



Your Rights Matter

## SQE1 FLK2 Diagnostic: The 10-Question "Health Check" Questions

A curated sample of audited FLK1 questions to test your application of the law.

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### Question 1:

Scenario: A husband and wife are the registered proprietors of a freehold property, held as joint tenants. They decide to take out a mortgage with a bank to fund a new business venture. Unbeknownst to the bank, the wife's mother contributed 30% of the original purchase price ten years ago and has lived in the property ever since. The mortgage is executed by both the husband and wife. The mortgage is subsequently registered. The couple defaults, and the bank seeks possession. The mother claims her interest is an overriding interest that binds the bank.

Question: What is the status of the mother's interest in relation to the bank's mortgage?

- A. The mother's interest is an overriding interest because she is in actual occupation of the property at the time of the mortgage.
- B. The mother's interest has been overreached because the mortgage money was paid to two trustees.
- C. The bank is bound by the mother's interest because they failed to make reasonable inquiries of all residents.
- D. The mother's interest is a minor interest that should have been protected by a notice; failing this, it does not bind the bank.
- E. The bank is bound because the mother's interest arose before the mortgage was created and she did not consent in writing.

### Question 2: Solicitors' Accounts (Classification & Breach)

Scenario: A solicitor is acting for a client in the purchase of a commercial property. The solicitor receives a cheque for £5,000 from the client, which is a payment on account for the solicitor's anticipated profit costs and VAT. At the same time, the solicitor receives £50,000 from the client's mortgage lender. The solicitor's firm has only one bank account, which is a designated client account. The solicitor deposits both the £5,000 and the £50,000 into this account.

Question: Which statement best describes the solicitor's compliance with the SRA Accounts Rules?

- A. The solicitor has breached the rules by depositing the £5,000 profit costs into the client account.
- B. The solicitor has complied with the rules because both sums constitute "client money" at the time of receipt.
- C. The solicitor has breached the rules because mortgage instructions must be kept in a separate "Lender Account."
- D. The solicitor has complied with the rules provided he transfers the £5,000 to the office account within 14 days of receipt.



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- E. The solicitor has breached the rules because VAT must be paid into a dedicated HMRC suspense account.

#### Question 3: Criminal Law (Mens Rea & Attempts)

Scenario: A man intends to kill his business partner. He believes that a specific brand of herbal tea is lethal if consumed in high doses. He invites the partner over and serves him a pot of the tea containing five times the recommended dose. In reality, the tea is harmless and the partner suffers no ill effects. The man is arrested after his diary, detailing the plan to kill the partner with the tea, is discovered.

Question: Is the man liable for attempted murder?

- A. No, because it was factually impossible to kill the partner using the tea.
- B. Yes, because he performed an act that was more than merely preparatory with the specific intent to kill.
- C. No, because there was no "dangerous" actus reus performed.
- D. Yes, but only if a reasonable person would have believed the tea was poisonous.
- E. No, because the partner suffered no physical harm.

#### Question 4: Wills & Administration (Ademption)

Scenario: A woman dies leaving a will that includes the following gift: "I give my 1,000 ordinary shares in Global Tech PLC to my grandson." At the time the will was executed, the woman owned exactly 1,000 shares in Global Tech PLC. Two years before her death, Global Tech PLC was taken over by MegaCorp, and her shares were mandatory-exchanged for 500 shares in MegaCorp. At her death, she owned the 500 MegaCorp shares and no Global Tech PLC shares.

Question: What is the most likely outcome for the grandson regarding this gift?

- A. He receives the 500 MegaCorp shares as a "substituted" gift.
- B. The gift is adeemed, and the grandson receives nothing.
- C. He is entitled to the cash value of 1,000 Global Tech PLC shares at the date of death.
- D. He receives the 500 MegaCorp shares because the change in the investment was formal rather than substantial.
- E. The gift is treated as a general legacy, and the executors must purchase 1,000 Global Tech PLC shares for him.

#### Question 5: Trusts (Tracing & Mixed Funds)

Scenario: A trustee misappropriates £10,000 from a trust fund and deposits it into his personal bank account, which already has a balance of £5,000 of his own money. On Monday, he withdraws £5,000 and spends it on a holiday. On Tuesday, he withdraws the remaining £10,000 and invests it in shares which are now worth £20,000.

Question: Under the rules of equitable tracing, what is the trust's maximum claim?

- A. A lien over the shares for £10,000 only, as the first £5,000 spent is deemed to be the trustee's own money.



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- B. A proprietary claim to 100% of the shares (£20,000) because the trustee is a wrongdoer.
- C. A proprietary claim to 2/3 of the shares (£13,333) and a personal claim for the remaining £3,333.
- D. A proprietary claim to 1/2 of the shares (£10,000) because the trustee's own £5,000 was in the account first.
- E. A lien over the shares for £5,000 and a personal claim for £5,000 against the trustee for the holiday money.

#### Question 6: Criminal Practice (Police Powers & PACE)

Scenario: A suspect is arrested on suspicion of robbery at 09:00 on a Monday. He arrives at the police station at 10:00. The custody officer authorizes detention at 10:30. The suspect has not yet been charged. At 07:00 on Tuesday morning, the police realize they need more time to conduct an identity parade.

Question: By what time must a Review Officer (Inspector) conduct the first review of the suspect's detention?

- A. 15:00 on Monday.
- B. 16:30 on Monday.
- C. 10:00 on Tuesday.
- D. 09:00 on Tuesday.
- E. 22:30 on Monday.

#### Question 7: Property Law & Practice (Priority & Official Searches)

Scenario: A buyer is purchasing a registered freehold property. The buyer's solicitor performs an official search with priority (Form OS1) which is received on 1 October. The search results show no new entries. On 10 October, the seller grants a legal charge (mortgage) to a third party, which the third party immediately tries to register. The buyer completes the purchase on 20 October and applies to register the transfer on 5 November.

Question: Does the buyer take the property subject to the third-party mortgage?

- A. No, because the OS1 search gives the buyer priority for 30 working days from the date of the search.
- B. Yes, because the buyer failed to register the transfer within the priority period.
- C. No, because the mortgage was created after the buyer's search was performed.
- D. Yes, because a legal charge always takes priority over a pending transfer.
- E. No, because the buyer is a "purchaser for value" and was unaware of the charge.

#### Question 8: Land Law (Leasehold Covenants)

Scenario: A commercial lease was granted in 2018. The tenant (T1) assigned the lease to T2 with the landlord's consent, entering into an Authorized Guarantee Agreement (AGA). T2 has now assigned the lease to T3. T3 fails to pay the rent. The landlord seeks to recover the arrears from T1.



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Question: Is T1 liable for T3's breach of the rent covenant?

- A. Yes, because T1 signed an AGA which remains valid until the lease expires.
- B. No, because T1's liability under the AGA was discharged when T2 assigned the lease to T3.
- C. Yes, because there is privity of contract between the landlord and the original tenant.
- D. No, because T1 is only liable for breaches committed by T2, provided T1 was not a "repeat" guarantor.
- E. Yes, provided the landlord served a Section 17 notice on T1 within six months of the rent falling due.

Question 9: Criminal Practice (Sentencing & Allocation)

Scenario: A defendant is charged with Theft (an either-way offence). At the Allocation hearing in the Magistrates' Court, the court decides the case is suitable for summary trial. The defendant, after receiving legal advice, nonetheless elects to be tried by a jury in the Crown Court. The defendant is subsequently convicted at the Crown Court.

Question: What is the status of the Crown Court's sentencing power in this scenario?

- A. The Crown Court is limited to the sentencing powers of the Magistrates' Court (6 months' imprisonment).
- B. The Crown Court can exercise its full sentencing power (up to the statutory maximum for theft).
- C. The case must be sent back to the Magistrates' Court for sentencing because they originally accepted jurisdiction.
- D. The defendant's election for jury trial acts as a waiver of any sentencing limits.
- E. The Crown Court can only exceed 6 months if "new information" about the defendant's character comes to light.

Question 10: Solicitors' Accounts (Mixed Receipts)

Scenario: A solicitor receives a single electronic transfer of £1,200 from a client. The funds consist of £1,000 for a court fee (disbursement) and £200 for an overdue invoice for the solicitor's own fees (which was sent to the client last month).

Question: What is the correct procedure for depositing these funds under the SRA Accounts Rules?

- A. The entire £1,200 must be paid into the client account, and the £200 must be transferred to the office account within 14 days.
- B. The £1,000 must be paid into the client account and the £200 must be paid into the office account.
- C. The entire £1,200 must be paid into the office account because it contains "office money" (the £200).
- D. The entire £1,200 can be paid into either the client or office account at the solicitor's discretion.
- E. The entire £1,200 must be paid into the client account and remain there until the court fee is paid.