Question 1

Correct Answer: B

Explanation:

Claire must first correct the £20,000 misallocation before making the distribution to ensure the client’s account is accurate. Option B ensures that the firm’s accounting records are in order, and no errors are made when funds are transferred. Option A allows for an improper withdrawal from the client account, which could violate accounting principles. Option C unnecessarily delays the distribution without needing to wait for confirmation that the error is corrected. Option D introduces unnecessary involvement of the client in internal error correction processes, which should be handled by the firm. Option E delays the distribution by requiring external confirmation from the COFA, which is not necessary in this case.

Question 2

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Harry. The law does not justify excessive violence in response to verbal provocation. While George’s insults were provocative, they did not pose an immediate physical threat to Harry. Harry’s push was excessive, especially since it resulted in George falling and sustaining a fatal injury. A is incorrect because self-defence requires a threat of physical harm, which was not present in this case. Verbal insults, even if aggravating, do not justify a violent response. C is not suitable because recklessness may apply, but it does not excuse the action Harry took. D is incorrect because George’s behaviour did not escalate to physical violence that would have justified Harry’s actions under self-defence. E is incorrect because Harry did not intend to cause George’s death; the correct charge here would be manslaughter, not murder.

Question 3

Correct Answer: B

Explanation:

Option B is correct because under section 34 of the Criminal Justice and Public Order Act 1994, a failure to mention something during police questioning that a suspect later relies on in their defence can lead to adverse inferences. This means that Tom’s refusal to explain his actions during the interview could potentially be used against him in court, especially when the evidence of his actions is clear. Option A is incorrect because the right to silence is not absolute, and inferences can be drawn from a suspect’s failure to explain their conduct. Option C is incorrect because while the police are required to inform suspects of their rights, Tom’s silence may still be used against him under the law, regardless of the formalities in the interview. Option D is incorrect because the failure to answer questions is not irrelevant to the case; it may impact Tom’s defence, particularly if the prosecution makes inferences based on his silence. Option E is incorrect because requesting a solicitor does not negate a suspect’s right to remain silent. Tom retains his right to silence, though failing to answer could impact his case depending on the circumstances.

Question 4

Correct answer: A

Explanation:

The correct answer is A, as conservation area status restricts development rights. Permitted development rules do not apply automatically, and specific permission is needed for major changes. Olivia’s failure to obtain approval makes her construction unauthorised. Option B is incorrect, as conservation area rules limit permitted development, making general rights less relevant in this case. Option C is partly correct, as listed building consent only applies to designated buildings, whereas Olivia’s issue is with conservation area planning laws. Option D is misleading, as conservation rules typically give strong weight to preserving historic character rather than individual property rights. Option E is possible, but not guaranteed, as retrospective permission is often denied in conservation areas, especially if work has already begun without approval.

Question 5

Correct answer: E

Explanation:

The correct answer is C, as adverse possession claims differ depending on whether the land is registered or unregistered. Under the Land Registration Act 2002, Patrick must show 10 years of continuous possession, but James, as the registered owner, has the right to object. If the land is unregistered, the old 12-year rule applies, giving Patrick a stronger chance of success. Option A is incorrect because simply meeting the 10-year requirement does not guarantee ownership - the original owner can still contest the claim. Option B is misleading because land does not have to be abandoned for adverse possession to apply. Option D is wrong because fencing off land alone does not grant automatic ownership - an application must be made and can be opposed. Option E is partially correct, but it does not fully explain the different legal standards for registered vs. unregistered land.

Question 6

Correct answer: A

Explanation:

The trust deed allows Caroline to make discretionary distributions to promote the welfare of underprivileged children. While the primary purpose of the trust is educational scholarships, the trust’s language provides flexibility for Caroline to distribute funds in a way that promotes the general welfare of the intended beneficiaries. The construction of a playground could enhance the educational experience for children, especially those from underprivileged backgrounds, by providing a safe and engaging environment for learning and play. Caroline’s decision to support this project aligns with the broader intent of the trust to promote the welfare of underprivileged children, even if the playground is not specifically linked to formal education. Therefore, Caroline can use her discretion to make this donation, as long as it benefits the welfare of the children the trust is intended to support. However, she should document her reasoning to ensure transparency in her decision-making process. Option B is incorrect because the trust deed does not require that the educational assistance be limited to specific children who directly receive scholarships. The clause allowing for discretionary distributions for welfare provides Caroline with the flexibility to consider broader initiatives, such as the school playground, as part of her responsibility to promote the welfare of underprivileged children. The fact that the playground will be used by all children in the community does not preclude its benefit to underprivileged children. Option C is incorrect because while Caroline should consider the interests of the beneficiaries, the trust deed grants Caroline, as trustee, discretion in determining how to use the funds within the broader scope of promoting the welfare of underprivileged children. There is no obligation to consult the beneficiaries before making a decision about discretionary distributions, especially when the action aligns with the trust’s purpose. Option D is incorrect because although the construction of the playground is not directly related to providing educational scholarships, the trust deed allows Caroline to make discretionary distributions that promote the welfare of underprivileged children. The playground can be considered a valid initiative to support the broader welfare of the children, even if it is not tied to scholarships directly. Option E is not necessary in this case because the trust deed clearly grants Caroline discretion in promoting the welfare of underprivileged children. Caroline does not need to consult with other trustees or seek legal advice, as her decision to support the playground aligns with the spirit of the trust. Legal advice might still be helpful for transparency, but it is not essential in this scenario, as the donation falls within the scope of the trust's purpose.

Question 7

Correct answer: E

Explanation:

The correct answer is E, as the court must examine both testamentary capacity and undue influence when assessing the validity of the 2023 will. A is incorrect because a testator’s right to change their will is subject to legal scrutiny if capacity or coercion is in question. B is misleading because while a diagnosis of Alzheimer’s does not automatically invalidate a will, confusion about fundamental legal principles may indicate a lack of mental capacity. C is incorrect because temporary confusion alone does not necessarily render a will invalid unless it prevents the testator from comprehending their actions. D is misleading because while undue influence can arise from a beneficiary explaining legal matters, the burden of proof remains on the challenger to demonstrate coercion. The court will consider Henry’s medical records, solicitor’s observations, witness statements, and the extent of Emma’s involvement before reaching a decision.

Question 8

Correct Answer: B

Explanation:

David must correct the £10,000 error before proceeding with the payment to ensure that the client account is fully accurate. Option B prioritizes accuracy in the firm’s records and compliance with accounting standards. Option A would allow the payment to go through without rectifying the error, which could lead to improper accounting and breaches of compliance. Option C complicates the matter by deducting the legal fees before resolving the misallocation. Option D incorrectly involves the client in the firm’s internal error correction process. Option E unnecessarily involves the COFA in correcting a minor internal error, delaying the payment.

Question 9

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Rebecca. While Richard’s physical push towards Rebecca could have been considered an assault, the law requires that any response in self-defence must be proportionate to the threat. Rebecca’s decision to throw a glass of wine, though likely made in anger and fear, was an excessive response to the push and ultimately led to serious harm. Self-defence cannot be claimed when the level of force used exceeds what is necessary to defend oneself. A is incorrect because the force used was not proportionate. Self-defence must involve reasonable and necessary force, and throwing a glass of wine, resulting in serious injury, cannot be justified. C is incorrect because acting in the heat of the moment does not excuse excessive force; Rebecca’s emotional state may be understood, but it does not justify her actions. D is not the right advice because provocation by itself does not justify using excessive force. While emotional reactions may be understandable, they do not provide a legal excuse for actions that cause death. E is incorrect because Rebecca did not have the intent to kill Richard, and therefore, the charge should be manslaughter, not murder.

Question 10

Correct Answer: B

Explanation:

Option B is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police have the power to seize and search a mobile phone without a warrant if they have reasonable grounds to suspect it contains evidence related to the offence. In this case, the police suspect that the phone may contain evidence of Lucy’s involvement in the crime, which justifies their action. Option A is incorrect because the PACE Act provides specific circumstances where a warrant is not required, such as when there are reasonable grounds for believing that the phone contains evidence of a crime. Option C is incorrect because consent is not required for the police to search a mobile phone if they have reasonable grounds to do so under PACE. Option D is incorrect because drug possession is considered a serious enough offence to justify the search of personal property under the law. Option E is incorrect because once the phone is seized, the police are allowed to search it without the need for a court order, as long as there are grounds to suspect it contains evidence of a crime.

Question 11

Correct answer: A

Explanation:

The correct answer is A, as the lease agreement determines the legal rights of leaseholders, not marketing materials or verbal representations. If the lease does not explicitly grant exclusive rights to the roof terrace, it is likely to be classified as a communal area, meaning Tom and Sarah do not have the authority to modify or exclusively occupy it. The management company is entitled to enforce its control over shared spaces. Option B is incorrect because marketing representations, while potentially misleading, do not override the legal terms of the lease. If the terrace was marketed as private but was not legally included in the lease, Tom and Sarah’s claim is weak. Their only potential remedy would be a misrepresentation claim against the seller, not a property rights claim. Option C is a possible outcome, but not a certainty, as management companies can sometimes grant licenses or permissions for exclusive use of communal areas. However, the tribunal is not obliged to force the management company to offer a compromise. Option D is incorrect because the issue is not about retroactive changes to the lease, but rather clarifying what the lease already states. If the lease does not grant exclusive use, Tom and Sarah do not have a contractual right to the terrace. Option E is misleading, as Tom and Sarah’s use of the terrace would not meet the conditions for an easement or possessory title. To establish ownership, they would need to show at least 12 years of exclusive, uninterrupted possession without the freeholder’s permission (under adverse possession rules). If the management company has recently objected, this prevents them from making such a claim.

Question 12

Correct answer: C

Explanation:

The correct answer is C, as Mark’s ability to claim a prescriptive easement depends on whether his use was as of right for at least 20 years. Under the Prescription Act 1832, an easement can be acquired through long-term, uninterrupted use, provided it was without force, secrecy, or permission. If Mark can prove he used the driveway openly and consistently, he has a strong claim. However, Lauren can defeat his claim if she can show that she expressly permitted him to use the driveway, as a prescriptive easement cannot arise from permissive use. Option A is incorrect because mere non-objection is not enough to establish a right - Mark must show his use was truly “as of right.” Option B is misleading because, while significant alterations may weaken a claim, they do not automatically invalidate an easement if the original use was already well established. Option D is incorrect because private property can be subject to prescriptive easements in some cases. Option E is partially correct, but it does not fully explain that even a single clear objection by Lauren during the relevant period could prevent the easement from being established.

Question 13

Correct answer: C

Explanation:

The primary purpose of the trust is to benefit the education and general welfare of the beneficiaries, with an emphasis on educational support. While the trust deed allows for some discretion in distributing funds for the welfare of the beneficiaries, a holiday does not seem to align with the core intent of the trust. Educational purposes generally take precedence over personal or recreational expenses. In this case, a family holiday to a luxury resort is not directly related to the educational or financial wellbeing of the beneficiaries, and it could be seen as an extraneous expense. While the holiday may promote the family’s emotional wellbeing, it is unlikely to fall within the scope of the trust’s specified purposes. Therefore, David should refrain from using the trust funds for the holiday, as it does not seem to fit with the trust’s primary goal of supporting education. Option A is incorrect because while the trust does allow for discretionary distributions for general welfare, the term "general welfare" is likely interpreted in a way that prioritizes essential welfare needs, such as education, over non-essential expenses like a holiday. A luxury holiday does not directly support the educational or welfare needs of the beneficiaries in a way that aligns with the trust’s primary objective. Option B is incorrect because while David may consider whether the holiday has educational benefits, it is clear from the trust deed that the primary purpose is to provide for the educational needs of the beneficiaries. Simply incorporating educational activities into a holiday would not be enough to meet the trust’s core objectives. A holiday, even if it includes educational activities, would still be a secondary and arguably unnecessary expense in relation to the trust’s purpose. Option D is incorrect because while consulting with beneficiaries can be a useful practice, the trust deed grants David, as trustee, discretion in managing the trust’s assets. There is no obligation to consult with the beneficiaries before making decisions about the distribution of trust funds, especially if such decisions fall outside the core purpose of the trust. The key consideration here is whether the distribution aligns with the trust’s primary purpose, which is educational support. Option E is not necessary in this case because the trust’s primary purpose is clearly to support education, and a holiday does not fit within this purpose. David does not need to seek legal advice to confirm this, as the trust’s terms and the nature of the distribution are clear. Legal advice might be helpful for other discretionary decisions, but in this case, it is clear that the holiday is not an appropriate use of the trust funds based on the trust’s stated objectives.

Question 14

Correct answer: E

Explanation:

The correct answer is E, as the court must assess both undue influence and testamentary capacity when determining the validity of the 2023 will. A is incorrect because while a testator may favor one beneficiary, coercion or external pressure can render a will invalid. B is misleading because expressing a preference does not eliminate the need to ensure the testator acted freely and with full capacity. C is incorrect because while undue influence is a concern, the court must establish specific evidence before disregarding the new will. D is misleading because although a beneficiary witnessing a will can raise concerns, it does not automatically invalidate it unless legal formalities are breached. The court will review Eleanor’s mental state, the level of Richard’s involvement, and any evidence supporting James’s claims before reaching a conclusion.

Question 15

Correct Answer: C

Explanation:

The £20,000 difference should be transferred into the office account only after a proper invoice has been issued for the revised fee. Option C ensures that proper invoicing procedures are followed, and the payment is correctly allocated to the office account, in compliance with accounting rules. Option A prematurely withdraws the funds before proper invoicing, potentially violating client money rules. Option B disregards the need to transfer funds once fees are revised. Option D does not consider the revised fees appropriately, and merely reducing the deposit does not comply with invoicing requirements. Option E unnecessarily complicates the process by involving the COFA in a matter that should be handled internally with proper billing.

Question 16

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Joshua. While Tom’s shove may have been considered an unlawful act, Joshua’s response was disproportionate. In self-defence cases, the law requires that any force used must be reasonable and proportionate to the threat. In this instance, while Tom’s shove could have justified a defensive reaction, Joshua’s shove caused significant injury, which exceeds what was necessary for his protection. Self-defence may not apply when the response exceeds the level of threat posed. B is incorrect because acting recklessly in anger does not excuse the use of excessive force. The legal system considers proportionality, and Joshua’s reaction was disproportionate to Tom’s actions. C is not suitable because while self-defence may be applicable when physical harm is imminent, the injury to Tom was not necessary to protect Joshua from further harm. The injury caused by Joshua’s actions went beyond what was required for self-defence. D is incorrect because even though Joshua was provoked, the force used in retaliation must still be proportionate. Tom’s shove did not warrant a strong physical response, and Joshua’s actions caused an injury that was not necessary to defend himself. E is incorrect because while Joshua may have been provoked, the charge of grievous bodily harm arises from the excessive force used in response. Joshua should consider pleading to a lesser charge if self-defence is not an option.

Question 17

Correct Answer: B

Explanation:

Option B is correct because under the Criminal Justice and Police Act 2001, the police can apply for a court order to compel a suspect to provide a DNA sample, especially in serious cases like fraud. If a court grants the order, the sample can be taken even without the suspect’s consent, as long as it is justified by the investigation. Option A is incorrect because the police can compel the sample with a court order, which overrides the suspect’s initial consent refusal. Option C is incorrect because although Mark can refuse initially, his refusal does not prevent the police from obtaining a court order to compel the sample. Option D is incorrect because the police do not have to demonstrate the necessity of the sample before applying for a court order, as long as there are grounds for suspicion. Option E is incorrect because the court must assess the proportionality of the police’s actions, including the invasion of privacy involved in DNA sampling, before granting a court order.

Question 18

Correct Answer: C

Explanation:

Under the Land Registration Act 2002, a restrictive covenant affecting registered land remains binding on successors in title if it is properly registered as a notice on the title register. Since the covenant was expressly registered, Paul is deemed to have constructive notice, even if he did not personally review the register. His lack of actual knowledge or his solicitor’s omission does not affect its enforceability. Option A is incorrect because the law does not require actual knowledge; registration alone is enough for enforceability. Option B is incorrect because restrictive covenants do not automatically lapse upon transfer of land - they remain unless varied or discharged. Option D is incorrect because a changing neighbourhood does not automatically nullify a covenant - Paul would need to apply to the Upper Tribunal (Lands Chamber) to modify or discharge it. Option E is incorrect because while the original landowner may have imposed the covenant, enforcement rights can pass to successors in title or affected neighbouring landowners.

Question 19

Correct answer: A

Explanation:

The correct answer is A, as Claire has a strong claim under the Prescription Act 1832, which allows for the creation of easements through long-term, uninterrupted use that is without force, secrecy, or permission. Since she used the footpath openly for more than 20 years without interruption, and David never objected, she has met the legal requirements for a prescriptive easement. Courts typically uphold rights of way when the use is continuous, unchallenged, and appears to be exercised as a right rather than with the landowner’s permission. Option B is incorrect because express permission is not required to establish a prescriptive right; in fact, permission would have prevented Claire from acquiring an easement. Option C is partially correct but does not fully account for the fact that a failure to object over the required period generally leads to an easement. Option D is misleading, as tolerance alone does not defeat a claim unless the landowner can show they granted explicit permission, which prevents the use from being considered as of right. Option E is incorrect, as documentary evidence is not required to establish an easement by prescription—long-term, continuous use is sufficient under the law.

Question 20

Correct answer: C

Explanation:

The primary purpose of the trust is to provide for the welfare of Carol and Anna, with specific provisions for medical expenses, housing, and education. The trust focuses on meeting immediate and ongoing welfare needs rather than long-term financial ventures like starting a business. While supporting Anna’s personal growth and independence is important, it is not consistent with the trust’s stated purpose to use the funds for a business venture. The trust’s terms prioritize support for basic welfare needs, and funding a business would be considered outside the scope of these needs. As trustee, Liam has a duty to ensure that distributions are made in accordance with the trust’s purpose, and using the trust funds for a business venture would likely be seen as inconsistent with this purpose. Option A is incorrect because although the trust allows for discretionary distributions for the welfare of the beneficiaries, the term "welfare" is likely to be understood as referring to basic support needs such as housing, medical expenses, and education. A business venture, even if it contributes to long-term financial security, is not typically considered a welfare-related expense and is not aligned with the trust’s immediate support goals. Option B is incorrect because, although Anna may be able to present a business plan, the core issue is whether funding a business is consistent with the trust’s objectives. The trust deed specifies that the funds are for welfare, and the idea of starting a business does not fit within the trust’s intended purposes. Even with a business plan, it would still be difficult to argue that the trust funds should be used for this purpose. Option D is incorrect because, while consulting with Carol might seem like a reasonable course of action, the decision about whether Anna’s business venture aligns with the trust’s purpose is ultimately within Liam’s discretion as trustee. Carol’s opinion is not determinative in this case, as the trust's terms are clear about providing welfare support rather than funding business ventures. Liam’s duty is to adhere to the purpose of the trust, and Carol’s opinion would not change this. Option E is unnecessary because the trust terms are clear, and legal advice would not alter the fact that funding Anna’s business is outside the scope of the trust’s welfare purpose. Seeking legal advice might help in more complex situations, but in this case, the terms of the trust are clear, and the business venture does not align with the primary purpose of providing for welfare. Liam should reject the distribution based on the trust’s terms and the general understanding of welfare.

Question 21

Correct answer: E

Explanation:

The correct answer is E, as the court will need to assess both testamentary capacity and undue influence when reviewing the validity of the 2023 will. A is incorrect because a preference for one beneficiary does not override the need for mental capacity and independent decision-making. B is misleading because testamentary freedom does not extend to cases where capacity or coercion is in question. C is incorrect because cognitive decline alone does not necessarily invalidate a will unless it directly affects the testator’s ability to understand their decisions. D is misleading because while a lack of mental capacity assessment raises concerns, the court will look at broader evidence before ruling a will invalid. The court will consider Arthur’s medical history, solicitor’s notes, and whether Lucy exerted undue influence before making a final determination.

Question 22

Correct Answer: B

Explanation:

Sophie must correct the misallocation immediately, transferring the funds to the correct account and issuing the proper invoice for the transaction. Option B ensures compliance with client money rules, maintaining accuracy in client accounts. Option A leaves the misallocation unaddressed and violates ethical standards by not informing the client. Option C unnecessarily requests a new deposit when the error can be resolved by simple correction. Option D incorrectly moves the client money into the office account, violating client money regulations. Option E causes unnecessary delays and may cause client dissatisfaction.

Question 23

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Adele. Although her response with the stick may have been excessive, it was a reaction to a perceived threat, and she may be able to argue that her actions were a means of self-defence. Self-defence allows for a proportional response to a threat, and in Adele’s case, Dan’s persistence and blocking of her path likely caused her to fear for her safety. The law does not excuse excessive force, but it may still find her actions justifiable if they were in response to an immediate fear of harm. B is incorrect because while the use of the stick was forceful, the context of her fear may justify her reaction. The use of force must still be proportionate, but self-defence is not automatically ruled out in every case of excessive force. C is incorrect because acting recklessly in fear does not justify the level of force used in this instance. The fear Adele experienced may explain her actions, but self-defence requires that the force used must be proportional to the threat. D is not the right advice because provocation does not justify excessive force. Although Adele may have been provoked by Dan’s harassment, she should not have used a stick to defend herself. The situation did not warrant the level of force she used. E is incorrect because although Adele’s actions caused harm, her intent may not have been to harm Dan, but to defend herself. A guilty plea should be considered only if there is no viable self-defence argument.

Question 24

Correct Answer: B

Explanation:

Option B is correct because under section 34 of the Criminal Justice and Public Order Act 1994, if a suspect remains silent during questioning and later relies on something different in their defence, the court can draw adverse inferences. This means that Jack’s silence can be used against him in the trial to suggest that he was attempting to hide his involvement. Option A is incorrect because while the right to silence exists, the law has exceptions, particularly when it comes to drawing inferences in serious cases. Option C is incorrect because although the prosecution can question Jack’s credibility based on his silence, it is still permissible to use his refusal to speak as a factor in assessing his guilt. Option D is incorrect because although Jack was cautioned, this does not remove the legal consequences of his silence; adverse inferences can still be made under the law. Option E is incorrect because although other evidence is important, the prosecution can still use Jack’s silence as part of their case, even without other evidence of guilt.

Question 25

Correct Answer: D

Explanation:

Under the Leasehold Reform, Housing and Urban Development Act 1993, qualifying leaseholders have a statutory right to collectively enfranchise, meaning they can force the freeholder to sell if the conditions are met. In this case, at least 50% of leaseholders have agreed (7 out of 10), which satisfies the legal threshold. Additionally, the presence of a commercial unit does not disqualify the claim, as long as it does not exceed 25% of the total floor area, which has been confirmed here. Option A is incorrect because the law overrides the freeholder’s discretion - the freeholder must sell if the leaseholders satisfy the legal conditions. Option B is incorrect because unanimity is not required; the law only requires at least 50% participation among qualifying tenants. Option C is incorrect because commercial premises only prevent enfranchisement if they exceed 25% of the building’s total floor area, which they do not here. Option E is incorrect because leaseholders are not limited to lease extensions - the 1993 Act explicitly provides the right to purchase the freehold collectively.

Question 26

Correct answer: C

Explanation:

The correct answer is C, as Olivia’s claim depends on whether she can prove both factual possession and an intention to possess the land. Under the Land Registration Act 2002, adverse possession requires at least 10 years of continuous and exclusive possession for registered land or 12 years for unregistered land. If Olivia can show that she treated the land as her own, excluded others, and used it openly, she has a strong claim. However, if Michael can prove that the previous owner permitted her use or objected at any point, her application will fail. Option A is misleading, as long-term possession alone does not automatically confer ownership - Olivia must also show an intention to possess the land exclusively. Option B is incorrect, as adverse possession does not require occupation of an entire property - possession of even a small section of land can qualify. Option D is partly correct, as implicit consent can undermine an adverse possession claim, but Michael would need clear evidence of such consent. Option E is misleading, as there is no requirement for a possessor to register their interest immediately, though a delay in asserting rights could weaken the claim in some cases.

Question 27

Correct answer: A

Explanation:

The trust deed allows Samantha to make discretionary distributions for the wellbeing and welfare of the beneficiaries, including educational expenses. While the trust does not explicitly mention private tutoring, the broader language allows for flexibility in making distributions that support the beneficiaries' education. Samantha has a duty to act in the best interests of the beneficiaries, and if she believes that the specialized courses will significantly improve James’s academic performance and contribute to his long-term educational success, she is within her discretion to approve the payment. The trust’s flexibility enables Samantha to use her judgment to provide for the educational needs of the beneficiaries, even when those needs are not explicitly outlined in the deed. Option B is incorrect because while the trust does outline that the funds are for educational purposes, it does not require that every educational expense be explicitly detailed in the deed. The trust allows for discretionary decisions regarding educational expenses, and Samantha can decide that the private tutor’s courses align with the trust’s purpose, even if they are not directly mentioned. The focus is on the overall benefit to the beneficiary's education, rather than the specific nature of the course. Option C is incorrect because the trust does not require that all educational expenses be formally outlined. The phrase "educational expenses" is broad enough to include private tutoring, especially if it helps a beneficiary improve their academic performance. The trustee is not limited to covering only formal education, and the tutor’s courses may be a legitimate educational expense under the trust’s terms. Option D is incorrect because while consulting with the beneficiaries may be helpful for transparency, it is not necessary in this case. Samantha, as the trustee, has the discretion to decide whether the tutor’s courses are beneficial and aligned with the trust’s purpose. Consulting with all the beneficiaries would not change the fact that the trust gives her the authority to make decisions that serve the educational welfare of the beneficiaries. Option E is unnecessary because the terms of the trust allow for discretionary decisions regarding the welfare of the beneficiaries, including educational expenses. The trustee does not need to seek legal advice to confirm that private tutoring can be considered an appropriate use of the trust’s funds. The trust's terms provide sufficient flexibility for Samantha to approve the payment based on her judgment of what is in the best interest of James's education.

Question 28:

Correct answer: E

Explanation:

he correct answer is E, as both testamentary capacity and undue influence must be assessed before determining the validity of the 2023 will. The court will need to examine Barbara’s mental state at the time of execution and whether Fiona exerted undue influence. Since Barbara exhibited nervousness, had memory issues, and was heavily reliant on Fiona, there is a strong basis to question the will’s validity. If either lack of capacity or undue influence is proven, the 2023 will should be set aside in favor of the 2016 will. A is incorrect because while testamentary freedom allows Barbara to distribute her estate as she wishes, this right is not absolute. If a testator lacks mental capacity or is coerced into making changes, the will is invalid. The law requires that the testator acts of their own free will, without external pressure. B is incorrect because although it is reasonable for a testator to reward a caregiver, the issue here is whether Barbara was acting under undue influence. A drastic change in a will, especially when one beneficiary dominates the testator’s finances, requires scrutiny. Simply stating that undue influence must be "proven" ignores the legal test, which considers suspicious circumstances, shifts in testamentary intention, and the testator’s vulnerability. C is incorrect because nervousness and reliance on a particular individual do not automatically invalidate a will. While these factors may suggest undue influence, the court will require more substantial evidence. A mere perception of discomfort is not enough; it must be shown that Barbara’s decision was directly influenced by Fiona to the extent that it was not truly her own. D is incorrect because while a failure to assess testamentary capacity can raise concerns, it does not automatically render a will invalid. The court will look at the overall evidence, including medical records, witness testimony, and Barbara’s behaviour before and during the will-making process. The solicitor’s failure to investigate is relevant, but not the sole deciding factor. Thus, E is the best answer, as the court must analyse both undue influence and capacity to reach a decision. If either is proven, the 2023 will cannot stand.

Question 29

Correct Answer: B

Explanation:

The best course of action is to report the discrepancy to the COFA and investigate the source of the funds thoroughly. Option B ensures proper internal controls and accurate accounting practices are followed to resolve the discrepancy. Option A wrongly transfers the client money to the office account, which is a violation of client money regulations. Option C relies on the client to identify the issue, which is the firm’s responsibility. Option D is inappropriate as it uses client funds for office expenses, breaching client money rules. Option E unnecessarily involves the client before a full internal investigation is completed.

Question 30

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Daniel. Self-defence allows a person to use reasonable force to protect themselves from an imminent threat. In this case, James’s threats and physical aggression created a reasonable belief in Daniel that his life was in danger. However, the key issue here is whether the use of the knife was proportionate to the threat. While Daniel’s fear was justified, self-defence will only be valid if the force used was necessary and proportionate. B is the correct answer because the force used was disproportionate. While Daniel may have feared for his life, stabbing James was not a reasonable response to the situation, as there were alternative means of protecting himself. C is incorrect because recklessness is not a valid excuse for using excessive force in self-defence situations. The response to a perceived threat must be measured and not based on an overreaction. D is incorrect because provocation does not justify using excessive force in self-defence situations. Even though Daniel may have felt provoked, the stabbing was disproportionate to the threat he faced. E is incorrect because Daniel should argue self-defence rather than plead guilty to murder. His actions were driven by a reasonable belief that his life was in danger, even if his response was excessive.

Question 31

Correct Answer: B

Explanation:

Option B is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police can search a person’s phone without a warrant if they have reasonable grounds to believe it contains evidence related to a crime. In this case, the police have reason to believe that the phone could provide valuable information related to Sarah’s involvement in drug trafficking. Option A is incorrect because while Sarah has the right to refuse consent, the police can still search the phone without a warrant if there are reasonable grounds to do so under PACE. Option C is incorrect because PACE allows searches without a warrant in certain circumstances, such as when there are grounds to suspect the phone holds evidence relevant to the offence. Option D is incorrect because while the offence is serious, the key factor is the reasonable grounds for suspecting the phone contains evidence, not just the severity of the crime. Option E is incorrect because the police do not need to demonstrate the essentiality of the phone in the investigation; reasonable grounds for suspecting it contains evidence are sufficient.

Question 32

Correct answer: B

Explanation:

The correct answer is B, because Tom cannot claim a prescriptive easement for exclusive possession of land. The law allows easements for rights of way, access, and limited use, but not when the use amounts to outright occupation. Since Tom’s parking effectively excludes Emma from part of her own land, this is more akin to adverse possession, which follows different legal principles. Option A is incorrect, as prescriptive easements require use that is not too extensive or exclusive, and parking that prevents the owner from reasonable use of their land exceeds the limits of an easement. Option C is misleading, because even if Tom’s use was independent of permission, it still does not qualify as an easement due to its exclusive nature. Option D is correct in principle, as exclusive possession contradicts the legal requirements of an easement. Option E is also misleading, since timing alone does not determine validity - the real issue is whether the law allows an easement for parking in a way that excludes the owner.

Question 33

Correct answer: A

Explanation:

The primary purpose of the trust is to support Clara and Ethan’s education, and Clara’s opportunity to attend a prestigious overseas university directly aligns with this objective. The trust allows for the distribution of funds to support educational opportunities, and attending this program can provide significant academic and professional benefits to Clara. The trustee, John, has a responsibility to act in the best interest of the beneficiaries and ensure that distributions made under the trust serve its main objectives. Since Clara’s request directly relates to her education, which is the core purpose of the trust, it would be appropriate for John to approve the payment for her tuition and living expenses. Option B is incorrect because, while John may be concerned about the potential risk of Clara not completing the program, the trust deed does not require such a condition to be placed on the distribution. The purpose of the trust is to support the children’s education, and it would not be appropriate to impose a repayment condition solely based on academic performance or whether Clara completes the program. John’s role as trustee is to support the educational endeavours of the beneficiaries as outlined in the trust, without placing additional, non-statutory conditions on the distribution. Option C is incorrect because, while the trust does focus on the children’s general welfare, the trust deed specifically includes education as a key objective. The overseas program is an educational opportunity that fits within the purpose of the trust, even though it is a more expensive and exclusive option. Denying the request based solely on the high cost would not be appropriate, as the trust funds are intended to cover educational expenses that directly benefit the beneficiaries’ futures. Option D is incorrect because, while consulting with Ethan may be an option for transparency, it is not necessary for the decision-making process. The trust is clear in its focus on education, and the opportunity for Clara to attend an overseas university is directly related to her educational needs. As trustee, John has the discretion to decide what is in the best interest of the beneficiaries, and consulting Ethan would not change the fact that the educational program fits within the trust’s purpose. Option E is unnecessary because the trust’s provisions are clear about supporting the beneficiaries’ education. The terms of the trust do not need further interpretation to approve the payment for Clara’s overseas program. John does not need legal advice to confirm that funding an educational opportunity is consistent with the trust’s purpose, as this aligns directly with the intended objective of supporting the children’s education. Therefore, John should approve the payment without the need for legal consultation.

Question 34

Correct answer: E

Explanation:

The correct answer is E, as the court must assess both James’s testamentary capacity and potential undue influence. A valid will requires that the testator understands its effect, the extent of their property, and the claims of those who might expect to inherit. James’s confusion at the signing, his dependence on Louise, and the solicitor’s close connection to her all raise red flags. If either undue influence or lack of capacity is proven, the 2022 will should be set aside. A is incorrect because while testators have freedom to change their wills, their decisions must be made voluntarily and with full mental capacity. The presence of undue influence or incapacity can render a will invalid. B is incorrect because testamentary capacity is not solely determined by medical evidence; behaviour at the time of signing is also relevant. James’s visible confusion suggests he might not have had the necessary understanding, regardless of formal medical records. C is incorrect because while confusion is relevant, it alone does not automatically invalidate a will. The court will look at the overall circumstances, including James’s understanding at the time he gave instructions, not just at the moment of signing. D is incorrect because while the solicitor’s connection to Louise and the absence of a mental capacity assessment raise concerns, these factors alone do not prove invalidity. A court needs to establish whether undue influence or lack of capacity actually affected the making of the will. Thus, E is the best answer, as the will’s validity depends on both James’s mental state and whether he was improperly pressured.

Question 35

Correct Answer: A

Explanation:

Rachel should deposit the full £1,000,000 into the client account and ensure it is segregated from other clients’ funds for the specific transaction. Option A adheres to client money rules by keeping the deposit within the client account and clearly identifying it for the specific purpose. Option B complicates the process unnecessarily and could lead to confusion or improper allocation of funds. Option C improperly moves client money into the office account, breaching client money rules. Option D leaves the client account undisturbed but does not ensure proper management of the funds. Option E introduces unnecessary complexity by creating a separate account when the client account is sufficient.

Question 36

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Claire. While Claire may have feared for her safety, the law requires that self-defence only applies when the force used is proportionate to the threat faced. Frank was not physically attacking Claire; he was fleeing with stolen goods. Therefore, her reaction with a heavy object was excessive and not justifiable under the self-defence laws. A is incorrect because the force used was not proportionate to the threat. Frank’s act of theft does not justify using a heavy object to stop him. C is not correct because acting impulsively does not excuse excessive force. Fear alone does not justify the use of such force in these circumstances. D is not correct because provocation, such as theft, does not justify the use of excessive force. Self-defence requires that the response to a threat be proportionate. E is incorrect because while Claire may have caused Frank’s death, she should not plead guilty to manslaughter if self-defence is an option, though in this case, the response was not proportionate.

Question 37

Correct Answer: B

Explanation:

Option B is correct because under the Criminal Justice and Police Act 2001, the police can apply to the court for an order to compel a suspect to provide a DNA sample if they have reasonable grounds to believe the sample will provide relevant evidence. This is particularly applicable in serious cases like burglary, where DNA can be a crucial piece of evidence. Option A is incorrect because the police can apply for a court order to compel Robert to provide a DNA sample, even if he refuses to consent. Option C is incorrect because while Robert has the right to refuse, the police can still apply for a court order to compel the sample if there are reasonable grounds for it. Option D is incorrect because DNA sampling is not restricted to violent or terrorism-related offences; it can be used in cases involving other serious crimes, such as burglary. Option E is incorrect because the police cannot compel Robert to provide a DNA sample without a court order unless they have sufficient grounds and legal authority under the law.

Question 38

Correct Answer: C

Explanation:

Under the Leasehold Reform, Housing and Urban Development Act 1993, an inheritor of a leasehold property does not have to wait two years if the deceased owner had already met the two-year ownership requirement before passing away. The legal right to extend the lease transfers to the inheritor. Since Melissa’s late aunt owned the leasehold for more than two years, Melissa is immediately eligible to apply for the extension. Option A is incorrect because Melissa does not have to wait two years - the law provides exceptions for inherited properties. Option B is incorrect because the right to apply immediately depends on whether the previous owner had already met the two-year requirement, not simply because the property was inherited. Option D is incorrect because there is no requirement that Melissa must have lived in the property - leasehold extension rights are based on ownership, not occupancy. Option E is partially correct in that she could try to negotiate a private lease extension, but it is misleading because she can force the extension under the Act if her aunt had already met the two-year ownership condition.

Question 39

Correct answer: C

Explanation:

The correct answer is C, because Richard’s success depends on whether his use was genuinely as of right - meaning without force, without secrecy, and without permission. If David’s predecessors were aware and did not object, then Richard may have acquired a prescriptive easement. However, if the use was too informal or hidden, the court may rule that no easement has arisen. Option A is incorrect, as use alone is not enough - the landowner must have had the opportunity to object. Option B is misleading, as it overstates the requirement for the landowner’s knowledge - courts do not require actual knowledge, only that the use was sufficiently open. Option D is partly true, but proving permission is difficult without evidence of an explicit agreement. Option E is also relevant, as encouraging public use could affect the type of right claimed, but this would not automatically defeat a private easement claim.

Question 40:

Correct Answer: C

Explanation:

The trust’s explicit purpose is to provide for Henry’s health, housing, and education. A car, even if it helps with commuting to university, is not an essential need within these areas. Lydia, as trustee, must ensure the funds are spent according to the terms of the trust, which do not include transportation costs. Therefore, the purchase of a car is outside the scope of what the trust was designed to cover. Option A is incorrect because the car doesn’t directly contribute to Henry’s education or health, making it an inappropriate expense. Option B is misguided, as the need for a car does not make it a legitimate expense under the trust’s terms. Option D misunderstands Lydia’s duty as trustee, as consulting other beneficiaries does not override the trust’s clear purpose. Option E is unnecessary because the terms of the trust are clear, and legal advice is not required for this decision.

Question 41

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence must be considered in will challenges. While Margaret was physically frail, her dependency on Beth for all major aspects of her life raises a strong presumption of undue influence. The court will evaluate whether Margaret was truly acting independently or if Beth’s influence led to an unfair change. If undue influence or lack of capacity is established, the 2022 will should be set aside in favor of the 2018 will. A is incorrect because even if Margaret could articulate her wishes, her extreme dependence on Beth raises legal concerns. The law recognizes that undue influence can be subtle and does not always require direct coercion. B is incorrect because while a testator may favor one child over others, the issue is whether that decision was made freely. A significant deviation from a previous will, especially when the favoured beneficiary controlled key aspects of the testator’s life, warrants scrutiny. C is incorrect because undue influence is not automatically presumed just because of dependence. Instead, it shifts the burden onto Beth to prove that Margaret acted independently. The existence of influence must be demonstrated with evidence. D is incorrect because while a solicitor linked to a beneficiary can raise concerns, it does not automatically make the will invalid. The key issue remains whether Margaret’s decision was truly her own or improperly influenced. Thus, E is the best answer, as the court must assess both capacity and undue influence to determine the will’s validity.

Question 42

Correct Answer: A

Explanation:

Jennifer may withdraw the £5,000 for legal fees, as it has already been invoiced, while keeping the remaining £10,000 in the client account for future services. Option A ensures compliance with client money regulations by making the withdrawal only after the invoice has been issued. Option B unnecessarily transfers future funds to the office account before they are required. Option C delays the process and causes unnecessary complications by waiting for future services to be required. Option D unnecessarily involves the COFA when the matter can be handled internally with proper accounting practices. Option E delays the withdrawal unnecessarily and does not reflect accurate accounting for invoiced fees.

Question 43

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Samantha. Self-defence allows for a reasonable and proportionate response to a threat, but in this case, Peter’s verbal threats and approach did not justify using a rock to defend herself. The use of the rock was excessive, and her actions caused unnecessary harm to Peter. A is incorrect because self-defence only applies when the response to a threat is proportionate, and Peter’s actions did not warrant such a violent reaction. C is not accurate because provocation alone does not justify using a rock to defend oneself. The use of excessive force cannot be justified solely on the basis of verbal aggression. D is incorrect because recklessness does not excuse excessive force. Samantha should not have thrown the rock, and her frustration does not justify the harm caused. E is incorrect because pleading guilty may not be the best course of action. Samantha may want to explore other defences, such as acting under provocation or defending her property, but self-defence is not applicable here.

Question 44

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police have the right to seize and search a suspect’s personal property if they have reasonable grounds to believe that it contains evidence related to the crime. In this case, the police believe Emily’s bag may contain stolen items, justifying the search. Option B is incorrect because while the right to privacy is protected, the police can seize and search personal property under PACE when they have reasonable grounds for doing so. Option C is incorrect because the police do not need to wait for a charge before seizing or searching a bag if they have reasonable grounds to suspect it contains evidence. Option D is incorrect because while the police can seize the bag to prevent destruction of evidence, they do not need a warrant to search it in this situation. Option E is incorrect because the police have reasonable grounds to search the bag, even though Emily has denied the theft and requested legal advice.

Question 45

Correct Answer: C

Explanation:

Under the doctrine of prescription, a person may acquire an easement by long-term use if they can prove they have used the land for at least 20 years, without force, without secrecy, and without permission (the “nec vi, nec clam, nec precario” principle). If Daniel’s neighbour has met these conditions, he may have acquired a prescriptive easement. However, if Daniel can prove that he explicitly granted permission, then the claim for an easement fails, as use based on permission cannot be “as of right.” Option A is incorrect because the mere passage of time does not automatically grant an easement - the use must have been without consent or challenge. Option B is incorrect because the lack of an express grant does not automatically defeat a claim - prescriptive easements arise precisely when formal permission has not been given. Option D is incorrect because Daniel is not required to challenge use in the past - he only needs to prove that the neighbour’s use was based on permission, which would defeat the claim. Option E is incorrect because prescriptive easements can apply to private property, provided the legal conditions are met.

Question 46

Correct answer: C

Explanation:

The correct answer is C, as the right to light under the Prescription Act 1832 depends on whether the obstruction causes a substantial loss. Courts assess whether the remaining light is sufficient for comfortable use rather than whether any reduction has occurred. If the reduction is material, Mark’s claim may succeed, but minor losses are usually insufficient. Option A is misleading, as simply having light for 20 years does not automatically grant an absolute right - the test is whether the reduction is substantial. Option B is partially correct, but it simplifies the test too much, as courts consider both the extent and impact of the loss. Option D is incorrect, as rights to light can arise through prescription - they do not always need to be written. Option E is entirely false, as the right to light attaches to the property, not the owner, so a new owner inherits any existing right.

Question 47

Correct Answer: C

Explanation:

The trust clearly outlines that it is meant to support Emily’s education, housing, and healthcare needs. A gap year, while potentially beneficial to Emily in terms of personal development, is not a necessary expense for her education or healthcare. The purpose of the trust does not include funding personal trips or career development activities. As trustee, George has a fiduciary duty to act in accordance with the trust’s terms and must ensure that the funds are spent on expenses directly related to the trust’s purpose. Option A is incorrect because personal development or travel does not align with the core objectives of the trust. Option B is misguided because even if Emily could prove the gap year’s future benefits, it still falls outside the trust’s defined purposes. Option D would not help George fulfil his duty as trustee since consulting her parents doesn’t change the fact that the trust’s terms do not include personal travel. Option E is unnecessary as the trust is clear, and legal advice would not alter the conclusion that a gap year is not an allowable expense under the trust.

Question 48

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence are critical in determining the will’s validity. Given Harold’s recent stroke, speech impairment, and confusion at the signing, there are substantial concerns that he may not have understood the implications of his actions. Testamentary capacity requires that a person comprehend their estate, the will’s effect, and the claims of those who might expect to inherit. If Harold lacked this understanding, the 2022 will is invalid. Additionally, the fact that David arranged for the solicitor, coupled with Harold’s dependency on him, suggests undue influence. If undue influence is proven, the will must be set aside. A is incorrect because the presence of witnesses does not confirm Harold’s mental state or protect against undue influence. Witnesses observe the signing but do not assess the testator’s understanding or voluntariness. B is incorrect because testamentary capacity is not solely determined by medical evidence. A person can lack capacity due to cognitive impairment even if no formal diagnosis is available. C is incorrect because while Harold’s confusion is concerning, confusion alone does not necessarily prove incapacity. The court must assess whether he had sufficient understanding when he gave instructions for the will. D is incorrect because while David’s involvement raises suspicion, it does not automatically make the will invalid. The key issue is whether Harold acted independently or was improperly influenced. Thus, E is the best answer, as the court must evaluate both Harold’s mental capacity and the potential for undue influence before making a ruling.

Question 49

Correct Answer: C

Explanation:

The best approach is for Samantha to consult with the firm’s COFA (Compliance Officer for Finance and Administration) for a full review of the discrepancies, ensuring that any underlying issues with accounting practices are identified and corrected. This approach is crucial for maintaining compliance with legal requirements regarding client funds, and it is particularly important when dealing with large transactions and multiple clients. Option A involves transferring funds to the office account, which is a direct violation of the rules governing client money. This could be considered as improper handling of client funds. Option B suggests involving clients to rectify internal discrepancies, which is unnecessary and may cause confusion. The firm should be handling such matters internally. Option D unnecessarily suspends transactions and might delay important processes without directly addressing the issue. While caution is necessary, simply halting activity is not an effective solution. Option E could lead to misallocation of funds, as manual reconciliation without a full audit could easily miss critical details.

Question 50

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Jerry. Jerry’s slap, although perhaps an emotional reaction to Tom’s behaviour, was disproportionate to the threat Tom posed. Tom’s verbal aggression and the threat of firing did not justify using physical force against him. Self-defence requires that the response be proportional to the threat. A is incorrect because the slap was not a proportional response to Tom’s verbal threats and physical shove. C is incorrect because recklessness does not justify the use of excessive force. Jerry’s slap was an impulsive act that did not meet the legal requirements for self-defence. D is incorrect because provocation does not justify excessive force. Although Tom’s actions may have provoked Jerry, the slap was still an excessive response. E is incorrect because while Jerry’s actions led to the chain of events, pleading guilty may not be necessary if he can demonstrate that his actions were defensive or provoked.

Question 51

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police are allowed to seize items that they have reasonable grounds to believe contain evidence of a crime, including personal property such as a mobile phone or laptop. In this case, the police have reason to believe the items are linked to drug trafficking. Option B is incorrect because the police can seize property without a warrant if they have reasonable grounds to believe it contains evidence relevant to the investigation. Option C is incorrect because the police can seize property before charges are brought if they have sufficient grounds to suspect the items contain evidence. Option D is incorrect because the police do not need consent to seize property if they have reasonable grounds to believe it is relevant to the investigation. Option E is incorrect because the police do not need to prove the items are essential to the investigation, but rather that they are relevant and linked to the crime.

Question 52

Correct Answer: B

Explanation:

Under the Landlord and Tenant Act 1985, leaseholders have the right to challenge the reasonableness of service charges at the First-tier Tribunal (Property Chamber). Service charges must be reasonable and must reflect actual expenses necessary for the maintenance of the property. Landlords cannot impose excessive or unjustified costs, and leaseholders can request an itemized breakdown of expenses before paying. If Sophia believes that the charges are excessive or improperly applied, she can seek a ruling from the tribunal, which has the authority to reduce or overturn unreasonable charges. Option A is incorrect because landlords do not have absolute discretion to set service charges. They are legally required to ensure that charges are fair and justified. Option C is incorrect because simply providing notice does not make service charges legally enforceable - charges must still be reasonable, and leaseholders have a right to challenge them. Option D is incorrect because the ability to challenge service charges does not depend on how long someone has lived in the property - any leaseholder has standing to challenge unfair charges, regardless of residency length. Option E is incorrect because there is no specific monetary threshold that determines whether a challenge is valid - charges of any amount can be disputed if they are unreasonable.

Question 53

Correct answer: C

Explanation:

The correct answer is C, because occasional requests for permission do not necessarily negate a prescriptive easement if the majority of the use was independent and without challenge. Courts assess whether the use was predominantly as of right, meaning without force, without secrecy, and without permission. If Laura’s use was largely unrestricted except for occasional special requests, she may still acquire an easement. Option A is misleading, as acquiring a prescriptive easement is not automatic - the court will closely examine whether the use was truly uninterrupted and as of right. Option B is incorrect, as seeking permission occasionally does not necessarily mean that Laura lacked an independent right of access. Option D is relevant, but locking a gate only interrupts prescription if it actually prevented the claimant from using the land for a substantial period. Option E is also misleading, because minor interruptions do not necessarily reset the prescriptive period - courts look at whether there was a substantial break in use.

Question 54

Correct Answer: C

Explanation:

The trust was set up with a clear purpose: to support Sarah and her siblings in their education, healthcare, and housing needs. While Tom’s request for a business course may seem like an investment in his future, it is not an allowable expense under the trust, as it is not directly related to education, healthcare, or housing. As trustee, Sarah has the responsibility to ensure the trust funds are used in accordance with the specific purposes set out by Margaret. Option A is incorrect because a business course is not an expense linked to Tom’s immediate educational or housing needs. Option B is also incorrect because, even with evidence of the course’s indirect benefits, it does not fall within the trust’s defined purposes. Option D is misguided because Sarah’s duty as trustee is to act based on the trust’s terms, not the opinions of other family members. Option E is unnecessary since the trust’s terms are clear, and legal advice would not alter the outcome of denying the request.

Question 55

Correct answer: E

Explanation:

The correct answer is E, as the court must examine both Diane’s mental state and the potential for undue influence. Dementia can impair a person’s ability to fully understand the impact of a will, making testamentary capacity a key issue. A testator must comprehend the nature of their estate, the will’s effect, and the claims of potential beneficiaries. The absence of a medical capacity assessment is a red flag, as it makes it difficult to verify Diane’s mental state at the time of signing. Furthermore, the influence of Emily, a caregiver with substantial control over Diane’s daily life, raises concerns about undue influence. A is incorrect because formal compliance with signing and witnessing requirements does not guarantee testamentary capacity. The court must also assess whether Diane was mentally capable of making the changes. B is incorrect because while testators have freedom to distribute their estates, their choices must be made voluntarily and with full capacity. The presence of dementia and the involvement of a non-family beneficiary warrant further investigation. C is incorrect because while dementia raises concerns, it does not automatically mean that a testator lacks capacity. The key issue is whether Diane still understood her decisions at the time the will was made. D is incorrect because while Emily’s involvement is suspicious, undue influence must be proven rather than presumed. A court must examine the overall circumstances before ruling. Thus, E is the best answer, as both capacity and undue influence are central to the court’s determination.

Question 56

Correct Answer: C

Explanation:

The correct approach is for Tom to maintain the £250,000 in the client account and issue invoices as necessary, adjusting for the revised fees. Option C is in line with the firm's duty to keep client funds segregated in the client account, ensuring the amounts are allocated based on the actual legal work provided. Option A prematurely withdraws part of the funds, which is inappropriate until the revised fee is fully calculated and invoiced. Option B requires returning the funds, which is inefficient and unnecessarily complicates the process when the original deposit can be managed and adjusted. Option D moves client funds to the office account, which violates client money regulations as the funds should remain in the client account until fees are properly invoiced. Option E unnecessarily freezes the account, delaying the transaction without a clear need for such drastic action.

Question 57

Correct Answer: B

Explanation:

Option B is the most appropriate advice for Rachel. For a claim of self-defence to be valid, the force used must be proportionate to the threat faced. While Rachel felt threatened by Steve, the situation did not involve an immediate danger or physical threat that would justify drawing a knife. Steve was not physically approaching her in a manner that would justify the use of a weapon. A is incorrect because while Rachel might have been scared, the use of a knife was not a proportional response. A weapon should only be drawn when there is a real, imminent threat of harm, which did not exist in this case. C is also incorrect because while panic may have influenced her actions, self-defence cannot be based purely on fear. The law requires that the response must be reasonable and proportionate, and drawing a knife when no physical harm was imminent was not reasonable. D is incorrect because stalking, while unsettling, does not legally justify threatening someone with a weapon. The law requires that threats be made in response to imminent harm, not as a reaction to fear or discomfort. E is also incorrect. Although carrying a knife could be perceived as threatening, it does not automatically imply guilt for threatening behaviour, especially if the knife was not used to cause harm. However, Rachel should carefully consider the circumstances before deciding whether pleading guilty is appropriate.

Question 58

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police are authorized to search premises and seize property if they have reasonable grounds to believe it contains evidence relevant to the crime under investigation. In this case, the police believe the documents are essential to proving Oliver’s involvement in fraud. Option B is incorrect because the police can search and seize documents without a warrant if they have reasonable grounds to suspect they are linked to the crime. Option C is incorrect because the police do not need to wait for a charge to seize documents; they need only reasonable grounds to suspect the documents are relevant to the investigation. Option D is incorrect because the police can search and seize property before charges are made, as long as they have sufficient grounds to do so. Option E is incorrect because while the police must have reasonable grounds, they do not need “clear” evidence before seizing documents relevant to the investigation.

Question 59

Correct Answer: B

Explanation:

Restrictive covenants do not automatically expire with time, and they remain binding on future owners unless formally removed. However, under Section 84 of the Law of Property Act 1925, an application can be made to the Upper Tribunal (Lands Chamber) to modify or discharge a restrictive covenant if it can be shown that the covenant has become obsolete or no longer provides a practical benefit. In this case, if Daniel can prove that similar developments have occurred in the neighbourhood and that the covenant no longer serves its original purpose, the tribunal may modify or remove it. Option A is incorrect because restrictive covenants do not expire with age. They remain enforceable unless discharged through legal procedures. Option C is incorrect because Emily does not automatically have an absolute right to enforce the covenant. The enforceability depends on whether the covenant still benefits her property and whether she has the legal right to enforce it. Option D is incorrect because restrictive covenants do not have to be registered separately to be enforceable - they are typically passed with the land unless legally discharged. Option E is incorrect because obtaining planning permission does not override restrictive covenants. Even if planning permission is granted, Daniel would still need to address the covenant separately before proceeding.

Question 60

Correct answer: C

Explanation:

The correct answer is C, as adverse possession can develop over time, even if the initial occupation was permitted. Courts will look at whether Daniel’s occupation later became independent of Emily’s permission, meaning he occupied the land as if it were his own. If Emily abandoned any control over the land and Daniel treated it as his own for over 12 years, a court may accept his claim. However, Daniel bears the burden of proving that his occupation transitioned from permitted to adverse. Option A is misleading because while Daniel meets many adverse possession criteria, the key issue is whether his occupation was initially with consent and whether that consent was ever withdrawn. Option B is incorrect because the existence of original permission does not always prevent a later claim of adverse possession. Option D is relevant, but it does not fully address the issue of whether Daniel’s possession later became adverse. Option E is partially correct, as the Land Registration Act 2002 does make it harder to claim adverse possession, but Emily’s challenge must still be based on a valid legal reason, not just an objection.

Question 61

Correct Answer: C

Explanation:

The trust clearly defines its purpose: to support the children’s education, healthcare, and housing needs. While starting a business may seem like a way to eventually provide for these needs, it is not an immediate or direct expense related to education, healthcare, or housing. As trustee, Alice must ensure that the trust’s funds are used in accordance with its specific purposes. Option A is incorrect because the business venture does not directly address Emma’s immediate educational or housing needs, which are the focus of the trust. Option B is not a solution, as even evidence of future benefits does not align with the trust’s focus on immediate needs. Option D is misguided, as the decision is based on the terms of the trust, not family members' opinions. Option E is unnecessary because the terms of the trust already provide clarity, and legal advice would likely confirm that starting a business is not a legitimate expense under the trust’s provisions.

Question 62

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence must be carefully evaluated. Given Robert’s episodes of confusion and the solicitor’s failure to obtain a medical capacity assessment, there is significant doubt about whether he understood the implications of his decisions. Testamentary capacity requires that a testator comprehends their assets, the purpose of the will, and the claims of potential beneficiaries. If Robert did not meet this threshold, the 2023 will is invalid. Additionally, James’s involvement in arranging the solicitor and his presence during discussions suggest undue influence. Vulnerable individuals who rely on others for care can be pressured into making decisions they would not otherwise make. A is incorrect because while formal validity is required, it does not override concerns about capacity or undue influence. The mere presence of witnesses does not prove Robert’s understanding of the will’s contents. B is incorrect because testamentary freedom is only valid when a testator acts with full capacity and without coercion. If Robert lacked awareness of his actions, his freedom to make a will is compromised. C is incorrect because while confusion is a warning sign, testamentary incapacity must be assessed based on legal principles, not just outward behaviour. A thorough medical evaluation would have provided stronger evidence. D is incorrect because undue influence must be proven, not presumed. While James’s involvement is suspicious, the court must establish whether Robert’s decision was made freely. Thus, E is the best answer, as both mental capacity and undue influence are key considerations in the court’s determination.

Question 63

Correct Answer: B

Explanation:

Oliver should maintain the £500,000 in the client account for the duration of the delay, ensuring no unauthorized withdrawals are made. Option B ensures compliance with client money regulations by keeping the deposit segregated and intact, protecting the client's interests throughout the delay. Option A wrongly transfers the funds to the office account, which would be a breach of client money regulations. Option C unnecessarily returns the deposit and complicates the process when it can be handled appropriately in the client account. Option D inappropriately withdraws a portion of the deposit before it is due, which could cause complications regarding the proper allocation of fees. Option E introduces unnecessary complexity by placing funds in a separate interest-bearing account, which might not be suitable for all clients or agreements.

Question 64

Correct Answer: A

Explanation:

Option A is the most appropriate advice for James. Self-defence can be claimed when a person acts to prevent immediate harm, and in this case, Alan’s raised fist and aggressive posture created a reasonable belief in the imminent threat of physical violence. James’s punch was a proportionate response to the immediate threat posed by Alan. B is incorrect because Alan’s raised fist did create a clear and imminent threat. James had every right to defend himself, and avoiding the confrontation was not a viable option given the circumstances. C is not correct because while verbal threats may provoke a response, the law requires that the response be proportionate. James’s reaction to Alan’s raised fist was proportionate, but not to mere verbal threats. D is incorrect because although the group’s behaviour was intimidating, self-defence requires that the force used be proportionate to the threat. James’s punch was aimed at Alan, not at the group, and was a reasonable response to the immediate threat from Alan. E is incorrect because while the punch caused harm to Alan, James’s actions were justified under self-defence laws due to the imminent threat posed by Alan.

Question 65

Correct Answer: A

Explanation:

Option A is correct because the Police and Criminal Evidence Act 1984 (PACE) permits the police to seize property, including personal items like a mobile phone, if they have reasonable grounds to believe it contains evidence related to a crime. In this case, the police suspect the phone holds communications or evidence relevant to the assault investigation. Option B is incorrect because the police do not need a warrant to seize property if they have reasonable grounds to believe it is linked to criminal activity, even though the phone is a personal item. Option C is incorrect because the police can seize personal property before charges are made, as long as they have reasonable grounds to believe it contains evidence related to the crime. Option D is incorrect because while the police must show reasonable grounds for the seizure, they do not need to prove that the phone is “essential” to the investigation, only that it is relevant. Option E is incorrect because while Hannah has requested legal advice, this does not prevent the police from seizing evidence if they have reasonable grounds to do so.

Question 66

Correct Answer: B

Explanation:

Conveyancing solicitors have a duty of care to inform buyers of significant leasehold obligations, such as escalating ground rent clauses, which can have severe financial consequences. If Michael and Sarah were not properly advised, they may have grounds to sue their solicitor for professional negligence and claim compensation for any financial losses. Option A is incorrect because simply signing a lease does not prevent a buyer from taking action if they were misled by their solicitor. Option C is incorrect because ground rent increases do not require written notice before implementation - if the clause is in the lease, it remains enforceable unless challenged separately. Option D is incorrect because leasehold enfranchisement is not an immediate or straightforward process - it requires specific legal conditions to be met, including a minimum ownership period. Option E is incorrect because while the Leasehold Reform (Ground Rent) Act 2022 applies to new leases created after June 30, 2022, it does not automatically apply to all properties, especially if the lease was signed before that date. However, Michael and Sarah may still explore whether they qualify for leasehold reform protections.

Question 67

Correct answer: C

Explanation:

The correct answer is C, as Rachel’s ability to enforce an easement depends on whether her use meets the legal criteria for prescription. If she used the driveway for 20 years, openly, continuously, and without permission, she may be entitled to a prescriptive easement. However, Liam, as a new owner, may argue that the lack of Land Registry records means the easement does not bind him. Option A is misleading because while long-term use can lead to an easement, it does not automatically bind a new owner if the right was not previously recognised. Option B is incorrect as prescriptive easements can exist even if they are not recorded, though they are harder to enforce. Option D is relevant, but it oversimplifies the issue - Rachel’s use could still be upheld by the courts even if unregistered. Option E is incorrect because prescriptive easements do not always require registration, though it is preferable.

Question 68

Correct Answer: C

Explanation:

The trust’s terms explicitly outline that the funds are for education and healthcare, not for discretionary expenses such as luxury holidays. While mental health is important, a luxury holiday does not directly address Lily’s education or healthcare needs. Mark, as trustee, must ensure that the funds are used in line with the trust’s purpose, which does not include funding vacations. Option A is incorrect because the holiday is not directly related to Lily’s education or healthcare needs. Option B is also incorrect, as even with medical evidence, the holiday does not fall within the trust’s defined categories. Option D is misguided because consulting other beneficiaries does not change the legal requirements of the trust. Option E is unnecessary, as the terms of the trust are clear, and legal advice would likely confirm that the holiday is not an allowable expense under the trust.

Question 69

Correct answer: C

Explanation:

The correct answer is E, as both mental capacity and undue influence are key considerations. Margaret’s declining cognitive state suggests that she may not have fully understood the effect of changing her will. Testamentary capacity requires that a testator understands the nature of their estate, the purpose of their will, and the claims of those expecting to inherit. Without a medical assessment, it is difficult to determine whether Margaret met this requirement. Additionally, Linda’s significant role in arranging the will raises strong concerns about undue influence. Vulnerable individuals who rely on caregivers may be subtly pressured into altering their estate plans. A is incorrect because formal validity does not prove that Margaret had testamentary capacity or that her decision was free from influence. The law requires more than just proper execution. B is incorrect because undue influence does not always require direct evidence. A pattern of isolation and dependency can indicate coercion, even without overt threats or pressure. C is incorrect because while cognitive decline is a warning sign, incapacity must be determined based on legal standards. A full medical assessment would have been necessary for a stronger conclusion. D is incorrect because undue influence is not automatically presumed, though Linda’s role is highly suspicious. The court must analyse all the facts before reaching a conclusion. Thus, E is the best answer, as both capacity and undue influence must be assessed together.

Question 70

Correct Answer: B

Explanation:

Claire should leave the full £1,200,000 in the client account and provide regular updates to the client, keeping the balance reconciled and properly allocated for legal fees and disbursements. Option B ensures that the client’s funds are managed transparently, and that disbursements are properly documented and handled within the client account. Option A unnecessarily splits the deposit into multiple accounts, complicating recordkeeping and potentially violating client money rules by over-segregating. Option C improperly transfers client funds to the office account, violating client money rules and failing to maintain proper segregation of funds. Option D introduces unnecessary complexity by creating a separate escrow account, which may not be necessary in this situation. Option E prematurely withdraws client funds for anticipated work, violating client money regulations by moving funds before they are invoiced.

Question 71

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Maria. Self-defence is applicable when an individual reasonably believes they are in imminent danger of harm. In this case, Tom's physical intrusion and verbal threats created a situation where Maria feared for her safety. The use of the knife, while extreme, was a proportionate response to the perceived threat. B is incorrect because although Maria had options to retreat, Tom’s behaviour escalated to a point where self-defence was a reasonable and necessary response. C is incorrect because while fear may explain Maria’s actions, the law requires that the response to a threat be proportionate. Simply feeling afraid does not justify using a knife if the threat was not immediate. D is incorrect because although Tom provoked Maria by entering her home and threatening her, self-defence must still be proportionate. The use of the knife was a reasonable defensive measure but could still be questioned under the circumstances. E is incorrect because pleading guilty to assault is not the best course of action. Maria’s actions may be defensible under self-defence, especially considering the severity of Tom’s intrusion and the threats made.

Question 72

Correct Answer: A

Explanation:

Option A is correct because the Police and Criminal Evidence Act 1984 (PACE) allows the police to search a suspect’s home without a warrant if they have reasonable grounds to believe that evidence related to the crime is present, especially in urgent situations where evidence could be destroyed or lost. In this case, the police have witness statements and surveillance footage linking Jake to the robbery, justifying the search. Option B is incorrect because the police are not required to obtain a warrant in cases where there are reasonable grounds for believing that evidence is at risk of being destroyed or lost. Option C is incorrect because the police can search a suspect’s home before charges are made, as long as they have reasonable grounds to believe evidence is present. Option D is incorrect because the police do not need direct or clear evidence linking Jake to the robbery to search his home; reasonable grounds are sufficient. Option E is incorrect because the police are not limited by a specific timeframe after an arrest to search a suspect’s property, as long as they have reasonable grounds to conduct the search.

Question 73

Correct Answer: B

Explanation

Under Section 19 of the Landlord and Tenant Act 1985, service charges must be reasonable, and leaseholders have the right to challenge unfair charges at the First-tier Tribunal (Property Chamber). If a freeholder demands excessive service charges without justification, leaseholders can seek a tribunal ruling on whether the charges are fair and enforceable. The tribunal has the authority to reduce or invalidate excessive service charges and require refunds if overpayments were made. Option A is incorrect because leaseholders are not required to pay unreasonable service charges and have a legal right to demand transparency. Option C is incorrect because mediation is not a legal requirement before applying to the tribunal - leaseholders can go straight to the tribunal if they have concerns. Option D is incorrect because even for older buildings, service charges must reflect actual maintenance costs and cannot be arbitrarily set by the freeholder. Option E is incorrect because withholding service charge payments without a tribunal ruling can lead to legal consequences, including the risk of forfeiture of the lease.

Question 74

Correct answer: B

Explanation:

The correct answer is B, as adverse possession of registered land is more difficult under the Land Registration Act 2002. James and Olivia must show that they had a reasonable belief that the land was theirs for at least 10 years, which is different from the traditional 12-year rule for unregistered land. Since Sarah’s title is registered, she has a strong legal presumption of ownership and can object to their claim. Option A is misleading because adverse possession rules differ for registered land - occupation alone is not enough. Option C correctly identifies key factors, but it does not fully account for the stricter requirements under the Land Registration Act 2002. Option D is mostly correct, but James and Olivia do have a possible claim, even if it is weak. Option E is also valid, but it does not explain why the burden of proof is now on James and Olivia rather than Sarah.

Question 75

Correct Answer: C

Explanation:

The trust’s terms clearly specify that its funds are for education and healthcare initiatives, and renovating a gym does not fulfil these purposes. Although a healthier environment might contribute to the well-being of the community, it does not directly align with the trust’s educational or healthcare focus. Option A is incorrect because while the gym renovation may improve health, it is not a healthcare initiative as defined by the trust. Option B is also incorrect, as adding an educational program does not change the fact that the renovation of a gym is outside the scope of the trust. Option D is misguided because the trustee must follow the trust’s terms, and consulting with beneficiaries does not alter the legal obligation. Option E is unnecessary since the terms of the trust are already clear, and legal advice would likely confirm that the gym renovation is not a legitimate expense under the trust.

Question 76

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence must be thoroughly examined. Jonathan’s declining health and Emily’s significant role in arranging the will raise legitimate concerns. Testamentary capacity requires the ability to understand the nature of one’s estate, recognize potential beneficiaries, and comprehend the impact of a will change. The solicitor’s single meeting is insufficient to conclusively establish that Jonathan had capacity. Furthermore, undue influence is a concern where a vulnerable person makes an unexpected change that benefits a close caregiver. A is incorrect because while testamentary freedom exists, it is not absolute. A will can be invalidated if the testator lacked capacity or was unduly influenced. B is incorrect because although a will is presumed valid, the circumstances surrounding its execution justify deeper scrutiny. The nieces’ allegations and Jonathan’s dependence on Emily create a plausible challenge. C is incorrect because while medical concerns are relevant, a lack of medical assessment does not automatically invalidate a will. However, it does weaken the argument for capacity. D is incorrect because undue influence must be proven rather than assumed. Although Emily’s involvement is suspicious, further evidence is needed to determine whether Jonathan’s decision was made freely. Thus, E is the best answer, as it ensures that both legal and factual aspects of the case are carefully considered.

Question 77

Correct Answer: B

Explanation:

Rachel should leave the full £150,000 in the client account and only transfer the £10,000 into the office account for disbursements. This ensures compliance with client money regulations by maintaining the client’s deposit in the client account until the work is performed, while properly accounting for disbursements. Option A prematurely moves client money into the office account, which is a violation of regulations. Option C unnecessarily splits the deposit into smaller amounts, which could complicate record-keeping and potentially result in client money regulations being violated. Option D does not ensure compliance, as it suggests requesting further disbursements rather than using funds already provided. Option E introduces unnecessary complexity by placing funds in a separate interest-bearing account, which is not required in this scenario.

Question 78

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Leah. Self-defence can be claimed when a person uses reasonable force to protect themselves from imminent harm. In this case, Carl's physical contact and refusal to release Leah’s arm created an immediate threat that justified her use of force to free herself. While the slap may have been forceful, it was proportionate to the level of threat posed by Carl. B is incorrect because Carl’s physical contact with Leah was an immediate threat to her safety. Continuing to walk away would not have removed the physical restraint, and Leah’s response was a necessary action. C is incorrect because while fear may explain Leah's actions, self-defence requires the response to be proportionate. The slap was not an instinctive reaction to fear but a proportionate response to Carl’s aggressive behaviour. D is incorrect because although Carl's actions were provocative, self-defence requires the use of force to be proportionate. The slap was a reasonable reaction but must be judged in the context of the overall situation. E is incorrect because pleading guilty to assault is not advisable. Leah’s actions may be justified as self-defence, especially considering Carl’s unwanted physical contact and aggressive behaviour.

Question 79

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police are allowed to search a vehicle without a warrant if they have reasonable grounds to believe that it contains evidence related to the crime. In this case, the police suspect that the weapon used in the assault is in the car, justifying the search. Option B is incorrect because the police do not need a warrant to search a vehicle if they have reasonable grounds to believe it contains evidence linked to a crime. Option C is incorrect because the police can search a vehicle before charges are brought, as long as they have reasonable grounds to suspect it contains evidence. Option D is incorrect because the police do not need direct evidence linking Liam to the assault to search his car; reasonable grounds are sufficient. Option E is incorrect because the police do not need to prove the car’s essential relevance, only that it is likely to contain evidence of the crime.

Question 80

Correct Answer: B

Explanation:

Easements must be properly registered in property deeds or established through long-term use to be enforceable. If Karen’s easement is not recorded on the Land Registry title or has been abandoned through lack of use, James may be able to challenge or extinguish it. Easements can be removed through legal procedures, particularly if they are no longer necessary or were never legally created in the first place. Option A is incorrect because while registered easements are enforceable, they are not always permanent - they can be removed if certain legal conditions are met. Option C is incorrect because prescriptive easements can be created through long-term use (typically 20 years, not 5 as stated in option E), meaning James cannot simply revoke an easement if Karen has used it for a long time. Option D is incorrect because James cannot take physical action to block the driveway without first determining whether Karen’s rights are valid. Option E is incorrect because 5 years of use is not enough to establish a prescriptive easement - the requirement under the doctrine of prescription is generally 20 years of continuous, uninterrupted use.

Question 81

Correct answer: A

Explanation:

The correct answer is A, as leaseholders have a statutory right to purchase the freehold under the Leasehold Reform, Housing and Urban Development Act 1993 if at least 50% of qualifying tenants participate. This process, known as collective enfranchisement, allows leaseholders to take control of the freehold and manage the building themselves. Mr. Bennett cannot refuse if the leaseholders meet the legal requirements. Option B is incorrect because freeholders can be forced to sell under leasehold enfranchisement laws. Option C is partly correct, as success depends on meeting the legal criteria, but it does not fully explain the leaseholders’ rights. Option D is misleading because unlawful behaviour is not a requirement for leasehold enfranchisement. Option E is also relevant, but it confuses the right to force repairs with the right to buy the freehold.

Question 82

Correct Answer: C

Explanation:

The trust’s terms specifically allocate funds for education, healthcare, and general welfare. Wedding expenses, while important to the family, do not fall into any of these categories. John, as trustee, has a fiduciary duty to act in accordance with the terms of the trust, which clearly exclude personal celebrations like weddings. Option A is incorrect because while the wedding may contribute to the niece's well-being, it does not relate to the educational, healthcare, or general welfare purposes of the trust. Option B does not change the fact that wedding expenses are outside the scope of the trust’s terms. Option D is misguided, as the trustee must follow the terms of the trust, regardless of the opinions of the beneficiaries. Option E is unnecessary because the terms of the trust are already clear, and legal advice would likely confirm that the request is outside the trust’s intended scope.

Question 83

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence must be examined. Alan’s medical condition following his stroke raises serious concerns about whether he fully understood the implications of his new will. Testamentary capacity requires an awareness of one’s assets, the claims of potential beneficiaries, and the legal impact of the will. The fact that the solicitor had minimal interaction with Alan and relied on Philip for communication further weakens the validity of the will. Additionally, undue influence is a significant concern when a person is isolated and reliant on a single individual. The drastic departure from Alan’s previous will suggests that further investigation is warranted. A is incorrect because testamentary freedom does not override legal concerns regarding capacity or undue influence. The presence of witnesses does not prove that Alan understood the contents of the will. B is incorrect because while a will is presumed valid, the circumstances surrounding its execution justify deeper scrutiny. Alan’s communication difficulties and dependence on Philip make undue influence a real concern. C is incorrect because while medical concerns are relevant, a lack of formal assessment does not automatically invalidate a will. However, the lack of solicitor engagement weakens the case for validity. D is incorrect because undue influence must be proven, not assumed. While Philip’s involvement is suspicious, the court requires concrete evidence to invalidate a will. Thus, E is the best answer, as it considers both legal and factual complexities in the case.

Question 84

Correct Answer: B

Explanation:

Katherine should leave the full £300,000 in the client account and continue to deduct the funds as needed for fees and disbursements. This ensures that client funds remain appropriately segregated and that the firm is compliant with client money regulations. Option A would prematurely withdraw funds, causing potential breaches of client money regulations by overdrawn accounts and improper handling of funds. Option C is incorrect because transferring funds to the office account without proper invoicing or disbursement approval violates client money protocols. Option D is unnecessary because it involves a reimbursement of funds when the money should be kept in the client account until fully invoiced. Option E complicates the handling of funds by introducing unnecessary segregation when the client account is sufficient to manage both fees and disbursements.

Question 85

Correct Answer: A

Explanation:

Option A is the most appropriate advice for David. Self-defence can be claimed when force is used to prevent an attack or to protect oneself from harm. While David may have been protecting his property, Robert’s physical resistance to being stopped could be seen as aggressive behaviour, making David’s response of tackling him proportionate in the context of the situation. B is incorrect because although Robert had not physically threatened David, his resistance to being stopped and the circumstances surrounding the potential theft could reasonably have led David to believe that he was in danger. C is incorrect because although David had a right to protect his property, his actions must still be proportionate. The tackle may not have been necessary if Robert had not yet posed a direct threat. D is incorrect because while Robert’s behaviour was suspicious, it did not justify an immediate and aggressive response. David’s actions must be seen in the context of the potential theft, but they were still a disproportionate reaction to Robert’s resistance. E is incorrect because pleading guilty is not advisable when self-defence is a plausible argument. David acted in response to Robert’s resistance, which justifies his actions under the principle of self-defence.

Question 86

Correct Answer: A

Explanation:

Option A is correct because the Road Traffic Act 1988 allows the police to take a blood sample from a person suspected of driving under the influence of alcohol, even without their consent, if they have reasonable grounds to believe that the person is intoxicated. The police have reasonable grounds based on the accident and Sophie's arrest. Option B is incorrect because the police are not required to obtain consent in this situation. The law grants them the authority to take the sample without consent if they suspect the individual is under the influence. Option C is incorrect because the police do not need to formally charge someone before taking a sample in this case, as long as they have reasonable grounds to suspect intoxication. Option D is incorrect because the police are permitted to take a blood sample even if Sophie is unable to provide a breath sample, as long as there are grounds to suspect intoxication. Option E is incorrect because the police do not need to prove beyond a reasonable doubt that Sophie was intoxicated at the time of the incident, only that they have reasonable grounds to suspect it.

Question 87

Correct Answer: B

Explanation:

Under the Land Registration Act 2002, a person who has occupied registered land for 10 years or more without the owner’s permission may apply to be registered as the legal owner through adverse possession. If the true owner does not object within 65 days, the applicant may succeed in obtaining legal title. However, if the owner objects, the application will generally fail unless the occupier can prove exceptional circumstances, such as an agreement between the parties or that they reasonably believed the land was theirs. Option A is incorrect because adverse possession allows for a change in ownership despite the registered title. Option C is incorrect because the requirement for 20 years applies only to unregistered land - for registered land, the period is 10 years. Option D is incorrect because Samantha cannot take self-help measures to remove Daniel’s structures without legal proceedings. Option E is incorrect because there is no requirement for the occupier to notify the owner - adverse possession is based on exclusive and continuous use without permission.

Question 88

Correct answer: A

Explanation:

The correct answer is A, as Ryan, as the landlord, has the right to enforce the lease terms, which explicitly prohibit structural changes without written consent. Lease agreements are contractually binding, and tenants must comply with their terms. Mark has breached the lease, meaning Ryan is entitled to seek legal remedies, including an order for removal of the conservatory. Mark’s claim that the conservatory adds value is irrelevant because he had no authority to make such a change in the first place. Option B is incorrect because, while courts may occasionally consider whether an alteration benefits the property, they generally uphold clear contractual terms. The lease prohibited structural changes, meaning Mark’s unauthorised actions are a breach, regardless of any improvement in value. Option C is misleading because it assumes the lease might allow structural changes when the scenario explicitly states that it forbids them. If the lease were ambiguous, Mark might have a defence, but that is not the case here. Option D incorrectly suggests that Ryan must prove financial harm to enforce the lease. In reality, a contractual breach is sufficient to justify legal action. Even if the property’s value increased, it does not excuse Mark’s actions. Option E is also incorrect because implied consent requires clear evidence, such as Ryan’s awareness and inaction over time. However, if Ryan objected promptly, there is no valid argument that he waived his rights. Thus, Ryan can demand removal of the conservatory, and Mark is likely responsible for the costs of restoring the property to its original condition.

Question 89

Correct Answer: C

Explanation:

The trust’s terms clearly specify that the funds should be used for education, healthcare, and general welfare, which does not include funding a business. Although supporting Lucas’s career development may seem beneficial, it does not fall within the trust’s intended purposes. As trustee, Emily has a duty to act in accordance with the trust’s terms, and funding a business is not within those terms. Option A is incorrect because the general welfare clause does not extend to funding business ventures. Option B is also incorrect; even a well-thought-out business plan would not change the fact that the trust was not established to fund businesses. Option D is not appropriate because the trustee must follow the terms of the trust, not seek consensus among beneficiaries. Option E is unnecessary because the trust’s terms are clear, and legal advice would likely confirm that the request falls outside the trust’s purpose.

Question 90

Correct answer: E

Explanation:

The correct answer is E, as both capacity and undue influence must be examined. Margaret’s dementia diagnosis raises concerns about whether she truly understood the consequences of the new will. Testamentary capacity requires a clear understanding of the nature of one’s estate, the claims of potential beneficiaries, and the legal effects of a will change. Susan’s control over Margaret’s finances and daily care creates an opportunity for undue influence, particularly as Margaret became increasingly reliant on her. The fact that the will was executed in Susan’s home, with her relatives as witnesses, adds to suspicions of improper influence. A is incorrect because testamentary freedom is not absolute; a will can be invalidated if the testator lacked capacity or was coerced. The solicitor’s involvement does not automatically prove that Margaret had capacity at the time. B is incorrect because while a will is presumed valid, the surrounding circumstances create a strong argument for closer scrutiny. The burden may shift if there is enough evidence suggesting undue influence. C is incorrect because a dementia diagnosis does not automatically mean a person lacks testamentary capacity. However, it does create a presumption that must be carefully assessed, especially given the drastic change from Margaret’s previous will. D is incorrect because undue influence must be proven, not just suspected. While Susan’s involvement is suspicious, the court will need concrete evidence that Margaret was pressured into making these changes. Thus, E is the best answer, as it considers both legal and factual complexities before determining the validity of the will.

Question 91

Correct Answer: C

Explanation:

Rachel should continue to hold the full €4,000,000 in the client account and deduct fees and disbursements as they arise. This approach ensures compliance with client money regulations by keeping client funds segregated and transparent, with regular updates provided to the client. Option A is incorrect because it moves client funds into the office account prematurely, which is a violation of client money rules. Option B requires moving too much client money into the office account, which is not necessary or compliant with client money regulations. Option D unnecessarily splits the funds into two accounts, which complicates the transaction without offering any significant benefit. Option E could unnecessarily delay the transaction, as the remaining funds should remain in the client account until needed.

Question 92

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Sarah. Self-defence is available when someone is protecting themselves from an imminent threat of harm. In this case, Max’s physical aggression towards both Sarah and Jenny, including pushing Sarah and attempting to grab the phone, made the punch a necessary and proportionate response to prevent further harm. B is incorrect because Max’s aggression created an immediate threat to Sarah and Jenny’s safety. The punch was not excessive, as it was aimed at stopping Max from taking further action, and avoiding the confrontation was not a feasible option. C is incorrect because while Sarah may have acted out of fear, the law requires that self-defence be proportionate to the threat. The punch was not merely an instinctive response; it was a reasonable reaction to an aggressive and escalating situation. D is incorrect because while Max’s actions were provoking, self-defence requires the response to be reasonable and proportionate. The punch was not an excessive response, but it cannot be justified merely by provocation. E is incorrect because pleading guilty is not advisable when self-defence is a reasonable argument. The punch was necessary to stop Max’s actions and was proportionate under the circumstances.

Question 93

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police can search a vehicle without a warrant if they have reasonable grounds to believe that it contains evidence related to a crime. In this case, the police suspect that Daniel's vehicle contains stolen goods, justifying the search. Option B is incorrect because personal property, such as a vehicle, can be searched without a warrant if there are reasonable grounds to believe it contains evidence related to the crime. Option C is incorrect because the police do not need direct evidence linking Daniel to the theft to search his vehicle; reasonable grounds are sufficient. Option D is incorrect because the police do not need to show that the vehicle is likely to be moved or that evidence is at risk of being destroyed, only that the vehicle contains relevant evidence. Option E is incorrect because the police do not need to wait for formal charges to search a vehicle as long as they have reasonable grounds to suspect it contains evidence.

Question 94

Correct Answer: C

Explanation:

Under Section 19 of the Landlord and Tenant Act 1985, leaseholders have the right to challenge unreasonable service charges at the First-tier Tribunal (Property Chamber). If a service charge is deemed excessive, unnecessary, or unfair, the tribunal can reduce or cancel the charge. Leaseholders are also entitled to receive a breakdown of costs upon request. Option A is incorrect because leaseholders are not required to pay unjustified service charges without scrutiny. Option B is incorrect because while leaseholders can request information, they cannot refuse payment indefinitely without tribunal intervention. Option D is incorrect because mediation is not a legal requirement before making a claim. Option E is incorrect because even if major repairs are necessary, the charges must still be reasonable and justified.

Question 95

Correct answer: B

Explanation:

The correct answer is B, as a periodic tenancy remains legally terminable by the landlord as long as proper notice is given. The length of occupation alone does not create an automatic right to remain, nor does making improvements to the property. In Thorner v Major [2009] UKHL 18, the courts ruled that proprietary estoppel requires clear and unequivocal assurances, which Hannah cannot prove since Ryan denies making any promise. Option A is incorrect because proprietary estoppel is only enforceable if Hannah can establish that Ryan made a clear representation, which she relied on to her detriment. Simply investing in improvements does not in itself establish a legal right to remain. Option C is also incorrect because a constructive trust requires a common intention between the parties that the tenant has an ownership interest. There is no evidence that Ryan and Hannah shared such an understanding. Option D is misleading because adverse possession rules do not apply where the occupier originally had a lawful tenancy. As Hannah’s occupation was always with Ryan’s consent, she cannot claim possession as a squatter. Option E is incorrect because UK law does not require a landlord to provide alternative accommodation when ending a periodic tenancy, provided proper legal notice is given. Thus, Hannah cannot prevent eviction simply because of her long-term residence or financial investment, and Ryan is entitled to regain possession.

Question 96

Correct Answer: C

Explanation:

The trust’s terms specify that the funds are to be used for health, education, and general welfare, but they do not provide for personal, discretionary expenses such as vacations. Although Olivia may argue that the vacation could benefit her mental health, the trust does not cover such leisure expenses. Option A is incorrect because the general welfare provision does not extend to vacations. Option B is also incorrect; even with medical evidence, the vacation does not qualify as a health-related expense under the terms of the trust. Option D is misguided because the trustee must act according to the trust’s terms, regardless of the beneficiaries’ opinions. Option E is unnecessary because the terms of the trust are already clear, and legal advice would likely confirm that the request falls outside the trust’s scope.

Question 97

Correct answer: E

Explanation:

The correct answer is E, as the case requires a full legal examination of both capacity and undue influence. Peter’s cognitive impairment raises valid concerns about whether he fully understood the changes he was making. Testamentary capacity requires the ability to understand one’s estate, potential beneficiaries, and the legal consequences of a will. The solicitor’s opinion is relevant but not conclusive, especially since no medical assessment was conducted. James’ involvement in arranging the will is particularly problematic, as it creates an opportunity for undue influence, especially given Peter’s dependence on him. A is incorrect because while testators have testamentary freedom, their decisions must be made freely and with full understanding. The law provides protection against undue influence and incapacity. B is incorrect because a will is presumed valid only if there are no suspicious circumstances. Here, Peter’s cognitive impairment and James’ role in arranging the will create significant concerns that justify legal scrutiny. C is incorrect because cognitive impairment alone does not automatically invalidate a will, but it does shift the burden to those seeking to uphold the will’s validity. The absence of a medical assessment makes this a weaker case for validity. D is incorrect because undue influence must be proven, not just inferred. While James’ involvement raises red flags, further evidence is required to conclusively establish coercion. Thus, E is the best answer, as it ensures that both legal and medical considerations are properly examined before determining the will’s validity.

Question 98

Correct Answer: E

Explanation:

The best option is for John to seek confirmation from the client about how to proceed with the £50,000 deposit and then make the appropriate transfer, ensuring that the original funds remain intact for the initial property sale. This ensures compliance with client money rules, proper transparency, and confirmation from the client before any transfers are made. Option A is wrong because it prematurely moves a substantial sum into the office account, which is a violation of client money rules. Option B unnecessarily uses funds from the client account without full authorization, risking a breach of the client’s instructions. Option C overcomplicates the matter by withholding transactions, which is unnecessary if confirmation and careful handling are achieved. Option D incorrectly suggests transferring funds from the client account to another, which is not appropriate without proper instructions from the client.

Question 99

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Tom. Self-defence can be claimed when a person uses force to protect themselves or prevent an imminent threat of harm. In this case, Jack’s physical resistance when Tom attempted to stop him is a reasonable justification for Tom’s actions. Tom was attempting to stop Jack from committing theft, and the tackle was proportionate in preventing further harm. B is incorrect because Jack’s resistance to Tom’s attempts to stop him created an immediate threat. Tom’s actions were not an overreaction but a necessary response to protect both his store’s property and his own safety. C is incorrect because while Tom was defending his property, self-defence still requires that the force used be proportionate. The tackle was a reasonable reaction but needs to be understood in the context of the situation, rather than simply being about protecting the tablet. D is incorrect because instinctive reactions still need to meet the proportionality requirement for self-defence. Although Tom may have acted quickly in the heat of the moment, the tackle must still be considered reasonable under the circumstances. E is incorrect because pleading guilty to assault is not advisable when Tom’s actions could be justified under self-defence. The tackle was necessary and proportionate to the threat posed by Jack’s resistance.

Question 100

Correct Answer: A

Explanation:

Option A is correct because the Misuse of Drugs Act 1971 allows the police to search a person's premises without a warrant if they have reasonable grounds to believe that controlled substances are present. In this case, the police have information linking Alice to the possession of illegal drugs, justifying the search. Option B is incorrect because the police do not need a warrant in cases where they have reasonable grounds to believe that illegal substances are present. Option C is incorrect because the police do not need direct evidence linking Alice to drug possession to search her home; reasonable grounds are sufficient. Option D is incorrect because the police do not need to prove that evidence is likely to be destroyed, only that it is likely to be found at Alice’s property. Option E is incorrect because the police can search Alice’s home before charges are brought, as long as they have reasonable grounds to suspect the presence of illegal substances.

Question 101

Correct Answer: C

Explanation:

Under recent UK leasehold reforms, the government has sought to limit excessive ground rent increases, particularly those that double periodically. Such arrangements may be considered unfair contract terms, and leaseholders have legal avenues to challenge them. The Leasehold Reform (Ground Rent) Act 2022 has already banned new leaseholds from having escalating ground rents, although this law does not yet apply to older leases. Option A is incorrect because leaseholders can challenge unfair lease terms. Option B is incorrect because legal protections against excessive ground rent increases may still apply after purchase. Option D is incorrect because ground rent remains enforceable unless legally challenged. Option E is incorrect because increasing ground rent is not illegal - only new leasehold agreements are subject to restrictions.

Question 102

Correct answer: B

Explanation:

The correct answer is B, as a prescriptive easement can only arise where the use was as of right, meaning it was without permission, without force, and without secrecy. Since Tom’s father originally received express permission, the use was never hostile or as of right. The case of R (on the application of Barkas) v North Yorkshire County Council [2014] UKSC 31 confirms that if permission was originally granted, a party cannot later claim a prescriptive easement. Option A is incorrect because Tom’s use of the path was originally based on permission, and a right acquired by permission cannot later become prescriptive. Option C is also incorrect, as Lisa’s failure to challenge the use does not automatically validate Tom’s claim. New property owners do not inherit permissions or informal agreements made by previous owners unless they are formally recorded. Option D is misleading because prescriptive easements do not require registration to exist, though they can be registered for added legal certainty. Option E is incorrect because once permission is granted, the clock does not run for prescription purposes. Even if Tom and his father used the path for decades, the original permission prevents a claim. Thus, Lisa has the legal right to block the path, as Tom has no enforceable prescriptive easement.

Question 103

Correct Answer: A

Explanation:

The trust explicitly provides for educational expenses, which can reasonably include graduate school tuition and living costs. The definition of “education” in this context is broad and encompasses various levels of formal education, including both undergraduate and graduate studies. Option B is incorrect because, while verification may be useful, the fundamental issue is whether graduate school expenses fall within the trust’s terms. Option C is incorrect because the trust does not require explicit mention of graduate school and the broad term "education" covers both undergraduate and graduate studies. Option D is misguided because the trustee must act according to the trust’s terms, not based on beneficiaries' opinions. Option E is unnecessary because the terms of the trust are clear, and graduate school expenses fall under the education provision.

Question 104

Correct answer: E

Explanation:

The correct answer is E, as the court must examine both capacity and potential undue influence. Eleanor’s hospitalization, potential use of strong medication, and Richard’s involvement in arranging the will all create red flags. Testamentary capacity requires that Eleanor fully understood her decisions and their consequences. If she was mentally impaired due to medication or illness, the will may be invalid. Additionally, Richard’s significant financial benefit and his solicitor’s involvement raise concerns about undue influence. The drastic deviation from Eleanor’s prior will further strengthens the argument for closer legal review. A is incorrect because testamentary freedom does not override the legal requirement for capacity and absence of coercion. While Eleanor could change her will, her ability to do so must be verified. B is incorrect because the presumption of validity does not apply when significant suspicious circumstances exist. The burden may shift if undue influence or incapacity is suggested. C is incorrect because illness alone does not automatically mean a person lacks testamentary capacity. However, if Eleanor was heavily medicated or confused, the will could be invalid. D is incorrect because while undue influence is a strong possibility, it must be proven, not just suspected. The court will require concrete evidence beyond Eleanor’s vulnerability. Thus, E is the best answer, as it ensures a full legal review of both Eleanor’s capacity and Richard’s potential influence before determining the will’s validity.

Question 105

Correct Answer: B

Explanation:

Eleanor should maintain the full $2,500,000 in the client account and deduct fees and disbursements as they are incurred. This ensures that the client’s funds are managed properly, with transparency in tracking both legal fees and disbursements, and aligns with client money regulations. Option A is incorrect because it prematurely moves the entire amount to the office account, which is a violation of client money protocols. Option C unnecessarily splits the funds, complicating the transaction without providing significant benefit or compliance with client money rules. Option D complicates the matter by reimbursing the client unnecessarily, delaying the handling of the funds. Option E incorrectly allocates funds to specific purposes without maintaining a clear and compliant client account.

Question 106

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Lucy. Self-defence is a legitimate claim when force is used to protect oneself from immediate harm. In this case, Ben’s aggressive approach and demand for Lucy’s purse created a threat to her safety, justifying the use of pepper spray to prevent further harm. The pepper spray was a proportionate response to the immediate threat posed by Ben. B is incorrect because Ben’s approach and actions, including attempting to take Lucy’s purse, created an imminent threat. Lucy was justified in using the pepper spray to protect herself from harm. C is incorrect because while Lucy was defending her property, self-defence requires that the force used be proportionate to the threat. The use of pepper spray was not excessive given Ben’s aggression, but the argument needs to focus on the threat to her safety rather than simply the purse. D is incorrect because instinctive reactions must still meet the proportionality requirement for self-defence. The use of pepper spray was not an instinctive reaction but a reasonable response to Ben’s threatening actions. E is incorrect because pleading guilty is not appropriate when Lucy acted in self-defence. The pepper spray was necessary to stop Ben from advancing on her and was a reasonable response to the perceived danger.

Question 107

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police are authorized to search premises without a warrant if they have reasonable grounds to believe that evidence related to a crime is present. In this case, the police suspect that Chris’s home contains items linked to the assault. Option B is incorrect because while privacy rights are important, PACE grants police the authority to conduct a search without a warrant if there are reasonable grounds to suspect the presence of evidence. Option C is incorrect because the police do not need direct evidence linking Chris to the crime to search his home; reasonable suspicion is sufficient under the law. Option D is incorrect because the police are not required to show immediate access or the risk of evidence being destroyed, only reasonable grounds to suspect the presence of evidence. Option E is incorrect because a formal charge is not necessary for the police to search Chris’s home if there are reasonable grounds to suspect evidence will be found.

Question 108

Correct Answer: A

Explanation:

The rights and obligations concerning shared driveways depend on the specific terms of the easement. If the easement explicitly states that all benefiting properties must share maintenance costs, then James and Rebecca can legally require their neighbour to contribute. However, if the deed is silent on this point, it becomes a matter of negotiation, as there is no automatic legal duty to contribute unless the neighbour’s use has caused damage. Option B is incorrect because whether or not the neighbour actively uses the driveway does not necessarily remove their financial obligation if the easement requires shared maintenance. Option C is incorrect because simply initiating repairs does not mean James and Rebecca must cover all costs, especially if the easement mandates joint contributions. Option D is incorrect because the developer does not remain responsible indefinitely - once the properties are sold, responsibility typically transfers to the homeowners. Option E is incorrect because private driveways are not public rights of way, and local councils have no obligation to maintain them.

Question 109

Correct answer: C

Explanation:

The correct answer is C, as James can rely on the doctrine of implied easements by common intention. Under Pwllbach Colliery Co Ltd v Woodman [1915] AC 634, an implied easement arises when it is clear from the circumstances that both parties intended for a right to exist, even if it was not formally granted. Since the property was marketed and sold with an expectation of an assigned parking space, the court is likely to imply an easement to give effect to that intention. In cases where a buyer is led to believe that a right exists, and this right is essential for reasonable enjoyment of the property, the law may uphold an implied easement. Option A is incorrect because an easement of necessity only arises when a property would be useless or inaccessible without the right (e.g., landlocked land needing a right of way). Here, James’ home is fully functional without the parking space, so necessity does not apply. The mere fact that a parking space is desirable does not mean it is legally necessary under this principle. Option B is misleading, as while exclusive possession is usually inconsistent with an easement, parking easements have been upheld in cases such as Moncrieff v Jamieson [2007] UKHL 42, where the court ruled that parking easements can exist even if they exclude others from using the space. The key issue is whether the right to park unduly interferes with the landowner’s rights. James' parking space does not obstruct general access to the private road, meaning exclusivity may not be fatal to his claim. Option D is incorrect, as not all easements must be expressly registered to be valid. Implied easements do not require formal registration, provided they meet the necessary legal criteria. In Wong v Beaumont Property Trust Ltd [1965] 1 QB 173, an implied easement was upheld despite the lack of express documentation. The absence of registration is not decisive if an implied easement can be proven. Option E is also incorrect, as prescriptive easements require at least 20 years of continuous use without permission under the Prescription Act 1832. James has only used the space for five years, which is insufficient to establish a prescriptive right. If James had continued using the space for 20 years, he could have made a claim, but at this stage, he does not meet the legal threshold. Thus, James has a strong argument under the doctrine of common intention easements, meaning he may be able to continue using the parking space despite the new landowner’s objections. His claim is likely to succeed if he can demonstrate that both the seller and buyer understood that parking rights were included in the transaction.

Question 110

Correct Answer: C

Explanation:

The trust’s terms specify that funds should be used for health, education, and welfare, but this does not extend to loans for living expenses. While the general welfare provision could encompass some level of financial assistance, it is typically interpreted to cover more specific needs, such as medical expenses or educational support, rather than discretionary financial aid for living expenses. Option A is incorrect because while the request may appear to support welfare, it does not fit within the specific scope of the trust’s provisions for health, education, and welfare. Option B is incorrect because the issue is not about providing documentation but about whether the trust allows loans for living expenses, which it does not. Option D is incorrect because, although consulting other beneficiaries might offer insight, John must make the decision based on the trust’s terms, not the beneficiaries' preferences. Option E is unnecessary because the trust’s terms are already clear; providing loans for living expenses does not meet the trust’s objectives.

Question 111

Correct answer: E

Explanation:

The correct answer is E, as this case requires a legal assessment of both undue influence and testamentary capacity. Martin’s role in arranging the will, the drastic shift in beneficiaries, and Frank’s increasing dependence on him create strong grounds for concern. The law is particularly cautious when a major beneficiary plays a key role in the execution of a will. Courts will assess whether Frank truly acted of his own free will or whether Martin manipulated him into making these changes. The fact that the will was signed in Martin’s office, with Martin’s employees as witnesses, makes the situation even more suspicious. A is incorrect because while testamentary freedom exists, it does not override concerns about undue influence or incapacity. A testator must make decisions free from external pressure. B is incorrect because a financial adviser receiving a large inheritance from a client raises serious ethical and legal concerns. The presence of witnesses does not eliminate the possibility of coercion. C is incorrect because while Martin’s role is highly suspicious, undue influence must still be proven rather than assumed. Courts will carefully examine the circumstances before making a ruling. D is incorrect because declining health alone does not mean Frank lacked capacity. However, if evidence shows Martin exerted significant pressure, the will could be invalidated. Thus, E is the best answer, as it ensures that both legal and factual elements are properly analysed before determining the will’s validity.

Question 112

Correct Answer: C

Explanation:

Olivia should maintain the full £5,000,000 in the client account and only use the necessary funds for disbursements as they are incurred. This approach ensures that all estate funds are properly tracked, protecting the beneficiaries' interests and adhering to client money rules. Option A violates the segregation of client funds and improperly uses client funds for office expenses. Option B is incorrect because it moves funds to the office account prematurely, which is not in compliance with client money regulations. Option D is unnecessary because there is no reason to reimburse the client unless the full funds are no longer needed, which isn’t the case. Option E unnecessarily splits the funds in an unapproved manner and could complicate matters unnecessarily.

Question 113

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Mark. Self-defence can be invoked when someone uses force to protect themselves from an immediate threat of harm. Carl’s aggressive behaviour, including getting in Mark’s face and his continued pursuit, created a threat to Mark’s safety, justifying the use of force. The shove was a reasonable and proportionate response to Carl’s actions. B is incorrect because although Carl did not physically attack Mark, his aggressive actions and verbal provocation created a threatening situation. Mark’s shove was a reasonable response to stop Carl’s advance. C is incorrect because while Mark may have been protecting himself, self-defence requires that the force used be proportionate. The shove was necessary, but the context must show it was the least forceful means of protecting himself. D is incorrect because while Carl provoked Mark, self-defence requires that the response to provocation be reasonable and not excessive. Mark’s shove was necessary but must still be seen as proportionate to the threat posed. E is incorrect because pleading guilty to assault is not advisable when self-defence is a reasonable argument. The shove was a necessary and reasonable response to Carl’s aggressive behaviour.

Question 114

Correct Answer: A

Explanation:

Option A is correct because under the Firearms Act 1968, the police are authorized to search a person’s home without a warrant if they have reasonable grounds to suspect that illegal weapons are present. In this case, the police believe that Emma may have illegal firearms in her home. Option B is incorrect because the police do not need a warrant in this situation as long as they have reasonable grounds to suspect the presence of firearms or related evidence. Option C is incorrect because direct evidence is not required for the police to search Emma’s home; reasonable suspicion of possession is sufficient under the Firearms Act. Option D is incorrect because the police do not need to show that the weapon is to be used in further criminal activity, only that it is likely to be present in Emma’s home. Option E is incorrect because the police do not need Emma’s consent to search her home if they have reasonable grounds to believe illegal weapons are present.

Question 115

Correct Answer: C

Explanation:

Under the Landlord and Tenant Act 1988, a freeholder must act reasonably when deciding whether to grant or refuse consent for alterations. If a lease contains a clause requiring consent for structural changes, the freeholder cannot unreasonably withhold or delay their decision. David can challenge the refusal if the freeholder fails to provide valid reasons. However, if the proposed changes would cause structural issues, devalue the property, or breach safety regulations, the freeholder may have a valid reason to refuse. Option A is incorrect because leaseholders do not have the same rights as freeholders - they are bound by the lease terms. Option B is incorrect because while the freeholder can refuse, they must justify their decision. Option D is incorrect because unauthorized alterations could result in legal action or forfeiture of the lease. Option E is incorrect because planning permission does not override lease restrictions - even if the council approves the work, David still needs freeholder consent.

Question 116

Correct answer: B

Explanation:

The correct answer is B, as the landlord's refusal appears unreasonable and could be overridden under s.19(2) of the Landlord and Tenant Act 1927. This provision states that landlords must not unreasonably withhold consent for improvements, and if they do, tenants may proceed or seek legal redress. In International Drilling Fluids Ltd v Louisville Investments (Uxbridge) Ltd [1986] 1 Ch 513, the court held that landlords must give valid reasons for refusal, and failure to do so can result in the tenant being permitted to carry out the changes. Option A is incorrect, as while Sarah did make alterations without consent, the key issue is whether the refusal was unreasonable. If the landlord had valid reasons, she would be in breach, but arbitrary refusals may not be enforceable. Option C is misleading, as the Hui case does not establish that tenants must always comply with a refusal. Instead, courts can intervene where landlords act unfairly. Sarah could have challenged the refusal before carrying out the work, but this does not necessarily mean she breached the lease. Option D is incorrect, as even non-structural alterations may require consent if the lease explicitly states so. However, if the covenant only covers structural changes, Sarah might argue that her actions did not fall within its scope. Option E is incorrect, as statutory intervention can override unfair lease covenants. If Sarah can demonstrate that the landlord's refusal was capricious or discriminatory, she has a strong claim under the 1927 Act.

Question 117

Correct Answer: A

Explanation:

The trust’s general welfare provision provides the trustee with the flexibility to use funds for a variety of needs, including necessary medical treatment. Although the trust does not explicitly mention medical expenses, the broad wording of “general welfare” allows for this interpretation. Option B is incorrect because, while documentation may support the decision, the key issue is whether medical treatment falls under the trust’s provisions, which it does. Option C is incorrect because the general welfare provision is sufficiently broad to cover necessary medical expenses, and Sophia should not deny the request based on an overly narrow interpretation. Option D is incorrect because, although consulting the other siblings might be useful for transparency, the decision ultimately rests with Sophia as trustee, and the trust terms support her approval of the medical treatment. Option E is unnecessary because the trust’s terms are clear enough to cover medical expenses under the general welfare provision, and legal advice would likely confirm this.

Question 118

Correct answer: E

Explanation:

The correct answer is E, as this case necessitates an examination of both Margaret’s mental capacity and the potential for undue influence. Given her cognitive decline, she may not have fully understood the consequences of the new will. Testamentary capacity requires a clear understanding of one’s assets and beneficiaries, and if Margaret was suffering from memory loss or confusion, she may not have met this standard. Furthermore, Sofia’s role as a caregiver created a power dynamic that could have influenced Margaret’s decision. Courts are particularly wary of situations where a caregiver arranges a will that drastically alters previous estate plans. A is incorrect because testamentary freedom is not absolute; the will can be challenged if the testator lacked capacity or was unduly influenced. B is incorrect because undue influence is often subtle and does not require direct evidence. The drastic change in the will and Sofia’s role in arranging it create strong grounds for suspicion. C is incorrect because while cognitive decline is relevant, it must be severe enough to render the testator incapable of understanding their decisions. A person with mild memory loss may still have capacity. D is incorrect because undue influence must be proven rather than presumed. However, the surrounding circumstances do strongly suggest the possibility of coercion. Thus, E is the best answer, as it ensures a full legal review of both capacity and potential undue influence before determining the validity of the will.

Question 119

Correct Answer: B

Explanation:

Nina should leave the full £1,500,000 in the client account, deducting fees and disbursements as they arise for both matters. This ensures that client funds are properly segregated, and the full balance is available for both legal fees and disbursements, with full transparency to the client. Option A violates client money rules by transferring funds to the office account prematurely. Option C unnecessarily complicates the situation by splitting the funds into two accounts when one client account is sufficient. Option D is incorrect because the funds should remain in the client account until fully invoiced and disbursed. Option E could be unnecessary if the current client account is sufficient to cover both matters.

Question 120

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Sophia. Self-defence is a legitimate claim when force is used to prevent an immediate threat or harm. In this case, John’s unwanted physical contact, when he grabbed her arm, created a clear and immediate threat to Sophia’s safety. Her elbow strike was a reasonable and proportionate response to this physical threat. B is incorrect because John’s physical act of grabbing Sophia’s arm created an immediate danger, which justifies her reaction. His actions, coupled with his persistence in approaching her despite her clear disinterest, could reasonably be interpreted as threatening. C is not fully accurate because while the elbow strike could be seen as an instinctive reaction, self-defence still requires the force used to be proportionate to the threat. In this case, Sophia was justified in her reaction, but it must be understood within the context of the physical threat she faced. D is incorrect because while Sophia might have felt at risk, there is no direct evidence to suggest John intended any sexual assault. The self-defence argument should focus on the immediate threat and the need to defend against harm. E is incorrect because Sophia was not acting out of malice or with excessive force. The elbow strike was a reasonable and proportionate reaction to John’s aggressive and unwanted physical contact.

Question 121

Correct Answer: A

Explanation:

Option A is correct because under the Misuse of Drugs Act 1971 and the Criminal Justice and Police Act 2001, the police are authorized to search premises without a warrant if they have reasonable grounds to suspect that evidence related to a crime, such as drugs or alcohol, is present. In this case, the police believe Liam’s property may contain substances relevant to the assault investigation. Option B is incorrect because while privacy rights are significant, the police are permitted to search premises without a warrant if they have reasonable grounds to suspect that evidence related to a crime is present. Option C is incorrect because the police do not need direct evidence linking Liam to the assault or intoxication to search his property, as reasonable suspicion is sufficient. Option D is incorrect because the police do not need to show that evidence is at risk of being destroyed, just that it is likely to be found at Liam’s property. Option E is incorrect because the police can search Liam’s property before charges are brought, as long as they have reasonable grounds to suspect the presence of relevant evidence.

Question 122

Correct Answer: A

Explanation:

If a commercial lease contains a full repairing obligation, the tenant is legally responsible for returning the property in good condition, even if the repairs are costly. Courts generally uphold these clauses unless the lease specifies limited repair responsibilities. Option B is incorrect because landlords are not automatically responsible for structural repairs in commercial leases - this depends on the lease terms. Option C is incorrect because landlords do not need to serve a repair notice to claim damages unless the lease requires it. Option D is incorrect because adverse possession does not apply to tenants under a lease. Option E is incorrect because lease obligations remain valid regardless of property ownership changes.

Question 123

Correct answer: A

Explanation:

The correct answer is A, as Claire has established an easement by prescription through more than 20 years of continuous, open, and uninterrupted use without permission. The Prescription Act 1832 allows a right to be acquired if the landowner failed to challenge the use within the qualifying period. In Winterburn v Bennett [2016] EWCA Civ 482, the court confirmed that consistent use over a long period, even without express agreement, can result in an easement. Option B is incorrect, as assuming permission does not automatically defeat a prescriptive claim unless the landowner provided clear and explicit consent. Option C is misleading, as the doctrine of lost modern grant applies when no formal challenge was raised, but it does not override the requirements of prescription. Option D is incorrect, as blocking access does not immediately defeat an easement if long-standing use has already established the right. Option E is incorrect, as s.60 of the Land Registration Act 2002 does not grant automatic recognition of prescriptive easements, though it does allow for formal registration. Claire has strong grounds for claiming a prescriptive easement, meaning David is unlikely to succeed in preventing her continued use.

Question 124

Correct Answer: A

Explanation:

The trust’s terms explicitly allow for the support of both beneficiaries and their children, and Emma, as the child of Elena’s sibling (a beneficiary), is within the scope of this provision. Option B is incorrect because, while financial documentation might help clarify the situation, the primary issue is whether Emma qualifies for support under the trust, which she does. Option C is incorrect because the trust’s wording is broad enough to include the children of beneficiaries, regardless of whether they are grandchildren or not. Option D is incorrect because, although consultation with other beneficiaries might be a good practice, it is not required in this case; the terms of the trust are clear. Option E is unnecessary because the trust’s terms are explicit enough to support Emma’s education, and legal advice would likely confirm this interpretation.

Question 125

Correct answer: E

Explanation:

The correct answer is E, as Jonathan’s medical condition and James’ influence raise serious legal concerns. A degenerative neurological condition may impair a testator’s ability to fully comprehend the consequences of their decisions. Courts will examine whether Jonathan truly understood the will he was signing or whether his judgment was compromised by illness. Additionally, James’ role in introducing the solicitor, arranging the will signing, and benefiting from the drastic change in inheritance strongly suggests potential undue influence. A is incorrect because testamentary freedom is limited by the need for capacity and the absence of coercion. If Jonathan lacked mental capacity, the will cannot be valid. B is incorrect because while a personal assistant can be a beneficiary, the surrounding circumstances - such as Jonathan’s illness and the drastic exclusion of his daughter - raise concerns that require legal scrutiny. C is incorrect because mental illness does not automatically void a will; the court must determine whether Jonathan understood his decisions. However, if his condition severely affected his cognitive abilities, the will may be invalid. D is incorrect because while James’ influence is highly suspicious, undue influence must still be proven rather than assumed. The court will consider all available evidence before making a ruling. Thus, E is the best answer, as it ensures a thorough legal examination of both testamentary capacity and undue influence before determining the will’s validity.

Question 126

Correct Answer: C

Explanation:

Emily should leave the £5,000,000 in the client account and deduct fees and disbursements as they are incurred. This ensures proper handling of client funds while maintaining transparency with the client, in line with client money regulations. Option A prematurely moves client funds into the office account, which is against client money handling rules. Option B unnecessarily complicates matters by splitting the funds into two client accounts when one account is sufficient. Option D transfers client funds prematurely into the office account for legal fees, violating client money rules. Option E incorrectly separates third-party disbursements into a separate account, which is not necessary.

Question 127

Correct Answer: A

Explanation:

In this situation, Option A is the most appropriate advice for David. His self-defence claim can be justified based on the immediate threat posed by Michael’s actions. Michael physically shoved David after escalating the verbal confrontation, which created an imminent threat of harm. David’s decision to push Michael away was not excessive under these circumstances, as the force used was necessary to protect himself from potential further aggression. Option B is incorrect because Michael’s shove did indeed constitute a physical threat, and David’s push was a reasonable response to that threat. Michael’s actions created a legitimate fear of harm, making it impractical for David to simply walk away or call for help instead. Option C is weak because while David’s fear could be viewed as impulsive, the use of force was reasonable and proportionate to the threat he faced. A self-defence argument would focus on whether the threat was real, which in this case it was, and whether the response was proportional, which it was. Option D is also plausible but does not fully take into account the fact that David’s push was proportional to the threat he faced, not simply a reactive act of self-preservation. Option E is incorrect because David’s actions were not an overreaction. Given the physical shove and the escalating confrontation, his response was proportionate, making self-defence a viable argument in court.

Question 128

Correct Answer: A

Explanation:

Option A is correct because under both the Theft Act 1968 and the Police and Criminal Evidence Act 1984 (PACE), the police can search a vehicle without the owner's consent if they have reasonable grounds to believe it contains evidence related to a crime. In this case, the police have reasonable suspicion that the vehicle contains stolen goods related to the burglary. Option B is incorrect because while Martha can refuse consent, the police do not need her consent if they have reasonable grounds to search the vehicle. Option C is incorrect because under PACE and the Theft Act 1968, the police can search the vehicle without a warrant as long as they have reasonable grounds to suspect the vehicle contains evidence of a crime. Option D is incorrect because the police do not need to show that evidence is at risk of being destroyed; reasonable suspicion is sufficient to justify the search. Option E is incorrect because the police can search the vehicle before charges are made if there are reasonable grounds to suspect evidence of a crime is present.

Question 129

Correct Answer: A

Explanation:

Under leasehold law, leaseholders must comply with subletting restrictions if stated in the lease. Sophie and Mark clearly breached their lease by subletting without consent, even though the lets were short-term. Courts have repeatedly ruled that short-term holiday lets amount to subletting, as they involve granting exclusive possession to guests. Option B is incorrect because retaining ownership does not negate the fact that they have granted possession to third parties. Option C is incorrect because leasehold restrictions are binding and enforceable, even for short-term rentals. Option D is incorrect because the lease grants the freeholder absolute discretion over subletting, meaning they do not have to justify their decision. Option E is incorrect because, although forfeiture requires a formal legal process, the freeholder can initiate proceedings if the breach is not remedied.

Question 130

Correct answer: C

Explanation:

The correct answer is C, as under s.84 of the Law of Property Act 1925, a restrictive covenant may be modified or discharged if it no longer serves a practical benefit or causes an unreasonable restriction on the landowner. In Re Bass Ltd’s Application [1973] 26 P&CR 156, the court ruled that covenants could be discharged if they no longer provided substantial benefits to neighbours. James must prove that the modification would not cause substantial injury to the benefiting landowners. Option A is misleading, as the mere passage of time does not automatically render a covenant obsolete - its practical benefit must also be assessed. Option B is incorrect, as covenants can be removed or modified even without unanimous agreement from benefiting owners if the tribunal finds justification under s.84. Option D is incorrect, as not all restrictive covenants form part of a scheme of development, and even where they do, modification is possible if circumstances have changed. Option E is misleading, as planning permission does not override private property rights, but it is a relevant factor that the tribunal may consider.

Question 131

Correct Answer: A

Explanation:

The trust’s terms permit the support of both the beneficiaries and their families, which includes educational support for extended family members like Lily. Option B is incorrect because, while documentation can be helpful in verifying enrolment, the trust’s terms already allow for educational support, making the need for proof unnecessary. Option C is incorrect because the trust specifically includes family members of beneficiaries, not just the direct beneficiaries themselves. Option D is incorrect because Harriet, as trustee, has the discretion to approve the request based on the terms of the trust, and consultation with other beneficiaries is not required for this decision. Option E is unnecessary because the trust’s provisions are broad enough to include vocational training as part of the education support, and legal advice is not needed to confirm this.

Question 132

Correct answer: E

Explanation:

The correct answer is E, as both Eleanor’s mental capacity and the potential for undue influence must be examined. Advanced dementia is a strong indicator that she may not have had the requisite understanding to execute a valid will. Testamentary capacity requires the ability to comprehend the consequences of one’s decisions, and if Eleanor’s cognitive function had significantly deteriorated, she may not have met this threshold. Furthermore, Richard’s role in arranging the solicitor and benefiting entirely from the will change raises concerns about undue influence. Courts carefully scrutinize wills where a vulnerable testator is isolated from other family members and influenced by a dominant individual. A is incorrect because testamentary freedom is limited by the need for capacity and the absence of undue influence. A will made under cognitive impairment or coercion is not valid. B is incorrect because while there is no requirement to divide an estate equally, the surrounding circumstances - such as Eleanor’s dementia and Richard’s involvement - necessitate a deeper investigation. The court does not require direct proof of undue influence; circumstantial evidence can suffice. C is incorrect because dementia alone does not automatically invalidate a will. If Eleanor had lucid intervals where she could understand her decisions, she might have been capable of making a valid will. However, if her cognitive function was severely impaired, the will could be void. D is incorrect because undue influence must be proven rather than presumed. While Richard’s control over Eleanor’s affairs is suspicious, a full legal examination is necessary before determining the validity of the will. Thus, E is the best answer, as it ensures a comprehensive legal review of both Eleanor’s mental capacity and the potential for undue influence before deciding the will’s validity.

Question 133

Correct Answer: C

Explanation:

Jack should leave the full £200,000 in the client account and continue to deduct fees and disbursements as they arise, while requesting a further deposit for the medical assessments. This ensures that all client funds are properly segregated and managed in compliance with client money regulations. Option A violates client money regulations by transferring too much to the office account prematurely. Option B unnecessarily moves funds from the client account without proper documentation or a clear explanation of the allocation. Option D moves client funds into the office account without proper justification or transparency. Option E could unnecessarily delay the handling of the case by reimbursing the client for funds that are still required for the ongoing matter.

Question 134

Correct Answer: A

Explanation:

Option A is the most appropriate advice for Rachel because self-defence can be claimed when force is used to prevent harm in situations where the threat is imminent. Alan’s behaviour, following her and continuing to approach despite her attempts to avoid him, created a reasonable fear of harm. Rachel’s use of pepper spray was a reasonable and proportionate response to the threat she perceived, particularly as she had no way of knowing Alan’s intentions. The use of force in this context was not excessive, as she was defending herself from what she reasonably feared could become an attack. B is incorrect because while Alan did not physically harm Rachel, his actions had escalated her fear, creating a sense of danger. The use of pepper spray was a proportionate reaction, given that Rachel had no other way to protect herself at that moment. C is a reasonable point but ultimately not as strong as A. While Rachel may face difficulty in proving the necessity of her actions, her perception of imminent danger was valid. The fear she experienced could have been seen as justifying her response. D also supports Rachel’s self-defence claim, but it fails to recognise that her fear of harm was not merely “aggressive” behaviour but a genuine and escalating threat. Alan’s continued pursuit of Rachel, combined with her sense of isolation, would support her justification for using pepper spray. E is incorrect because it suggests that Rachel should have simply walked faster or sought help. Given the circumstances, her fear of harm was reasonable, and her decision to use pepper spray was a valid response to the escalating situation.

Question 135

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police have the authority to search a person’s premises without a warrant if they have reasonable grounds to believe that evidence of a crime, such as fraud, will be found. In this case, the police have reasonable suspicion that James’s home contains evidence related to the fraud investigation. Option B is incorrect because under PACE, a warrant is not required for searches if there are reasonable grounds to suspect the presence of evidence related to the crime. Option C is incorrect because the police do not need direct evidence linking James to the fraud to search his home; reasonable suspicion is sufficient. Option D is incorrect because the police do not need to show that evidence is at risk of being destroyed before conducting the search; reasonable suspicion is enough to justify the search. Option E is incorrect because the police can search James’s home without formal charges being made, as long as they have reasonable grounds to suspect the presence of relevant evidence.

Question 136

Correct Answer: A

Explanation:

A restrictive covenant is a private legal obligation that applies independently of planning law. Even if Oliver has planning permission, he cannot legally build if the covenant remains enforceable. Planning permission merely grants permission from the local authority, but it does not override private property agreements. Option B is incorrect because planning permission and restrictive covenants are separate legal frameworks. Option C is incorrect because restrictive covenants run with the land - Emily can enforce it if she has the benefit of the covenant. Option D is partially correct - Oliver can apply to the Lands Tribunal to modify or remove the restriction, but unless granted, the covenant remains binding. Option E is incorrect because restrictive covenants do not expire automatically - they remain enforceable unless removed by legal means.

Question 137

Correct answer: B

Explanation:

The correct answer is B, as Schedule 4 of the Land Registration Act 2002 allows rectification where a mistake has been made and correcting it does not unfairly prejudice the registered owner. In Pye v Graham [2002] UKHL 30, the House of Lords reaffirmed that registration does not override legitimate ownership claims if an error is discovered. Since Olivia never intended to purchase the extra land, her claim is weak. Option A is incorrect, as mistakes in registration can be rectified even without fraud or serious wrongdoing. Option C is misleading, as the two-year period does not automatically grant her an entitlement unless she can prove she was in continuous possession with an expectation of ownership. Option D is partially correct, but it fails to consider that registered title is conclusive unless challenged. Option E is incorrect, as the Land Registration Act 2002 explicitly allows rectification in cases of obvious errors, regardless of whether fraud was involved.

Question 138

Correct Answer: A

Explanation:

The trust’s terms allow for the support of both the beneficiaries and their families, which includes extended family members like Jack. Option B is incorrect because, while financial documentation may be helpful, the real issue is whether the trust permits educational support for family members, which it does. Option C is incorrect because the trust is designed to support the beneficiaries and their families, and Jack, as Isaac’s nephew, qualifies for support under the trust’s terms. Option D is incorrect because, as trustee, Isaac has the authority to make decisions based on the trust’s provisions, and consultation with other beneficiaries is not required for this decision. Option E is unnecessary because the trust’s provisions clearly support family members, and seeking legal advice to confirm this is not needed.

Question 139

Correct answer: E

Explanation:

The correct answer is E, as both Arthur’s mental state and the potential for undue influence must be carefully examined. Declining health can impact testamentary capacity, particularly if it involves cognitive impairment or memory loss. If Arthur did not fully comprehend the implications of disinheriting his daughters, his will could be invalid. Moreover, Mark’s control over Arthur’s life, restriction of family access, and orchestration of the will’s execution create strong indications of undue influence. Courts are particularly wary of situations where an elderly testator is isolated and then makes a will that exclusively benefits one individual. A is incorrect because testamentary freedom is not absolute; if capacity or undue influence is in question, a will can be challenged. A valid will requires the testator to act free from coercion and with full understanding of their decisions. B is incorrect because while a testator can choose to leave assets to whomever they wish, suspicious circumstances surrounding the new will necessitate further scrutiny. The solicitor’s involvement does not automatically eliminate concerns about undue influence. C is incorrect because declining health alone does not render a will invalid. Arthur may have retained capacity at the time of signing, but the court must assess whether he fully understood the impact of his decision. D is incorrect because undue influence must be proven through evidence rather than mere assumption. However, the circumstances strongly suggest a need for thorough judicial examination. Thus, E is the best answer, as it ensures a full legal evaluation of both Arthur’s testamentary capacity and the likelihood of undue influence before determining the will’s validity.

Question 140

Correct Answer: B

Explanation:

Sophia should leave the full £3,000,000 in the client account and continue to deduct both legal fees and disbursements as they are incurred. This ensures that all client funds are appropriately segregated and handled transparently, while also requesting additional funds when needed for further disbursements. Option A prematurely transfers funds into the office account, which is not in compliance with client money handling protocols. Option C improperly splits the funds, causing unnecessary complexity without a clear benefit. Option D misallocates client funds by moving them to the office account prematurely. Option E unnecessarily reimburses the client for funds that are still required for the ongoing litigation.

Question 141

Correct Answer: A

Explanation:

In this case, Option A provides the best advice for Samantha. When Peter grabbed her arm and attempted to pull her toward the car, he unlawfully detained her, which created a situation where Samantha was at risk of further harm. Samantha’s response, pulling away forcefully to escape, was an act of self-defence, as she used necessary and proportionate force to free herself from Peter’s grasp. The law allows individuals to protect themselves from unlawful detention or physical harm, and the force used in this instance was appropriate to the circumstances. Option B is incorrect because while Peter’s actions may not have initially appeared to be an immediate physical threat, his aggression and the act of grabbing Samantha’s arm escalated the situation, making her reaction reasonable. Option C suggests that the force used could be excessive, but this overlooks the fact that Samantha was in a situation where her personal safety was at risk. The law considers the need for an individual to protect themselves, especially when threatened with physical harm. Option D is also reasonable, but it doesn't fully address the fact that Samantha was not just defending herself but also attempting to escape from an unlawful detention. Option E is incorrect because it underestimates the severity of Peter’s actions and the threat Samantha faced. Talking calmly in a situation where physical force was used to restrain her may not have been effective or safe.

Question 142

Correct Answer: A

Explanation:

Option A is correct because under the Criminal Justice and Police Act 2001, the police are authorized to search a person if they have reasonable grounds to suspect they are carrying a prohibited weapon. In this case, the police have reasonable suspicion that Natalie is carrying a concealed weapon. Option B is incorrect because the police do not need a warrant if they have reasonable grounds to suspect the presence of a prohibited weapon. Option C is incorrect because the police do not need direct evidence to search; reasonable suspicion of carrying a prohibited weapon is sufficient under the Criminal Justice and Police Act 2001. Option D is incorrect because the police do not need to believe that the weapon will be used imminently in a crime; they only need reasonable grounds to suspect its presence. Option E is incorrect because the police can search before charges are made, as long as they have reasonable grounds to suspect the presence of a prohibited weapon.

Question 143

Correct Answer: D

Explanation:

Leaseholders of flats have the right to apply for a statutory lease extension, which adds 90 years to the lease term and reduces ground rent to a nominal "peppercorn" rent (effectively zero). This legal mechanism is designed to protect leaseholders from escalating ground rents that make properties difficult to sell or mortgage. Jack and Melissa can initiate this process, although they may need to pay the freeholder compensation based on the existing lease terms and future value of the lease. Option A is incorrect because the Tribunal does not have automatic power to remove ground rent clauses unless there is a serious legal defect. Courts typically uphold contractual agreements unless a statute explicitly overrides them. Option B is incorrect because leasehold law provides statutory protections to mitigate unfair leasehold practices, particularly where they cause significant financial hardship or market distortions. Option C is misleading - although leasehold reforms have been introduced to ban new leases with escalating ground rent, existing leaseholders like Jack and Melissa do not automatically benefit unless further legislative changes are made. Option E is incorrect because compulsory freehold purchase (enfranchisement) is typically available only for houses or requires a group of leaseholders in the same building to act collectively. Individual flat owners cannot force a freeholder to sell the freehold alone.

Question 144

Correct answer: B

Explanation:

The correct answer is B, as the Land Registration Act 2002 made it much harder to acquire registered land through adverse possession. Unlike the old rule requiring 12 years of occupation, a squatter must now apply to the Land Registry after 10 years of possession, and the registered owner is notified. In J A Pye (Oxford) Ltd v Graham [2002] UKHL 30, the court upheld traditional adverse possession rules, but the 2002 Act later made objections easier for landowners. Option A is incorrect, as the old 12-year rule no longer applies to registered land unless specific conditions are met. Option C is misleading, as 10 years of possession alone does not automatically grant a right to adverse possession; the owner must fail to object after being notified. Option D is partially correct, but adverse possession is still possible under certain circumstances, making it an oversimplification. Option E is incorrect, as proprietary estoppel requires more than mere occupation - David must show that the true owner encouraged his mistaken belief, which is not evident here.

Question 145

Correct Answer: A

Explanation:

The trust’s terms allow for the support of both the beneficiaries and their families, which includes the payment of educational expenses for the children of beneficiaries. Option B is incorrect because the trust’s terms already cover the support of family members without requiring proof of enrolment or financial need. Option C is incorrect because the trust specifically allows for the support of family members, including children of the beneficiaries, and Emma qualifies under this provision. Option D is incorrect because, while transparency is important, Laura, as the trustee, can approve the request based on the terms of the trust without consulting the other beneficiaries. Option E is unnecessary because the trust’s provisions clearly allow for educational support for family members, and legal advice is not required to confirm this.

Question 146

Correct answer: E

Explanation:

The correct answer is E, as the court must evaluate both Margaret’s testamentary capacity and the possibility of undue influence. Given her history of strokes, her ability to understand and execute a valid will is in question. Testamentary capacity requires comprehension of one’s assets, the beneficiaries, and the effects of the distribution. If Margaret’s cognition was impaired, she may not have been capable of making informed decisions. Additionally, Olivia’s influence over Margaret’s daily life, isolation of her children, and arrangement of the solicitor’s visit all point to the possibility of undue influence. Courts are particularly sceptical when a new will disproportionately benefits a caregiver at the expense of close family members. A is incorrect because a testator’s right to change their will is contingent on having the mental capacity to do so and being free from undue influence. If either condition is compromised, the will can be challenged. B is incorrect because undue influence does not require direct coercion; circumstantial evidence, such as the testator’s dependency on the beneficiary, is often sufficient. A caregiver arranging a new will that excludes close family members is inherently suspicious. C is incorrect because capacity issues must be assessed at the time of execution. While strokes can impact cognition, some individuals retain sufficient understanding to make legal decisions. However, if her mental capacity was impaired, the will could be void. D is incorrect because undue influence must be proven through a legal process. While Olivia’s involvement is suspicious, further scrutiny is required before invalidating the will. Thus, E is the best answer, as it ensures a thorough legal examination of both capacity and influence before determining the will’s validity.

Question 147

Correct Answer: C

Explanation:

Oliver should leave the full £10,000,000 in the client account and continue to deduct fees and disbursements as they arise. This ensures compliance with client money handling protocols, and it keeps the client informed of how their funds are being used while maintaining transparency. Option A violates client money regulations by prematurely transferring funds to the office account. Option B unnecessarily splits the funds and introduces complexity without any clear benefit. Option D unnecessarily separates funds into multiple accounts when one client account is sufficient. Option E could lead to unnecessary delays and complexity when managing the disbursements for the loan agreement.

Question 148

Correct Answer: A

Explanation:

Option A provides the most accurate and legally appropriate advice for David. When Tom raised his fist, it created a clear and immediate threat of harm, which caused David to reasonably fear for his safety. Under UK law, individuals have the right to use reasonable force to protect themselves if they fear imminent harm. David’s actions in standing his ground and preparing to defend himself are justifiable, as he acted in response to a clear threat. The law does not require that an individual wait to be struck before acting in self-defence; the mere threat of harm is sufficient to justify a defensive reaction. Option B incorrectly dismisses the threat posed by Tom’s raised fist. While it is true that Tom did not physically strike David, raising a fist is a clear indication of an intention to cause harm, which justifies David’s defensive posture. Option C suggests that David’s response was excessive, but this is not the case given that the raised fist was a direct threat. David’s response to stand his ground and defend himself was reasonable under the circumstances. Option D incorrectly implies that David should have avoided confrontation altogether. While retreating is always an option, David had every right to defend himself in the face of an immediate threat. Option E underestimates the severity of the situation, as it assumes that David should have backed away despite the clear threat of violence posed by Tom.

Question 149

Correct Answer: A

Explanation:

Option A is correct because under the Misuse of Drugs Act 1971 and the Police and Criminal Evidence Act 1984 (PACE), the police have the authority to search a vehicle without a warrant if they have reasonable grounds to suspect it contains illegal drugs. In this case, the officers have reasonable suspicion that Liam’s car contains illegal substances, justifying the search. Option B is incorrect because a warrant is not required if the police have reasonable suspicion of illegal activity, such as carrying drugs. Option C is incorrect because the police do not need direct evidence linking Liam to drug trafficking to search his car; reasonable suspicion of the presence of illegal substances is enough. Option D is incorrect because the police do not need to show that evidence is at risk of being destroyed; reasonable suspicion is sufficient to justify the search. Option E is incorrect because the police can search the car before charges are made, as long as they have reasonable grounds to suspect the presence of illegal drugs.

Question 150

Correct Answer: A

Explanation:

Leaseholders have the right to challenge service charges at the First-tier Tribunal (Property Chamber) if they believe the charges are unreasonable, excessive, or unnecessary. The Tribunal will assess whether the works were justified and if the costs are proportionate. Samantha and her neighbours do not need to pay the charge upfront to dispute it, but they should follow the correct procedure by gathering evidence and making a formal application. Option B is incorrect because while leaseholders are generally required to pay service charges, freeholders must justify the costs, and leaseholders can dispute them. Option C is incorrect because leaseholders do not need to provide unanimous consent for major works; however, freeholders must follow proper consultation procedures for large expenses. Option D is misleading - while the Right to Manage allows leaseholders to take over management responsibilities, it does not automatically void past service charge demands or prevent legally required repairs. Option E is incorrect because leaseholders cannot simply stop paying the charge without legal consequences, as non-payment could lead to forfeiture of the lease.

Question 151

Correct answer: A

Explanation:

The correct answer is A, as severance of a joint tenancy must be done in writing under s.36(2) of the Law of Property Act 1925. In Williams v Hensman (1861), the court outlined that severance could occur through written notice, mutual agreement, or conduct inconsistent with joint tenancy. Emma’s mere statement of intent and will are not sufficient to sever the tenancy. Option B is incorrect, as a will cannot override the right of survivorship unless the joint tenancy has already been severed. Option C is misleading, as severance does not require selling or mortgaging the share - written notice is enough. Option D is incorrect, as implied severance is rare and usually requires significant acts, such as legal disputes or clear financial separation. Option E is correct in principle but lacks a full legal explanation, making A the best answer.

Question 152

Correct Answer: A

Explanation:

The trust’s terms are broad and allow for the welfare of the beneficiaries and their immediate families, which includes children. Option B is incorrect because the trust’s terms do not specify that the treatment must be life-threatening or the only option for funding, so Richard can approve the request without those conditions. Option C is incorrect because the trust covers the welfare of the beneficiaries and their families, and William, as Richard’s son, qualifies for support. Option D is incorrect because Richard, as trustee, is responsible for making decisions according to the trust’s provisions, and consultation with other beneficiaries is not required. Option E is unnecessary because the trust’s terms clearly allow for medical treatment for the children of beneficiaries, and legal advice is not needed to confirm this.

Question 153

Correct answer: E

Explanation:

The correct answer is E, as both James’s cognitive condition and the potential for undue influence must be carefully examined. Dementia can severely impair testamentary capacity, particularly in its later stages. If James lacked the ability to comprehend his assets, the beneficiaries, and the consequences of his actions, the will is legally void. Furthermore, Angela’s influence over James’s daily life, control over his interactions, and arrangement of the will’s execution create strong indications of undue influence. Courts are particularly sceptical when an individual in a dominant position benefits disproportionately, especially when the testator’s family is excluded. A is incorrect because testamentary freedom is not absolute; it is limited by the requirements of capacity and freedom from undue influence. If either condition is in doubt, a will can be contested. B is incorrect because undue influence does not require direct proof of coercion. Circumstantial evidence, such as the testator’s dependency on the beneficiary and the exclusion of close family members, can be sufficient to challenge a will. C is incorrect because dementia alone does not automatically invalidate a will. If James had lucid intervals where he could understand his decisions, he might have been capable of making a valid will. However, if his cognitive function was significantly impaired, the will could be void. D is incorrect because undue influence must be proven through legal analysis rather than assumed. While Angela’s actions are highly suspicious, the court must conduct a detailed examination before declaring the will invalid. Thus, E is the best answer, as it ensures a full legal evaluation of both James’s testamentary capacity and the likelihood of undue influence before determining the will’s validity.

Question 154

Correct Answer: B

Explanation:

Lucas should leave the full £3,500,000 in the client account and deduct legal fees and disbursements as they arise, ensuring full transparency with the client. Any additional funds required for expert testimony should be requested from the client as needed, with the correct documentation to justify the charges. Option A transfers client funds into the office account prematurely, which is non-compliant with regulations. Option C unnecessarily complicates the matter by splitting the funds into two separate client accounts when one account is sufficient. Option D prematurely transfers funds to the office account without proper justification or the client's explicit consent. Option E could result in delays or complications and is unnecessary when funds are still required for the ongoing case.

Question 155

Correct Answer: A

Explanation:

Option A is the most accurate advice for Megan. She was faced with a situation where she feared for her safety due to James’ aggressive behaviour, including the physical contact of grabbing her arm and raising his fist. Under UK law, individuals are justified in using force to protect themselves when they are faced with an immediate threat of harm. Megan’s response to push James away was proportionate to the threat she perceived, and her actions were a reasonable attempt to defend herself. The fact that James raised his fist and physically restrained her only served to escalate the situation and justify Megan’s defensive actions. Option B suggests that Megan should have simply left the pub, but this ignores the fact that she had a right to remain and enjoy her time without being harassed. While leaving might have been an option, the law allows for self-defence when someone is being physically restrained or threatened. Option C incorrectly downplays the threat posed by James. While it is true that he did not strike her, the raising of his fist and his continued physical restraint made Megan’s reaction understandable and justified under the circumstances. Option D downplays Megan’s right to defend herself and suggests that the situation could have been resolved without physical contact. However, given the immediate nature of the threat and James’ aggressive behaviour, her use of force was entirely reasonable. Option E is incorrect because it implies that Megan should have allowed herself to be harassed and physically restrained without responding. The law supports individuals who take reasonable steps to defend themselves when they fear harm.

Question 156

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE) and the Theft Act 1968, the police are authorized to search locations, including public spaces, if they have reasonable grounds to believe that stolen goods or other evidence from a crime may be present. In this case, the officers suspect that stolen goods from the robbery may be hidden in the public park, justifying the search. Option B is incorrect because the police do not need a warrant to search public places if they have reasonable suspicion of criminal evidence being present. Option C is incorrect because the police do not need direct evidence linking Maria to the stolen goods to search the park; reasonable suspicion of the presence of evidence is sufficient. Option D is incorrect because the police do not need to prove that evidence will be destroyed to search the park; reasonable suspicion of its presence is enough to justify the search. Option E is incorrect because the police can search public areas without formal charges if they have reasonable grounds to suspect that relevant evidence is located there.

Question 157

Correct Answer: B

Explanation:

A freeholder cannot impose financial obligations that are not specified in the lease. If David’s lease requires consent for subletting but does not mention a fee, then the freeholder has no right to charge a fixed or arbitrary amount for granting permission. Freeholders are allowed to charge a reasonable administrative fee for handling subletting requests, but this must be justified by actual costs, not simply an attempt to extract money from leaseholders. David can challenge the fee at the First-tier Tribunal (Property Chamber) on the basis that it is an unlawful demand under leasehold law and the Landlord and Tenant Act 1985. Option A is incorrect because although freeholders can impose conditions on subletting, they cannot create new charges beyond what is stated in the lease. Even if an administrative fee is justified, it must be proportionate and based on actual expenses, not a blanket charge. Option C is incorrect because past inaction does not necessarily remove the freeholder’s right to enforce the lease clause in the future. However, leaseholders might argue that the doctrine of waiver or estoppel applies if the freeholder has knowingly permitted subletting without enforcing the restriction for an extended period. Option D is misleading because lease variations require the freeholder’s consent or a formal Tribunal application, which is not easily granted unless the restriction is shown to be outdated or unreasonable in modern circumstances. Even if successful, the process is long and complex, making it an impractical solution for most leaseholders. Option E is incorrect because while freeholders can refuse consent for subletting, they cannot impose unreasonable conditions in doing so. Under the Landlord and Tenant Act 1988, the freeholder must provide justifiable reasons for refusing consent and must act in a timely and reasonable manner. Demanding an arbitrary payment that is not supported by the lease may be considered an unreasonable condition, making the refusal unlawful. David should gather evidence, formally challenge the fee, and consider taking the case to the First-tier Tribunal if the freeholder refuses to back down.

Question 158

Correct answer: A

Explanation:

The correct answer is A, as the right of way was expressly included in the transfer deed, meaning it is a legal easement that binds future owners. Under section 29 of the Land Registration Act 2002, an express easement runs with the land unless excluded. The case of Re Ellenborough Park [1956] confirms that an easement must be attached to land, not a personal right, which appears to be the case here. Option B is incorrect, as express easements do not always require separate registration - if they are included in a valid transfer, they are enforceable. Option C is misleading, as easements by necessity only arise when land would otherwise be completely unusable, which is not necessarily true here. Option D is incorrect, because an express right of way can satisfy the requirements set in Re Ellenborough Park. Option E is partially correct, but Wheeldon v Burrows (1879) applies to implied easements, whereas Amanda’s right was expressly granted. A remains the strongest answer.

Question 159

Correct Answer: A

Explanation:

The trust’s provisions allow for the financial support of the beneficiaries’ immediate families, including children, in cases of financial hardship. Option B is incorrect because the trust’s terms do not require specific documentation like a university letter to prove financial hardship. Option C is incorrect because the trust’s terms include the support of immediate family members, and James, as Sarah’s son, qualifies for assistance. Option D is incorrect because Sarah, as the trustee, is responsible for administering the trust according to its terms, and while consultation is sometimes beneficial, it is not mandatory in this case. Option E is unnecessary because the trust already permits the use of funds for family members in need, and no legal advice is required to confirm this.

Question 160

Correct answer: E

Explanation:

The correct answer is E, as both Helen’s mental capacity and the potential for undue influence require legal examination. Testamentary capacity requires the ability to understand one’s estate, the natural beneficiaries, and the effects of making a new will. If Helen’s stroke impaired her cognitive functions, she may not have been capable of executing a valid will. Furthermore, Daniel’s increasing control over Helen, discouraging her from seeing her children and orchestrating the will’s execution, raises strong suspicions of undue influence. Courts are particularly cautious when a sudden change benefits someone in a position of dominance while disinheriting close family members. A is incorrect because testamentary freedom is limited by the requirements of mental capacity and freedom from undue influence. If either is in doubt, the will may be challenged. B is incorrect because undue influence does not require direct proof of coercion; circumstantial evidence, such as isolation and manipulation, is often sufficient. The radical change in beneficiaries is particularly suspicious. C is incorrect because medical conditions do not automatically invalidate a will. A person with cognitive impairment may still have lucid intervals. However, if Helen’s stroke caused significant mental decline, the will could be void. D is incorrect because undue influence must be established through legal analysis rather than assumption. While Daniel’s involvement is highly suspect, the court must assess the full circumstances before invalidating the will. Thus, E is the best answer, ensuring a thorough investigation of both testamentary capacity and undue influence before reaching a conclusion.

Question 161

Correct Answer: B

Explanation:

Olivia should leave the full £10,000,000 in the client account and continue to deduct fees and disbursements as they arise, requesting the additional £2,000,000 deposit when required. This ensures that the funds are properly segregated and handled according to regulations, while maintaining transparency with the client. Option A moves client funds prematurely into the office account, violating client money handling rules. Option C complicates the matter by unnecessarily segregating funds into two separate client accounts when one account suffices. Option D transfers funds into the office account without justifiable reason, which is not compliant. Option E unnecessarily reimburses the client for funds that may still be required for the transaction.

Question 162

Correct Answer: A

Explanation:

Option A offers the most appropriate advice for Liam. He was faced with an individual who was acting suspiciously and then advancing aggressively toward him, which caused Liam to fear for his safety. Under UK law, an individual is justified in using force to protect themselves when they reasonably fear imminent harm, and the force used must be proportionate to the threat. In this case, Liam’s push was a necessary and proportionate response to Richard’s threatening behaviour, which included advancing toward Liam and shouting aggressively. Option B dismisses the threat that Liam faced. Although Richard did not initially physically threaten Liam, his aggressive approach and the escalation of his behaviour made Liam’s response justified. Option C overlooks the fact that Liam did not have the option to simply walk away once Richard engaged him aggressively. Liam had a right to protect himself, and his push was a reasonable defensive action. Option D incorrectly suggests that Liam could have assessed the situation more carefully. Given Richard’s aggressive approach, Liam acted reasonably in pushing him away to protect himself. Option E underestimates Liam’s right to defend himself. While calling the police is always an option, Liam was directly threatened by Richard, and his response was a reasonable form of self-defence.

Question 163

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police are authorized to search a person’s belongings if they have reasonable grounds to suspect that they contain evidence related to the offense for which the person was arrested. Since John is arrested on suspicion of causing grievous bodily harm, the search of his bag is justified under PACE to look for any weapons or other items connected to the crime. Option B is incorrect because the police are not required to obtain consent for a search when they have reasonable grounds for suspicion related to the offense. A warrant is not necessary if reasonable grounds for the search exist under PACE. Option C is incorrect because the police do not need direct evidence of a weapon to search John’s bag. Reasonable suspicion of its presence is sufficient to justify the search. Option D is incorrect because the police are authorized to search the bag as soon as the person is arrested based on reasonable suspicion, not after a formal charge is made. Option E is incorrect because suspicion of GBH, not illegal drugs, justifies the search under PACE.

Question 164

Correct Answer: B

Explanation:

Under Section 20 of the Landlord and Tenant Act 1985, freeholders must follow a statutory consultation process before demanding service charges for major works that would cost individual leaseholders more than £250. If the freeholder failed to consult leaseholders, the charge may be unlawful or reduced. Emma and the other leaseholders should request full details of the charge, including a breakdown of costs and any consultation records. If the freeholder did not follow the correct process, they can challenge the charge at the First-tier Tribunal (Property Chamber). Option A is incorrect because although leaseholders are typically responsible for maintenance costs, freeholders must follow the correct legal process before imposing high charges. The lack of consultation may invalidate the demand or reduce the amount payable. Option C is misleading because most leases include clauses requiring leaseholders to contribute to communal repairs, even if they do not mention "major works" specifically. However, Emma could still challenge the charge if the wording of the lease is vague or unclear. Option D is partially correct, as leaseholders can challenge excessive service charges at the First-tier Tribunal, but this should be based on failure to follow consultation procedures rather than just the size of the charge. The Tribunal does not automatically cancel charges - it assesses whether they were reasonable and legally imposed. Option E is incorrect because freeholders do not have unlimited discretion to impose service charges. The law requires transparency and consultation, ensuring leaseholders are not unfairly burdened with excessive or unnecessary costs. If Emma simply refuses to pay without challenging the charge properly, the freeholder could take legal action against her, but she has strong legal grounds to dispute the demand. Emma should request full documentation, consult a solicitor, and consider bringing the case to the First-tier Tribunal if the freeholder refuses to comply with the consultation requirements.

Question 165

Correct answer: A

Explanation:

The correct answer is A, as tenants in common share equal rights of possession, but significant actions such as renting out rooms require agreement. In Bull v Bull [1955], the court confirmed that co-owners cannot exclude each other or make unilateral decisions affecting shared rights. Option B is incorrect, as while each co-owner has a right to use the property, unilateral rental agreements may amount to exclusionary conduct, violating co-ownership principles. Option C is misleading, as financial contributions do not automatically give decision-making power unless a trust deed states otherwise. Option D is incorrect, as occupation orders under TOLATA 1996 are primarily for disputes about living arrangements, not rental decisions. Option E is incorrect, as Liam can apply for a sale, but courts balance multiple factors, including whether forced sale is appropriate. His right is not automatic.

Question 166

Correct Answer: C

Explanation:

The trust’s terms explicitly target individuals in need of urgent medical treatment. Option A is incorrect because it fails to account for the trust’s focus on urgent treatment. Option B is also incorrect because it overlooks the fact that the trust’s funds cannot be used for general welfare or living expenses, only urgent medical treatment. Option D is not appropriate because, as the trustee, Tom must follow the terms of the trust, and consultation with beneficiaries does not change the decision. Option E is unnecessary because the trust’s purpose is clear, and legal advice is not needed to interpret its provisions.

Question 167

Correct answer: E

Explanation:

The correct answer is E, as both testamentary capacity and undue influence require scrutiny in cases where an individual’s cognitive function is in question. Alzheimer’s disease is a progressive condition that can severely impair a person’s ability to make informed decisions. If David lacked the ability to understand his assets, the beneficiaries, and the impact of his decisions, the will is void. Additionally, Maria’s control over David’s daily life, her restriction of his visitors, and her substantial financial benefit all point to a high likelihood of undue influence. Courts are particularly cautious when a vulnerable testator drastically alters their will in favor of a caregiver. A is incorrect because testamentary freedom does not override concerns about mental capacity and undue influence. If either is compromised, the will can be challenged. B is incorrect because undue influence does not require direct evidence. The circumstances surrounding the will’s execution, including Maria’s control over David’s affairs, are highly suspicious. C is incorrect because a diagnosis of Alzheimer’s does not automatically invalidate a will. Testamentary capacity must be assessed at the time of execution, but if David was suffering from significant cognitive impairment, the will may be void. D is incorrect because undue influence must be proven through legal analysis. While Maria’s actions strongly indicate coercion, a full court examination is necessary before invalidating the will. Thus, E is the best answer, ensuring a full legal assessment of both David’s cognitive state and the potential for undue influence before determining the will’s validity.

Question 168

Correct Answer: B

Explanation:

Daniel should leave the full £8,000,000 in the client account and deduct fees and disbursements as they are incurred. Any additional funds required for expert reports or forensic services should be requested from the client as necessary, ensuring compliance with regulations. Option A prematurely transfers client funds to the office account and disregards the need for proper segregation. Option C unnecessarily complicates the matter by segregating the funds into two separate client accounts, which is not required. Option D improperly moves funds to the office account for legal fees before they are invoiced. Option E unnecessarily reimburses the client when funds are still required for the ongoing case.

Question 169

Correct Answer: A

Explanation:

Option A is correct because under the Police and Criminal Evidence Act 1984 (PACE), the police have the authority to conduct a strip search if they have reasonable grounds to suspect that a person is concealing evidence, such as stolen goods. In this case, the officer believes that Sophie may have concealed the stolen goods, justifying the strip search under PACE. Option B is incorrect because a warrant is not required for a strip search if the police have reasonable grounds to believe that the person is concealing evidence related to a crime. Option C is incorrect because the police can conduct a strip search after an arrest if there are reasonable grounds for suspicion, even before a formal charge is made. Option D is incorrect because the police do not need evidence of weapons or drugs to justify a strip search; reasonable suspicion that evidence from the crime (such as stolen goods) is concealed is sufficient. Option E is incorrect because a strip search can be carried out based on reasonable suspicion without the need for consent, as long as it is conducted in accordance with the law.

Question 170

Correct Answer: C

Explanation:

The wording of James’s lease is critical - it does not impose an outright ban on subletting but requires written consent from the freeholder. This means that the freeholder cannot introduce a new blanket prohibition if the lease itself permits subletting with consent. If the freeholder refuses to grant consent, James may be able to challenge this as an unreasonable refusal under the Landlord and Tenant Act 1988. Option A is incorrect because a freeholder cannot unilaterally impose new restrictions beyond those stated in the lease. Any such change would require a formal lease variation, which typically requires leaseholder agreement or a Tribunal ruling. Option B is partially correct, as past conduct might suggest a waiver, but this does not override the lease terms. The freeholder could argue that previous permissions were granted on a discretionary basis, not as a permanent right. Option D is a strong supporting argument but does not fully answer James’s situation. The Landlord and Tenant Act 1988 prevents landlords from unreasonably refusing consent, but James must still follow the correct process by seeking permission first. His main argument should be that the freeholder cannot impose a new rule that contradicts the lease. Option E is misleading because James’s failure to obtain consent does not automatically invalidate his right to sublet. However, he may still be in breach of the lease, meaning the freeholder could take action against him. The better approach for James would be to apply for consent now and challenge any unreasonable refusal. To resolve this, James should formally request consent from the freeholder. If the freeholder refuses without justification, James could take the matter to the First-tier Tribunal and argue that the new restriction is unenforceable.

Question 171

Correct answer: A

Explanation:

The correct answer is A, as under section 146 of the Law of Property Act 1925, forfeiture for non-payment of rent is not automatic - a landlord must first serve a formal notice and give the tenant a chance to pay. If Rachel applies for relief from forfeiture, the court will consider whether it is fair to allow the landlord to repossess the property. The case of Billson v Residential Apartments Ltd [1992] established that tenants should have an opportunity to rectify non-payment before losing their lease, particularly when they act quickly to settle the arrears. Given that Rachel immediately attempted to pay, it is highly likely that relief would be granted. Option B is incorrect, as forfeiture is not automatically enforceable just because the lease allows it. Landlords must still follow legal procedures, and tenants have rights to challenge unfair enforcement. Option C is a strong argument, as courts do have discretion to grant relief, but the key legal basis for Rachel’s protection comes from section 146 of the Law of Property Act 1925, which is why A is the better answer. Option D is misleading, as courts do not apply a strict liability approach to leasehold breaches. Even if Rachel was negligent, forfeiture is a harsh penalty, and courts generally only enforce it if the tenant refuses or fails to pay after being given an opportunity to do so. Option E is incorrect, as the Landlord and Tenant Act 1954 applies mainly to commercial leases rather than residential properties. While courts do protect leaseholders from unfair forfeiture, the relevant legal framework in this case is the Law of Property Act 1925. Since Rachel has a statutory right to seek relief, she can likely prevent the forfeiture and remain in her home.

Question 172

Correct Answer: C

Explanation:

The trust specifically limits fund usage to educational and healthcare expenses. Option A is incorrect because, while the trust supports educational costs, it does not authorize the use of funds for personal leisure or relaxation. Option B is also incorrect because the trust does not explicitly include stress management or holidays as valid expenses. Option D is not suitable because the trustee’s responsibility is to follow the trust’s terms, not to consult beneficiaries when the terms are clear. Option E is unnecessary since the trust is clear, and no legal advice is needed to confirm that holidays are not an allowable expense under the trust.

Question 173

Correct answer: E

Explanation:

The correct answer is E, as both Margaret’s cognitive capacity and the potential for undue influence require legal assessment. Testamentary capacity requires that the testator understand the nature of their assets, the intended beneficiaries, and the consequences of their decisions. If Margaret’s declining health impaired her ability to make informed choices, the will could be void. Moreover, Angela’s increasing control over Margaret’s life, her influence on the drafting of the new will, and her role as the primary beneficiary suggest undue influence. Courts are particularly cautious when a vulnerable individual makes unexpected changes that substantially benefit a non-relative caregiver. A is incorrect because testamentary freedom is subject to legal requirements regarding capacity and undue influence. If these are compromised, a will may be overturned. B is incorrect because undue influence does not require direct evidence; circumstantial factors, such as isolation and dependency, are often enough to raise legal concerns. C is incorrect because medical conditions alone do not automatically invalidate a will. A person with deteriorating health may still have lucid intervals that allow them to make valid legal decisions. D is incorrect because while Angela’s involvement is highly suspicious, undue influence must still be legally established through court proceedings. The case must be examined in full before invalidating the will. Thus, E is the best answer, ensuring that both mental capacity and undue influence are properly evaluated before reaching a decision.

Question 174

Correct Answer: B

Explanation:

Margaret should leave the full £15,000,000 in the client account and deduct legal fees and disbursements as they are incurred. She should request the additional funds for due diligence reports and foreign services when needed, ensuring proper management of client funds in compliance with client money regulations. Option A prematurely moves funds into the office account and separates funds unnecessarily. Option C unnecessarily complicates the handling of client funds by segregating them into two accounts when one account suffices. Option D prematurely moves client funds into the office account, which is non-compliant. Option E unnecessarily reimburses the client for funds that are still needed for the ongoing transaction.

Question 175

Correct Answer: A

Explanation:

Option A is correct because Section 76 of PACE states that confessions obtained through oppression or in circumstances that make them unreliable must be excluded. The fact that Michael was pressured into answering questions and denied legal representation strongly suggests that the interview was unfair. Option B is incorrect because a voluntary statement is only admissible if obtained lawfully, and the denial of legal advice raises serious concerns. Option C is incorrect because the issue is not whether the statement is truthful but whether it was obtained fairly. Option D is incorrect because while suspects have a right to legal advice, failing to provide it does not automatically make all evidence inadmissible. The court must still determine if the confession was obtained fairly. Option E is incorrect because suspects have a right to legal representation, and the burden should not be on Michael to resist improper police pressure.

Question 176

Correct Answer: C

Explanation:

Under Section 19 of the Landlord and Tenant Act 1985, service charges must be reasonable and based on actual costs incurred. If Sophia believes the increase is unjustified, she can apply to the First-tier Tribunal (Property Chamber) to assess whether the charges are fair. The Tribunal has the authority to reduce or cancel excessive service charges if they are found to be unreasonable. Option A is incorrect because the freeholder does not have an unlimited right to raise service charges. Charges must be reasonable and justifiable, and leaseholders have the right to challenge unfair increases. Option B is partially correct because leaseholders do have the right to request a breakdown of costs, but withholding payment is risky. Failure to pay service charges can lead to legal action or forfeiture proceedings. The better approach is to pay under protest and challenge the charges through the Tribunal. Option D is misleading because consultation requirements mainly apply to major works exceeding £250 per leaseholder. If the increase is due to general maintenance or operational costs, the freeholder may not be required to consult leaseholders. However, if consultation rules apply and were not followed, leaseholders could challenge the charges. Option E is incorrect because court action is unnecessary at this stage. The Tribunal is the proper forum for service charge disputes, and leaseholders should exhaust this option first before considering litigation. Court action is costly and should be a last resort if other legal remedies fail. Sophia’s best course of action is to gather evidence of past service charges, formally request an itemized breakdown, and apply to the First-tier Tribunal if the charges appear excessive.

Question 177

Correct answer C

Explanation:

The correct answer is C, because Daniel’s use of the driveway was based on Olivia’s express permission, which prevents it from being as of right. For a prescriptive easement to arise, the claimant must show continuous, uninterrupted use for 20 years without force, secrecy, or permission. Since Daniel used the driveway with permission, he cannot claim an easement by prescription. Option A is incorrect because while an express easement normally requires a deed, other forms of easements can arise, such as by prescription or proprietary estoppel. Option B is misleading because the doctrine of lost modern grant only applies if use was without permission, which was not the case here. Option D is partially correct, as proprietary estoppel can create enforceable rights, but Daniel would need to show detrimental reliance, such as financial investment or significant inconvenience. If he simply used the driveway without any material loss, the court is unlikely to enforce an estoppel-based claim. Option E is incorrect because while formalities are required for express easements, other legal routes (such as prescription or necessity) can still establish enforceable rights in some cases. However, since Daniel’s use was permitted, none of those alternative routes apply.

Question 178

Correct answer: E

Explanation:

The correct answer is E, as both Richard’s cognitive state and the possibility of undue influence need careful legal evaluation. Testamentary capacity requires that a person fully understands their assets, the natural beneficiaries, and the effects of their decisions. If Richard’s dementia impaired his cognitive function, he may not have been capable of making a valid will. Additionally, Laura’s increasing control over Richard’s life, her role in drafting the will, and the fact that she benefited significantly at the expense of his daughters all point toward undue influence. Courts are especially cautious when a trusted assistant or caregiver is involved in a sudden and drastic change in a will’s terms. A is incorrect because testamentary freedom does not override concerns about mental capacity and undue influence. If either factor is compromised, the will can be challenged. B is incorrect because undue influence does not require direct proof. The overall circumstances, including Laura’s control and Richard’s declining health, strongly suggest coercion. C is incorrect because a dementia diagnosis does not automatically invalidate a will. Testamentary capacity must be assessed at the time of execution, but if Richard was significantly impaired, the will could be void. D is incorrect because while Laura’s involvement is highly suspect, undue influence must still be legally established. Courts will examine the full set of circumstances before reaching a conclusion. Thus, E is the best answer, ensuring a proper legal analysis of both Richard’s mental state and the influence exerted upon him before determining the will’s validity.

Question 179

Correct Answer: B

Explanation:

Rachel should leave the full £7,000,000 in the client account and continue to deduct fees and disbursements as they are incurred. She should request the additional funds for expert reports and court fees as required, maintaining transparency with the client. Option A improperly moves client funds to the office account prematurely, violating client money handling rules. Option C unnecessarily complicates matters by segregating the funds into two accounts when one client account is sufficient. Option D transfers funds into the office account prematurely, which is non-compliant. Option E reimburses the client when unspent funds are still required for the case, which is not necessary.

Question 180

Correct Answer: D

Explanation:

Under Section 31 of the Highways Act 1980, a public right of way can be established if a path has been used by the public without interruption for 20 years “as of right” (i.e., openly and without permission). If the council can provide evidence that the path has been used in this manner, it will be considered a public right of way, and Daniel will be required to remove the obstruction. Option A is incorrect because land ownership does not automatically prevent a right of way from existing. A public right of way can exist over private land if it has been used in accordance with the Highways Act 1980. Option B is incorrect because the required period for establishing a public right of way is 20 years, not 40. If the council can prove 20 years of uninterrupted public use, they do not need to show a longer period. Option C is partially correct because Daniel can challenge the claim by proving he has interrupted public use (e.g., by locking gates or posting signs). However, the key issue is whether the public had unrestricted access for 20 years, not whether he interrupts it now. If he only recently blocked access, it may be too late to prevent a right of way from being established. Option E is incorrect because an injunction is unlikely to succeed if the council can prove 20 years of use as of right. If the path has already met the legal threshold, Daniel’s application would likely fail. Daniel’s best course of action is to gather evidence of past interruptions and formally dispute the council’s claim before the matter escalates to enforcement action.