3. (I) to fill out a visa application
4. (J) to check the details of a passport

SECTION 7

(1) D	(2) C	(3) E	(4) H	(5) B	(6) G	(7) A	(8) J	(9) F	(10) I
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SECTION 8

D	done, carried out
A	one of the people or groups involved in a contract or a case in court
E	correct, put right
C	end
B	warning, notification
J	legal power over someone or something
F	at once, immediately
G	stops
I	the closing of a company and the sale of its assets
H	people that you owe money to

SECTION 9

- | | |
|-----------------------|--------------|
| (1) regulations | (6) draw |
| (2) spend/spent (USA) | (7) capital |
| (3) employed | (8) loss |
| (4) calculate | (9) loan |
| (5) liable | (10) several |

SECTION 10

- (1) There is a Disney-style theme park near to the village.
- (2) Wexford Towers attracts nearly 3 million visitors every year.
- (3) When the Harpers bought their house the theme park closed at 4pm.
- (4) During the months of July and August the park closes as late as 10pm.
- (5) A recorded message is played to the people on the Death Mountain ride every four minutes.
- (6) The theme park closes every night with a firework display.
- (7) The Harpers think that the noise from the park reduces the value of their house.
- (8) Yes, the Harpers won their case in court.
- (9) The representatives of the park will have to go to court again on 1 February next year.
- (10) Steven Harper runs a café.