

17 January 2022  
Level 3  
INTRODUCTION TO LAW AND PRACTICE  
Subject Code L3-1

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

**Time allowed: 1 hour**

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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	

- 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	<del>X</del>		X	

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

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

### Question 1

Which ONE of the following is normally responsible for bringing a criminal prosecution?

- A The Crown Prosecution Service
- B The State
- C The Police
- D The Criminal Prosecution Service

### Question 2

Which ONE of the following is the least formal method of Alternative Dispute Resolution (ADR)?

- A Arbitration
- B Negotiation
- C Mediation
- D Conciliation

### Question 3

The rights provided by the European Convention on Human Rights can be put into three categories. Two of these categories are 'absolute' and 'qualified'. Which ONE of the following is the third category?

- A Restricted
- B Uncodified
- C Proportionate
- D Limited

#### Question 4

Which ONE of the following has limited the sovereignty of the UK Parliament?

- A The UK's decision to leave the European Union
- B The devolution of primary law-making power to the Welsh Senedd (Parliament)
- C The passing of the Human Rights Act 1998
- D The power of judges to declare a law incompatible under the Human Rights Act 1998

#### Question 5

Which of the following statements about the United Kingdom (UK) constitution are correct?

- (i) The UK constitution is largely unwritten
- (ii) The UK constitution allows the judiciary to overrule statutes
- (iii) The UK constitution has been replaced by the Human Rights Act 1998
- (iv) The rule of law and Parliamentary sovereignty are aspects of the UK constitution

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

#### Question 6

Which ONE of the following governs the way civil courts work?

- A The Civil Evidence Act 1995
- B The Civil Procedure Rules 1998
- C The Constitutional Reform Act 2005
- D The Woolf Report 1996

### Question 7

Which of the following courts are bound by decisions of the Court of Appeal (Civil Division)?

- (i) The Court of Appeal (Criminal Division)
- (ii) The Queen's Bench Divisional Court
- (iii) The County Court
- (iv) The European Court of Human Rights

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

### Question 8

Which of the following are features of civil law?

- (i) The burden of proof is on the claimant
- (ii) The parties are called the prosecution and the defence
- (iii) Cases are heard in the County Court and the Crown Court
- (iv) The standard of proof is on the balance of probabilities

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

### Question 9

'Delay defeats equity' is an example of which ONE of the following?

- A The equitable doctrine of *ultra vires*
- B A common law principle
- C An equitable maxim
- D An equitable remedy

### Question 10

To which **ONE** of the following courts can an appeal be made from a Magistrates' Court by way of 'case stated'?

- A The Court of Appeal (Criminal Division)
- B The Crown Court
- C The Queen's Bench Divisional Court
- D The County Court

### Question 11

Which **ONE** of the following is **NOT** authorised to represent a client in a Crown Court trial?

- A A Barrister
- B A Legal Executive
- C A Queen's Counsel
- D A Solicitor with higher rights of audience

### Question 12

Which of the following are correct statements about lay magistrates?

- (i) They decide on a defendant's guilt or innocence
- (ii) They receive a small salary for their work
- (iii) They must sit in court at least once a week
- (iv) They decide the sentence of a guilty defendant

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

### Question 13

Which ONE of the following methods of Alternative Dispute Resolution (ADR) involves a neutral third party who acts as a go-between for the disputing parties but does not offer an opinion?

- A Mediation
- B Negotiation
- C Arbitration
- D Conciliation

### Question 14

Which of the following are functions of the Lord Chancellor?

- (i) Being solely responsible for appointing judges
- (ii) Preserving the independence of the judiciary
- (iii) Protecting the rule of law
- (iv) Sitting as a judge in the Crown Court

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

### Question 15

Which ONE of the following statements about delegated legislation is correct?

- A A government minister cannot make regulations
- B A local council can make Orders in Council
- C The Monarch can make Orders in Council
- D Only local authorities can make bye-laws



### Question 16

In Parliamentary law-making, which ONE of the following statements is NOT correct?

- A A Hybrid Bill can only be introduced to Parliament by a Private Member
- B All legislative proposals are called 'Bills'
- C The Royal Assent is the final stage in a Bill becoming an Act
- D The role of the House of Lords is to scrutinise proposed Bills

### Question 17

Which ONE of the following describes the effect of s.7 of the Human Rights Act 1998?

- A UK courts must take into account decisions of the European Court of Human Rights
- B UK courts must, as far as possible, interpret legislation in a way that makes it compatible with the European Convention on Human Rights
- C When passing a new law, Parliament can issue a statement of compatibility with the European Convention on Human Rights
- D Anyone claiming a breach of their rights under the European Convention on Human Rights by a public body can bring legal proceedings against that public body

### Question 18

Which of the following will make a case eligible to be reviewed by the Criminal Cases Review Commission?

- (i) Fresh evidence
- (ii) Exceptional circumstances
- (iii) A new Act of Parliament
- (iv) A new legal argument

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

**Question 19**

**Which ONE of the following describes how judicial precedent operates?**

- A** The Court of Appeal can bind the Supreme Court
- B** The High Court can bind the Court of Appeal (Criminal Division)
- C** The County Court can bind the Magistrates' Court
- D** The Court of Appeal (Civil Division) is normally bound by its own previous decisions

**Question 20**

**Which ONE of the following is the lowest rank of judge?**

- A** High Court Judge
- B** Circuit Judge
- C** Lord/Lady Justice of Appeal
- D** District Judge

**Question 21**

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

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

**Question 22**

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

- A** To implement the government's manifesto
- B** To respond to a White Paper
- C** To publish the government's draft proposals for legislation
- D** To publish the public's response to government proposals

**Question 23**

**Which ONE of the following European Union institutions is responsible for proposing new European Union legislation?**

- A** The European Parliament
- B** The European Commission
- C** The European Council
- D** The Court of Justice of the European Union

**Question 24**

**In which of the following ways can a court avoid a precedent?**

- (i) Overruling**
- (ii) Repealing**
- (iii) Distinguishing**
- (iv) Reviewing**

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

### Question 25

Which ONE of the following is a disadvantage of trial by jury?

- A The expense of paying jurors
- B The involvement of ordinary people in the criminal justice system
- C The decision of guilt or innocence being made by more than one person
- D The requirement of jurors to understand complex facts

### Question 26

Which ONE of the following is a judicial control on delegated legislation?

- A Procedural *ultra vires*
- B Affirmative resolution procedure
- C The Joint Committee on Statutory Instruments
- D Negative resolution procedure

### Question 27

In a case being heard in the Court of Appeal (Civil Division), which of the following are exceptions to the rule that they must follow their own previous decisions?

- (i) They can choose between two conflicting decisions of the Court of Appeal (Civil Division)
  - (ii) If a previous decision of the Court of Appeal (Civil Division) conflicts with a decision of the Supreme Court, they must follow the decision of the Supreme Court
  - (iii) The Court of Appeal (Civil Division) must follow its own earlier decision made *per incuriam*
  - (iv) If a previous decision of the Court of Appeal conflicts with a decision of the High Court, they must follow the High Court
- 
- A (i) and (iii)
  - B (i) and (ii)
  - C (ii) and (iii)
  - D (ii) and (iv)

**Question 28**

**Which of the following correctly describes an objective of the Legal Services Board?**

- A** To regulate solicitors
- B** To regulate barristers
- C** To improve access to justice
- D** To appoint judges

**Question 29**

**Which ONE of the following statements correctly describes bye-laws?**

- A** They are usually made by local authorities
- B** They are made in times of emergency
- C** They fill in gaps in the law which are set out in the parent Act
- D** They must be approved by the Privy Council

**Question 30**

**How many people usually sit on a jury in the Crown Court?**

- A** 9
- B** 12
- C** 10
- D** 14

**End of Examination Paper**