



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
UNIT 1 – INTRODUCTION TO LAW AND PRACTICE*
QUESTION PAPER

Time allowed: 1 hour

Turn over

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

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UNIT 1 – INTRODUCTION TO LAW AND PRACTICE*
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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	

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- 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		X	

- You must answer **ALL** the questions that are in the examination paper.

Do not turn over this page until instructed by the Invigilator.

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Question 1

Which one of the following describes the type of legal system that England and Wales has?

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

Question 2

In Alternative Dispute Resolution (ADR) which of the following are aspects of arbitration?

- (i)** The parties make the decision
- (ii)** The decision is legally binding
- (iii)** It is the most formal type of ADR
- (iv)** The decision is called the 'award'

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

Question 3

Which two courts hear first instance civil cases?

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

Question 4

A decision by which of the following courts would be binding on the Court of Appeal?

- A** The Supreme Court
- B** The Queen's Bench Divisional Court of the High Court
- C** The Chancery Division of the High Court
- D** The County Court

Question 5

Which of the following are features of criminal law?

- (i)** The burden of proof is on the prosecution
- (ii)** The parties are called 'the claimant' and 'the defendant'
- (iii)** The cases are heard in the Magistrates' Court and the County Court
- (iv)** The standard of proof is beyond reasonable doubt

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

Question 6

In a criminal trial in the Crown Court, which one of the following will be decided by the jury?

- A** The facts
- B** The law
- C** The sentence
- D** The burden of proof

Question 7

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

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

Question 8

George has been charged with murder. In which court will his trial be held?

- A** High Court
- B** Court of Appeal
- C** Crown Court
- D** Circuit Court

Question 9

An appeal from an Upper Tier Tribunal would be made in which one of the following?

- A** The High Court
- B** The Court of Appeal
- C** A First-Tier Tribunal
- D** The County Court

Question 10

Which of the following are controls over delegated legislation?

- (i) **Judicial review**
- (ii) **Laying before Parliament**
- (iii) **Parliamentary Committees**
- (iv) **Preventing publication**

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

Question 11

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

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

Question 12

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

Question 13

Jamal has gained his LLB degree. What further steps in the vocational stage of training must he take to qualify as a barrister?

- (i) Join an Inn of Court**
- (ii) Complete the Legal Practice Course**
- (iii) Complete an accredited Bar training course**
- (iv) Pass the Bar Course Aptitude Test**

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

Question 14

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 15

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 deal with disturbances in the court
- D** To assist the Magistrates in deciding if the defendant is guilty or not guilty

Question 16

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

- A** To enable certain Bills to pass between the House of Commons and the House of Lords ('ping-pong')
- B** To limit the powers of the House of Lords to block Bills approved by the House of Commons
- 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 17

The Court of Justice of the European Union has primary jurisdiction over:

- (i) Preliminary rulings on a point of European Law**
- (ii) Approving the budget of the European Union**
- (iii) Direct actions by the European Union against Member States**
- (iv) Actions for annulment of an element of European Law**

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

Question 18

What is the standard of proof in a civil case?

- A** Beyond reasonable doubt
- B** On the claimant to prove
- C** Absolutely certain
- D** On the balance of probabilities

Question 19

Which one of the following is the principal legislature in England and Wales?

- A** The Executive
- B** The Monarch
- C** The Judiciary
- D** Parliament

Question 20

Frances has been convicted of grievous bodily harm in the Crown Court. She believes that her prison sentence is too long. Which court would hear her appeal?

- A** The Supreme Court
- B** The Chancery Division of the High Court
- C** The Court of Appeal (Criminal Division)
- D** The Magistrates' Court

Question 21

Anisha believes that she has been unfairly dismissed from her job. She tried to resolve the issue with her employer using conciliation but was not successful. Where should she now make a claim?

- A** County Court
- B** Employment Appeal Tribunal
- C** Employment Tribunal
- D** Court of Appeal

Question 22

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

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

Question 23

Which of the following describe the advantages of Orders in Council?

- (i)** They can be made quickly in times of emergency
- (ii)** They are made with knowledge of the local area
- (iii)** They can be repealed by Parliament
- (iv)** They uphold the separation of powers

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

Question 24

Which one of the following is NOT an equitable maxim?

- A** He who seeks equity must do equity
- B** Delay defeats equity
- C** Equity acts *in rem*
- D** Equity follows the law

Question 25

Which two of the following are rights protected by the European Convention on Human Rights?

- (i) Freedom of expression
- (ii) Right to life
- (iii) Right to free healthcare
- (iv) Right to assisted suicide

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

Question 26

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

- A *Ratio decidendi*
- B *Stare decisis*
- C *Obiter dicta*
- D Judicial precedent

Question 27

Which one of the following is NOT a type of Bill?

- A European Bill
- B Hybrid Bill
- C Private Members' Bill
- D Public Bill

Question 28

Which of the following statements correctly describe Directives of the European Union as they apply to Member States?

- (i) They are a secondary source of European law**
- (ii) They are directly applicable**
- (iii) They can have both vertical and horizontal direct effect**
- (iv) They can have vertical direct effect**

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

Question 29

Owen is a new client, who asks you about the stages that a Public Bill goes through to become an Act of Parliament. Which is the correct order for the stages of the process?

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

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

Question 30

A court is hearing a case. If it determines that the facts are different to an existing precedent, it can:

- A Overrule the precedent**
- B Distinguish it**
- C Depart from it**
- D Reverse it**

End of Examination Paper