



**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**

**January 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***

## 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.

### Example

#### Question 1

The colour of grass is:

- A Red
- B Blue
- C Green
- D Yellow

Question Number	A	B	C	D
1			X	

You must ensure that the **X** is contained within the lines of the box.

### Example

Correct:

Question Number	A	B	C	D
1			X	

Incorrect:

Question Number	A	B	C	D
1			X	

Incorrect:

Question Number	A	B	C	D
1			X	

If two or more X appear against one answer, then no credit will be given.

Example

Question Number	A	B	C	D
1	X		X	

If you wish to change your answer, please make it clear that you have crossed out the incorrect answer.

Example

Question Number	A	B	C	D
1	✕		X	

**Turn over**

**Answer ALL questions.**

**Question 1**

Which **one** of the following describes s.3 of the Human Rights Act 1998?

- A** The courts must take into account decisions of the European Court of Human Rights
- B** A declaration of incompatibility should be made if legislation is not compatible
- C** The courts should interpret legislation in a way that is compatible with the European Convention on Human Rights
- D** Only public authorities are bound to give effect to the European Convention on Human Rights

**Question 2**

Which of the following are principles of equity?

- (i) Equity is discretionary
- (ii) Equity looks to form rather than intent
- (iii) Delay defeats equity
- (iv) Equality is equity

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

**Question 3**

Which **one** of the following is **not** a type of Bill?

- A** Public Bill
- B** European Bill
- C** Private Bill
- D** Government Bill

**Question 4**

Which body is responsible for the professional standards of Chartered Legal Executives?

- A** The Law Society
- B** Ofqual
- C** Legal Services Board
- D** CILEx Regulation

### Question 5

Hamish has been convicted of murder and wants to appeal against his conviction.

Which court will hear his appeal?

- A Court of Appeal Criminal Division
- B High Court
- C Supreme Court
- D Crown Court

### Question 6

What does the doctrine of *stare decisis* mean?

- A It is the binding element of a judgment
- B It is the concept of judicial precedent by which decisions of superior courts bind the courts below
- C It is the persuasive element of a judgment
- D It allows a court to distinguish its decision and not follow a previous decision

### Question 7

Which **one** of the following is **not** a control over delegated legislation?

- A Publication
- B Laying before Parliament
- C *Ultra vires*
- D Appeal to the Supreme Court

### Question 8

Which **one** of the following is not a source of European Union law?

- A Regulations
- B Treaties
- C Directives
- D Judicial opinions

### Question 9

Which **one** of the following describes the term *obiter dicta*?

- A An incorrect decision by a court
- B The persuasive element of a decision
- C The binding element of a decision
- D A dissenting judgment

**Turn over**

### Question 10

Which **two** courts hear first instance criminal cases?

- A** Magistrates' Court and Crown Court
- B** County Court and Divisional Court of the High Court
- C** Crown Court and High Court
- D** Magistrates' Court and High Court

### Question 11

Which of the following describe the European Commission?

- (i) It is regarded as the civil service of the European Union
- (ii) It proposes new legislation
- (iii) Its members are directly elected by citizens of member states
- (iv) It passes secondary legislation

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

### Question 12

What is the principal legislature in England and Wales?

- A** The House of Commons
- B** Parliament
- C** The House of Lords
- D** The Executive

### Question 13

Jenny owns a restaurant. Fiona has supplied Jenny's restaurant with vegetables for 20 years. They have fallen out after customers complained about the quality of the vegetables.

Which of the following methods of Alternative Dispute Resolution (ADR) would be open to Fiona and Jenny?

- (i) Arbitration
- (ii) Negotiation
- (iii) Referral to a Tribunal Chamber
- (iv) Mediation

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

### Question 14

Which **one** of the following delegates the power to create secondary legislation?

- A** An affirmative resolution
- B** An enabling Act
- C** Statutory Instrument
- D** Order in Council

### Question 15

Which **one** of the following is **not** a right contained in Schedule 1 to the European Convention on Human Rights?

- A** A right to respect for private and family life
- B** A right to assisted suicide
- C** A right to freedom of expression
- D** A right to marry and start a family

**Turn over**

### Question 16

Which Act prevents juries from discussing their deliberations outside the jury room?

- A** Contempt of Court Act 1981
- B** Criminal Justice Act 2003
- C** Juries Act 1974
- D** Human Rights Act 1998

### Question 17

What is the **main** purpose of the Parliament Acts 1911 and 1949?

- A** To limit the powers of the House of Lords to block Bills approved by the House of Commons
- B** To enable certain Bills to pass between the House of Commons and the House of Lords ('ping-pong')
- C** To confirm the principle of parliamentary sovereignty of the House of Commons and the House of Lords
- D** To confirm the separation of powers between the Executive, the Legislature and the Judiciary

### Question 18

Which of the following are duties of the Law Commission?

- (i) Electing judges
- (ii) Assisting with the repeal of obsolete laws
- (iii) Regulating the legal profession
- (iv) Considering the codification of law

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

### Question 19

What type of legal system does England and Wales have?

- A** Common law
- B** Civil law
- C** Federal law
- D** Equitable law



### Question 20

Which **one** of the following would be a binding precedent in the High Court?

- A A decision by a County Court
- B A decision by the Court of Appeal
- C An *obiter dicta* by the Supreme Court
- D A decision by the Crown Court

### Question 21

Which is the highest rank of judge in the list below?

- A Recorder
- B High Court Judge
- C Circuit Judge
- D Lord Justice of Appeal

### Question 22

Caspian wishes to be appointed as a lay magistrate. Which of the following characteristics will Caspian need to demonstrate?

- (i) He has a degree
- (ii) He is of good character
- (iii) He is middle class
- (iv) He is socially aware

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

### Question 23

Which **one** of the following regulates the civil courts?

- A Civil Justice Act 2003
- B Civil Procedure Rules 1998
- C Constitutional Reform Act 2005
- D Legal Aid, Sentencing and Punishment of Offenders Act 2012

**Turn over**

#### Question 24

Which of the following are **not** aims or characteristics of the criminal law?

- (i) To punish wrongdoers for offences against society as a whole
- (ii) The standard of proof is beyond reasonable doubt
- (iii) Cases are heard in the County Court
- (iv) The defendant may be found liable to pay damages

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

#### Question 25

Which **one** of the following is the role of the Judiciary?

- A** To make the law
- B** To interpret and apply the law
- C** To govern the country
- D** To uphold the separation of powers

#### Question 26

Which of the following relate to jurors on jury service?

- (i) They will be paid a fee for their attendance at court
- (ii) They must be between 18 and 75 years old
- (iii) They must be registered as a parliamentary or local government elector
- (iv) They can have been sentenced to 6 years or more in prison, provided it was over 10 years ago

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

### Question 27

Which of the following correctly describe the process of mediation?

- (i) It is informal
- (ii) Parties are normally kept separate
- (iii) It involves two mediators – one for each party
- (iv) The outcome can be legally binding if agreed by the parties

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

### Question 28

Which **one** of the following is **not** a division of the High Court?

- A** Civil Division
- B** Kings' Bench Division
- C** Chancery Division
- D** Family Division

### Question 29

Which of the following are types of work that can be undertaken by Chartered Legal Executives?

- (i) Drafting wills
- (ii) Signing cheques on client accounts
- (iii) Advising clients accused of crimes
- (iv) Assisting in the formation of a company

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

### Question 30

Which **one** of the following is **not** an advantage of delegated legislation?

- A** It is flexible
- B** It saves parliamentary time
- C** It is always subject to the full democratic parliamentary process
- D** It allows rapid change

**End of the examination**