



**CILEX Level 3 Certificate in Law and Practice/  
CILEX Level 3 Professional Diploma in Law and Practice**

**Unit 1 – Introduction to Law and Practice**

**Question paper**

**November 2023**

**Time allowed: 1 hour**

**Instructions and information**

- There are 30 multiple choice questions, each worth 1 mark. You must answer **all** questions.
- This question paper is out of 30 marks.
- You are allowed to make notes on your scrap paper during the examination.
- You are **not** allowed access to any statute books.
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

## **Unit 1 – Introduction to Law and Practice**

### **Question paper**

**Time allowed: 1 hour**

#### **Instructions to Candidates**

- Answers to all questions must be recorded on the Answer Sheet
- Use blue or black ink or ballpoint pen.
- Candidates must comply with the CILEX Examination Regulations.
- All the questions are multiple choice questions.
- Insert an **X** in the box corresponding to the answer on the answer sheet that you consider to be correct.

**Answer ALL questions**

**Question 1**

What is the standard of proof in a criminal case?

- A** The Crown must prove the case
- B** The defendant must prove his or her innocence
- C** The case must be proved on the balance of probabilities
- D** The case must be proved beyond reasonable doubt

**Question 2**

Which of the following describe the work of the European Council?

- (i) It does not have legislative functions
- (ii) It defines the general political direction of the European Union
- (iii) It can nominate the President of the Commission
- (iv) It has budgetary authority with the European Parliament

- A** (i), (ii), (iii)
- B** (i), (iii), (iv)
- C** (ii), (iii), (iv)
- D** All of the above

**Question 3**

The purpose of the overriding objective in the Criminal Procedure Rules 2020 is:

- A** Criminal cases are dealt with justly
- B** Criminal cases must be actively managed
- C** To allow the defendant to choose trial by judge or jury
- D** To allow the defendant an automatic right to appeal a decision

**Question 4**

Dola is working as a trainee Chartered Legal Executive. Which **one** of the following can Dola **not** do?

- A** Draft a will
- B** Sign a cheque from a solicitor's client account
- C** Work on conveyancing matters
- D** Advise a client charged with a crime

**Turn over**

### Question 5

Which **one** of the following describes the effect of section 6 of the Human Rights Act 1998?

- A** UK courts are bound to give effect to decisions of the European Court of Human Rights
- B** If UK legislation is incompatible with the European Convention on Human Rights, a declaration of incompatibility may be made
- C** It is unlawful for a public authority to act in a way which is incompatible with the European Convention on Human Rights
- D** UK courts must, as far as possible, interpret domestic legislation to make it compatible with the European Convention on Human Rights

### Question 6

What is the principal legislature in the United Kingdom?

- A** Cabinet
- B** Parliament
- C** Executive
- D** National Assembly

### Question 7

Emma wants to qualify as a barrister. She has gained her LLB degree. What further steps must she take to qualify?

- (i) Complete the Bar Practice Course
- (ii) Complete a training contract
- (iii) Undertake a pupillage
- (iv) Join an Inn of Court

- A** (i) (iii), and (iv)
- B** (i), (ii), and (iii)
- C** (ii), (iii), and (iv)
- D** All of the above

### Question 8

What is the role of the Legal Adviser (Justices' Clerk) in the Magistrates' Court?

- A** To help the defendant with their case
- B** To outline to the Magistrates the range of sentencing for the case
- C** To assist the Magistrates in evaluating evidence and formulating the reasons for legal decisions
- D** To deal with disturbances in the court

### Question 9

Which **one** of the following is a disadvantage of delegated legislation?

- A It is flexible
- B It can be detailed and technical
- C It is not always subject to the full Parliamentary process
- D It saves Parliamentary time

### Question 10

Which **one** of the following is **not** a way in which a court may avoid following precedent?

- A Distinguishing
- B Literal rule
- C Reversing
- D Overruling

### Question 11

Which **one** of the following is the function of a Green Paper?

- A To publish the final version of the government's policy
- B To publish the public's response to government proposals
- C To ensure the government's Code of Practice on Consultation is followed
- D To publish the government's draft proposals for legislation

### Question 12

Which of the following courts are bound by decisions of the Court of Appeal?

- (i) High Court
- (ii) Crown Court
- (iii) County Court
- (iv) Supreme Court

- A (ii), (iii)
- B (ii), (iii) and (iv)
- C (i), (ii)
- D (i), (ii) and (iii)

**Turn over**

### Question 13

Which of the following are rights under Schedule 1 Human Rights Act 1998?

- (i) Right to freedom of thought
- (ii) Right to medical treatment
- (iii) Right to a fair trial
- (iv) Right to freedom of expression

- A** (iii) and (iv)
- B** (i), (iii) and (iv)
- C** (i) and (iii)
- D** All of the above

### Question 14

Which **one** of the following is **not** a track that civil cases can be allocated to?

- A** Personal Injury track
- B** Multi-track
- C** Small claims track
- D** Fast track

### Question 15

Which **one** of the following is a primary source of European Union law?

- A** Regulations
- B** Treaties
- C** Directives
- D** Opinions

### Question 16

Which **one** of the following is a means by which government ministers introduce regulations under powers delegated to them by Parliament in enabling legislation?

- A** Orders in Council
- B** By-laws
- C** Court Rule Committees
- D** Statutory Instruments

### Question 17

Which **one** of the following is **not** a First-tier Tribunal Chamber?

- A Health, Education and Social Care
- B Social Entitlement
- C Tax
- D Lands

### Question 18

The separation of powers means that:

- A The Legislature and the Executive should be fused but the Judiciary should be separate
- B The Executive, Legislature and Judiciary should be separate
- C The Executive should appoint the Judiciary
- D The Legislature should appoint the Judiciary

### Question 19

How many people sit on a jury in a criminal case?

- A 24
- B 14
- C 12
- D 8

### Question 20

Which **one** of the following is **not** an equitable remedy?

- A Restitution
- B Rescission
- C Rectification
- D Injunction

### Question 21

Which **one** of the following correctly describes the persuasive element of a judgment?

- A *Stare Decisis*
- B *Judicial Decidendi*
- C *Ratio Decidendi*
- D *Obiter Dicta*

**Turn over**

### Question 22

Which **one** of the following affects the way a Bill is classified?

- A Who introduces it
- B Its length
- C In which House it commences
- D How controversial it is

### Question 23

In which of the following courts can circuit judges sit?

- A Crown Court and County Court
- B County Court and Magistrates' Court
- C High Court and County Court
- D High Court and Crown Court

### Question 24

Which **one** of the following has overall responsibility for the professional standards of Fellows of CILEX, solicitors and barristers?

- A CILEx Regulation
- B The Law Society
- C The Legal Services Board
- D The Inns of Court

### Question 25

Alice is on work experience for Mrs Singh, who is a Member of Parliament. Alice asks how a Public Act of Parliament is created.

Mrs Singh tells Alice the stages are:

- (i) Report Stage
- (ii) First and Second Reading
- (iii) Committee Stage
- (iv) Third Reading

What is the correct order of these stages?

- A (i), (ii), (iii), (iv)
- B (ii), (iii), (i), (iv)
- C (iii), (i), (ii), (iv)
- D (ii), (i), (iv), (iii)



### Question 26

The 1966 Practice Statement can be used by which court?

- A High Court
- B Court of Appeal
- C A court of first instance
- D Supreme Court

### Question 27

Which of the following areas of work are undertaken by the Law Commission?

- (i) Commercial and common law
- (ii) Criminal law
- (iii) Property, family and trust law
- (iv) Public law

- A (i), (ii) and (iii)
- B (ii), (iii) and (iv)
- C (i), (iii) and (iv)
- D All of the above

### Question 28

Which of the following correctly describes the Legislature?

- (i) It is independent of the Executive and Judiciary
- (ii) It must abide by decisions made by the Executive
- (iii) Its powers are not limited by the European Union
- (iv) It creates laws which can limit the power of future Parliaments

- A (i) and (iii)
- B (ii) and (iv)
- C (iii) and (iv)
- D (ii) and (iii)

**Turn over**

### Question 29

Jennifer has been supplying Carl with clothes for his boutique shop for the past eight years. Jennifer's last two deliveries of clothes have been faulty causing Carl to lose business. Jennifer and Carl are now in dispute.

Which of the following forms of Alternative Dispute Resolution could Jennifer and Carl use to resolve their dispute?

- (i) Negotiation
- (ii) Conciliation
- (iii) Litigation
- (iv) Arbitration

- A** (i) and (iv)
- B** (ii) and (iii)
- C** (ii), (iii) and (iv)
- D** (i), (ii) and (iv)

### Question 30

Which of the following statements correctly describe Orders in Council?

- (i) They are a type of delegated legislation
- (ii) They set out procedures that must be followed in court
- (iii) They are passed by the Monarch and Privy Council
- (iv) They are passed by the local authority

- A** (i) and (iv)
- B** (i) and (iii)
- C** (ii) and (iii)
- D** (ii) and (iv)

**End of the examination**