

Examiners' Comments on the 2005 Examination

Head IV: Accounts and Professional Conduct

The first and obvious comment is that the candidates performed much better on the Professional Conduct segment of the examination than on the Accounts segment. As can be seen from the comments in paragraph 2 below, in the former segment of the examination the candidates failed to show a proper appreciation of the practical side of keeping accounts and this contributed largely to the rather disappointing pass rate.

Question 1

This was a relatively straightforward and easy question. Many of the candidates, however, failed to answer the questions correctly and with adequate depth of analysis. In sub-question (a) several candidates unequivocally put forward the proposition that the wife could sign the client account cheques which was clearly wrong and showed a fundamental misunderstanding of the Accounts Rules. In sub-question (b) candidates largely simply reproduced the relevant parts of the Accounts Manual without applying them to the facts. For sub-question (c), notwithstanding the fact that the question asked candidates to consider accounting issues, many students concentrated their answers on money laundering (for which no marks were deducted). In sub-question (d) there was little application of the principles to the facts.

Question 2

This question was well answered by most candidates although there were some notable exceptions. The candidates showed a good understanding of the ethical rules governing the taking of instructions and the presentation of cases in court.

Question 3

Overall the standard of answers was acceptable. A number of students failed, but in these cases it was clear that the candidates either simply had made inadequate preparation or mismanaged the time allocation within the examination. The majority of the answers were of an acceptable pass standard and there were some answers which were of a clearly superior standard.

Question 4

The standard of answers to question 4 concerning the conduct of solicitors in a non-contentious context was very good this year. Nearly all candidates considered the need to ensure that instructions were reliable and understood the personal duty to advise on all clauses in the will. Most students understood the duty of confidentiality with regard to inquiries about the existence of a will and the role of the Law Society where an inquiry is received.