Candidates must answer two questions in total - one question from section A and one from section B. All questions carry the same marks.

No marks will be awarded for copying out the text of materials which candidates are permitted to take into the exam.
Question 1

Mr White ran a major furniture store in Hawick. As a result of the pandemic, he has not been able to sell his stock. Mrs White signed a standard security in favour of Borders Bank as a guarantee for the business debts of her husband, Mr White. Having taken independent legal advice, she signed the standard security in the presence of two witnesses in her sister's accountancy office. Borders Bank is seeking to enforce the standard security. Mrs White claims that she was unaware of the true nature of the standard security and that she was under the undue influence of Mr White.

Advise Mrs White.

Question 2

Mr Gillies took out an insurance policy on his son, Martin, when his son was ten years old. Under the terms of the policy, Mr Gillies undertook to pay the premiums on the policy, and was entitled to the surrender value of the policy, plus repayment of the premiums, if Martin died before reaching 21 years of age. If after reaching the age of 21 Martin took over the premiums, Martin was entitled to exercise various options, and on his death the sum insured would be payable to his estate. Martin knew about the policy.

Martin prepared a will when he was 21 leaving his property to his mother’s sister, his aunt, May Hannah. Martin was killed in a car accident at the age of 23.

Advise May Hannah.

END OF SECTION A
SECTION B - DELICT

Candidates must answer one question.

Question 3

Mr and Mrs Blackadder, an elderly couple, were shopping in St Andrews. They are an elderly couple aged 80 and 78 respectively. As they were walking along the pavement on the high street, a group of men tumbled from the road on to the pavement. Mrs Blackadder was knocked to the ground. Mr Blackadder, alarmed for his wife, bent down to lift her up when two men fell on top of him, pinning him and his wife to the pavement. Police cars arrived and detained one of the men. The other two men were plain clothes police officers. The detained man was a suspected drug dealer that they had been following before he noticed them and started to run away.

Mrs Blackadder suffered a broken left arm and several bruises. Mr Blackadder had several broken ribs, and his mobility had been affected by the weight of the men across his back.

Advise Mr and Mrs Blackadder.

Question 4

Stefan worked in a garage workshop for four years. A skilled worker, Stefan was a good employee. Gary was hired in January 2022. Gary is a member of a far-right political organisation called Transcendent Royal Aryan Soldiers of the Homeland.

Gary objects to working with Stefan, who is originally from Eastern Europe, but settled in Scotland with a Scottish born wife and three children. At work, Stefan experiences constant racist remarks, and aggression towards him from Gary. One afternoon, Gary hit Stefan with a heavy wrench. The blow killed Stefan.

Stefan’s widow Eileen has come for advice about raising an action against the garage owner.

Advise Eileen.

END OF SECTION B

END OF PAPER