BAR COUNCIL
MALDIVES

BAR EXAM

PRACTICE QUESTIONS

The following sample questions illustrate the kind of questions that appear on the Bar Exam. Each question is followed by 4 suggested answers of which candidates should select the single best answer. The answer key is at the end of the questions.

The sample questions do not represent all the material that is covered by the Exam and may cover material about which there are no questions in the Exam.

To model the pacing required for the Exam, these questions should be answered in 42 minutes.

Question 1

A man received a watch as a gift. He offered to sell the watch to a woman for $100. The woman offered to pay $50 for the watch. While considering this offer, the man found out correctly that the watch was valued at $1,000 and informed the woman that he no longer wished to sell the watch. The woman immediately stated that she accepted the man's original offer and tendered $100 to the man. The woman had already promised to resell the watch to her daughter for $150.

Do the man and the woman have an enforceable agreement?

a) No, because neither offer was accepted before it was withdrawn.

b) Yes, because sufficient consideration has been tendered.

c) Yes, because the woman relied on the man's original promise to her detriment by promising the sale of the watch to her daughter.

d) No, because the man had made a mistake of fact as to the value of the watch.

Question 2

A construction company employed builders to build a high rise apartment block. The construction company required all builders to take precautionary measures to protect their safety including wearing a helmet and safety gloves.

A builder working on the high rise block was wearing safety gloves but not a helmet when some scaffolding, negligently erected by the construction company, collapsed on him injuring his leg. The builder is now suing the construction company for this injury and the construction company is claiming contributory negligence on the part of the builder.

Is the court likely to find contributory negligence on the part of the builder?

a) Yes, because he breached his duty of care by failing to wear a helmet.

b) No, because he wore safety gloves.

c) Yes, because his negligence materially increased the risk of injury.

d) No, because his failure to wear a helmet did not contribute to his injury.

Question 3

A professional chef has instructed a lawyer in the matter of patenting a recipe he has developed to make tasty bread. The lawyer passes the recipe on to a friend of his who is a baker. A week later the baker starts selling the same bread as that made by the chef.

Has the lawyer broken the rules of professional conduct?

a) Yes, because information received from the client during an engagement is confidential.

b) Yes, because the information forms a fundamental part of the case.

c) No, because the lawyer did not personally get any benefit from his actions and client confidentiality only prohibits using information received during the retainer for the lawyer's benefit.

d) No, because it will be very difficult to prove that the baker used the same recipe.

Question 4

The President of Maldives has signed the Environment Preservation Treaty. Ratification of the Treaty is pending at the Parliament. Under the Treaty, signatories are expected to take measures to curb excessive usage of single use plastics. Ministry of Environment, in reference to this Treaty, has announced a 20% increase in the import duty for plastic bottles. Your client is an importer of single use plastic bottles and consults you about the situation.

Is your client liable to pay the increased duty?

a) Yes, because the increase has been announced under the mandate and authority of a government Ministry.

b) Yes, because the Maldives is under an obligation to meet the requirements of the Treaty from the time when it is signed.

c) No, because Parliament has not yet ratified the Treaty and passed implementing legislation.

d) No, because the President does not have the power to enter into treaties and then ask Parliament to ratify them.

Question 5

A defendant who was convicted of murder by a criminal court believes that the application of law by the trial judge was unreasonable. Therefore, the defendant wants to appeal the conviction.

Where should he appeal to?

a) Criminal court

b) High court

c) Supreme court

d) Judiciary committee

Question 6

A man took out a loan from ABC Bank and mortgaged his plot of land as security for the loan. Five years later, he took out a second loan from DEF Bank and mortgaged the same plot of land as security. The man failed to repay the loans to both ABC Bank and DEF Bank.

ABC Bank then secured a judgement debt against the man and commenced enforcement action to foreclose on the mortgage. DEF Bank intervened saying it also had a mortgage agreement on the same plot of land being foreclosed. It was discovered at this stage that ABC Bank had not registered its mortgage with the local council, but DEF Bank had done so.

Which of the mortgages has priority?

a) ABC Bank because the mortgage was taken out first.

b) ABC Bank because it has a judgement debt and commenced enforcement action first.

c) DEF Bank because the mortgage was taken out most recently.

d) DEF Bank because it is the only mortgage that was registered with the local council.

Question 7

The Commissioner General of Taxation, on behalf of the Maldives Inland Revenue Authority, has issued a tax ruling under which expatriate workers working in the Maldives are required to pay a departure tax whenever they leave the Maldives. An expatriate worker who wants to leave the Maldives to visit his family and then return has questioned the legality of this new tax.

Is the tax ruling legal?

a) No, because the power to levy taxation lies solely with the President.

b) Yes, because the Commissioner General is vested with powers to issue tax rulings on behalf of the Inland Revenue Authority.

c) No, because taxation can only be levied under a law passed by the People's Majlis.

d) Yes, because the tax only affects expatriate workers who are not citizens of the Maldives and so do not come under the provisions of the Constitution.

Question 8

A 60-year-old man accused of theft was arrested and brought to the police station for an investigation interview. The lead investigator properly informed the accused of his rights, including the right to legal assistance. The accused waived his right to appoint a legal counsel and agreed to be interviewed. Midway through the interview, the accused realized that some of his responses to questions could incriminate him, and he requested legal counsel. The police denied his request and proceeded with the interview. The accused answered all the questions and also signed the transcript prepared by the police.

Can the accused challenge the legality of the investigation interview on the basis that legal counsel was not present despite his request?

a) No, because the accused waived his right to appoint legal counsel before the interview.

b) Yes, because the accused was entitled to appoint a legal counsel after he made the request, despite his earlier waiver.

c) No, because the accused waived his right to challenge the legality of the interview by signing the transcript.

d) Yes, because the accused was a vulnerable adult due to his age and so entitled to special protection.

Question 9

A businessman had a conversation with a wealthy woman and an investor. During this conversation, the businessman agreed to sell his boat to the investor for MVR 1,000,000, payable in 10 monthly installments of MVR 100,000 each.

The woman, who was part of this conversation, reminded the businessman that the businessman owed the woman MVR 500,000 from a previous contract which they had entered into. The businessman agreed to pay the woman from the money he would receive from the investor during the first five months.

For the first two months the investor paid the businessman and the businessman paid the woman as agreed. However, after the second month, the investor stopped paying the businessman, and the businessman stopped paying the woman.

Against whom would the woman likely succeed in a claim to collect the balance of MVR 300,000 owed to her?

a) The investor only.

b) The businessman only.

c) Either the businessman or the investor because there was a contract formed between the three parties.

d) Either the businessman or the investor because the woman had a contract with the businessman and was a beneficiary of the contract between the businessman and the investor.

Question 10

A man owned the freehold to his home. His neighbour next door rented her home. The man regularly complained to his neighbour about her unsightly backyard. The neighbour was an artist and her yard was filled with discarded canvases and other objects from her art studio. In response to the man's complaints, the neighbour lit a huge bonfire in her backyard which cleared the yard. However, floating ash and embers from the bonfire landed on the man's house and damaged a part of the man's back door. The man wants to know if he can bring a claim in nuisance against the neighbour.

Is the man likely to succeed in a nuisance claim against the neighbour?

a) No, because the neighbour lit the bonfire to address the man's complaints.

b) Yes, because the man suffered physical injury to his land.

c) No, because the neighbour is not the owner of the freehold of her home, and it is the owner of the freehold who is liable.

d) Yes, because the neighbour's actions obstructed the public or a section of the public in the exercise or enjoyment of a right that may be exercised or enjoyed by the public at large.

Question 11

A businessman wanted to get a large contract with a state-owned enterprise. To win the contract, the businessman found out which public official was responsible for awarding the contract and, knowing the official was fond of water sports, he offered to buy the official a set of jet skis. The official did not accept the jet skis.

Which offence, if any, did the businessman commit?

a) Corruption

b) Attempted Bribery

c) Bribery

d) No crime

Question 12

A man lived in an isolated home next to a cherry farm. Multiple signs reading, "Private Property–No Trespassers" were posted along the farm's borders. The owner of the farm often travelled abroad and asked the man to look after the farm in his absence. Accordingly, when the owner was suddenly unwell and taken to the hospital for several weeks, the man decided to look after the farm as a neighbourly gesture, believing it was what the owner would have wanted. The owner's sister spotted the man at the farm and, knowing the owner was in hospital, reported the man to the police. The man is now charged with trespass.

Does he have a defense?

a) No, because trespass is a strict liability crime, and the man entered the farm without the permission of the owner.

b) No, because the signs around the farm made it unreasonable for the man to believe that his presence on the farm was permissible without the owner's explicit invitation.

c) Yes, because he was motivated by altruism and acted for the owner's benefit.

d) Yes, because he reasonably believed that the owner of the farm would have given access to him.

Question 13

A woman goes to interview for a position at a store as a stock manager. The interviewer asks her whether she is married, and she says yes, she got married recently. The interviewer thinks that since she is newly married, she will want to have children soon. As the stock manager position would require the individual to come in late at night, the interviewer is concerned that when the woman has young children, she will not be able to provide the necessary commitment. Aside from the issue that she might have children, the woman is the best qualified applicant for the job. However, the interviewer is seriously concerned about this issue and therefore hires someone else.

Are the interviewer's actions unlawful?

a) Yes, because it is discriminatory to use the possibility of pregnancy to deny the woman employment.

b) Yes, because there is a constitutional right to work.

c) No, because the interviewer must consider the realities of what the job will require.

d) No, because the interviewer was considering the individual's specially protected right to establishment of family.

Question 14

A company wanted to get more capital and sought to bring in new shareholders to the company. The new shareholders agreed to inject capital into the company on the conditions that the board of directors be reconstituted and the members' voting rights be changed.

Which of the following best describes the procedures for making these changes?

a) The memorandum and articles of association of the company should be amended through an ordinary resolution passed by the members of the company.

b) The articles of association of the company need not be amended but the share transfer and change in board of directors should be registered at the relevant authority.

c) The articles of association of the company need not be amended but the memorandum of association of the company should be amended through a special resolution passed by the members of the company.

d) The memorandum and articles of association of the company should be amended through a special resolution passed by the members of the company.

Question 15

An Island Council wants to compulsorily acquire a private property of a man to expand the existing land of a school. The man knows that he is entitled to a remedy in that he should be awarded fair and adequate compensation but does not know how this will be determined.

Who will determine the value or type of compensation in this case?

a) The court.

b) Ministry of National Planning Housing and Infrastructure.

c) Land Valuation Committee.

d) Maldives Land and Survey Authority.

Question 16

The People's Majlis recently passed a Bill to amend the Tourism Act of Maldives. The Bill was presented to the President for his assent within 7 days from passing. However, it is now 3 weeks since receipt of the Bill by the President and the President has not given his assent to the Bill or returned it for amendment or reconsideration.

What would be the best next step for the People's Majlis to take to ensure the Bill becomes law?

a) Conduct a public referendum and try to obtain a majority of the vote in favour of the Bill.

b) Place another request for presidential assent.

c) Deem that the Bill has been assented to by the President.

d) Place a request for the Supreme Court to intervene and provide assent.

Question 17

A man is very envious of his neighbour's house and would like to buy the house from the neighbour.

The man asks the neighbour to meet him and a group of the man's friends to discuss a business proposition. At the meeting the man hands his neighbour a document and asks him to sign it. The man says if the neighbour doesn't sign it, the group of the man's friends standing with the man will beat up the neighbour's family.

The neighbour looks at the document and sees it is a contract for the sale of his house to the man. The neighbour quickly signs it and hands it over and immediately rushes home.

Subsequently the neighbour consults his lawyer and asks the lawyer if he is bound by the contract he signed.

Is the neighbour bound by the contract?

a) No, because it is void for duress.

b) Yes, because all the elements of a contract are present.

c) Yes, because the neighbour signed the document himself and there were witnesses to that effect.

d) No, because it is void for undue influence.

Question 18

A doctor negligently administered a near-fatal dose of a dangerous medication to a patient in a government-owned island Health Post in an outer atoll. The doctor, who was a citizen of a foreign country, fled back to his country after the incident and could not be found. The patient consulted a lawyer on recovering damages resulting from the incident.

What advice should the lawyer give on the patient's ability to recover damages?

a) Any claim brought by the patient will be dismissed unless the doctor is found and brought back to Maldives.

b) A foreign citizen is not subject to civil liability, so the patient will not be able to recover damages irrespective of whether the doctor is in the Maldives or not.

c) The doctor's disappearance overseas has no impact on the patient's ability to obtain a judgment on the doctor's liability, but any money awarded can only be collected if the doctor is found and brought back to Maldives.

d) The doctor's disappearance overseas will not prevent the patient recovering damages, because the Health Post and the government can be found liable based on vicarious liability.

Question 19

A man was interested in purchasing a freehold plot of land. The plot consisted of a large area of land with a residential property on it. There was a tractor on the land when the man inspected it prior to purchase and the man thought the tractor would be useful. There were also several paintings on display on the walls of the property. The man discussed with the seller how much he liked the paintings and how good they looked on the walls of the property.

In due course, the sale was completed, and the man became the freehold owner of the land. When the man moved, he was disappointed to see that both the tractor and the paintings had been removed by the seller. The contract for sale had been silent as to both the tractor and the paintings.

Which of the tractor and the paintings should have been left by the seller?

a) Only the paintings

b) Only the tractor

c) Neither

d) Both

Question 20

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Question 21

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Answers to sample questions

Question	Answer
1	a
2	d
3	a
4	c
5	b
6	d
7	c
8	b
9	b
10	b
11	c
12	d
13	a
14	d
15	a
16	c
17	a
18	d
19	c
20	c
21	c