



**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**

**June 2022**

**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***

**Answer ALL questions**

**Question 1**

**Which ONE of the following statements about a Private Members' Bill is correct?**

- A** The chances of the Bill becoming law are very high
- B** Any member of the public may introduce it into Parliament
- C** The chances of the Bill becoming law are very low
- D** It has to have the support of the Government

**Question 2**

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

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

**Question 3**

**Which ONE of the following is a characteristic of a common law system?**

- A** Inquisitorial
- B** Adversarial
- C** All courts are equal
- D** Judges can overrule Parliament

**Question 4**

**Which ONE of the following statements is true in relation to delegated legislation?**

- A** Only local authorities have been given the legal power to make bye-laws
- B** Statutory Instruments must be approved by both Houses of Parliament using the affirmative resolution procedure
- C** A court may declare delegated legislation void if it exceeds the powers granted by the enabling Act
- D** Each year, there are far more Acts of Parliament passed than the number of Statutory Instruments

### Question 5

Which ONE of the following powers does the Criminal Cases Review Commission have?

- A Reduce the sentences of a convicted person
- B Review the maximum sentences for serious crimes
- C Investigate suspected miscarriages of justice
- D Award compensation for a wrongful conviction

### Question 6

According to the doctrine of the separation of powers, which ONE of the following statements about the Legislature is correct?

- A It can bind a future Parliament
- B It must abide by decisions of the Executive
- C It does not have power to change the common law
- D It is independent of the Executive and Judiciary

### Question 7

Which of the following are features of the criminal law?

- (i) The standard of proof is on the balance of probabilities
  - (ii) The courts of first instance are the Magistrates' Court and the County Court
  - (iii) The parties are the prosecution and defence
  - (iv) The standard of proof is beyond reasonable doubt
- A (i) and (ii)
  - B (ii) and (iii)
  - C (ii) and (iv)
  - D (iii) and (iv)

### Question 8

Which ONE of the following is true in relation to High Court Judges?

- A They sit in all courts apart from the Magistrates' Court
- B They have security of tenure
- C They help to decide the appointment of Circuit judges
- D They are selected by the Lord Chancellor

### Question 9

**Section 3 of the Human Rights Act 1998 provides that:**

- A** If legislation does not comply with the European Convention on Human Rights, a declaration of incompatibility can be made
- B** UK courts are required where possible to interpret all legislation to make it compatible with the European Convention on Human Rights
- C** UK courts are required to take into account decisions of the European Court of Human Rights but are not bound by them
- D** Only public authorities are bound to give effect to the European Convention on Human Rights

### Question 10

**Which ONE of the following actions is allowed under the Practice Statement on Judicial Precedent 1966?**

- A** The Court of Appeal can overrule the Supreme Court
- B** The Court of Appeal can overrule its own previous decisions
- C** The Supreme Court can overrule the Court of Appeal
- D** The Supreme Court can overrule its own previous decisions

### Question 11

**Which of the following describe the role of the judiciary?**

- (i)** To limit the power of Parliament
  - (ii)** To apply the law
  - (iii)** To strike down legislation incompatible with human rights
  - (iv)** To ensure government ministers act within their powers (*intra vires*)
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- A** (i) and (iv)
  - B** (ii) and (iv)
  - C** (ii) and (iii)
  - D** (i) and (ii)

### Question 12

**Which of the following statements about jurors in criminal trials are correct?**

- (i) They decide on the defendant's guilt or innocence
  - (ii) They decide the sentence of a defendant who is found guilty
  - (iii) Jurors can discuss the case in the jury room
  - (iv) Jurors can ask questions of witnesses
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- A (i) and (iv)
  - B All of the above
  - C (ii) and (iv)
  - D (i) and (iii)

### Question 13

**What is the overriding objective of the Criminal Procedure Rules 2020?**

- A That criminal cases be dealt with justly
- B That criminal cases be dealt with at proportionate cost
- C That all defendants are entitled to a fair trial
- D That all defendants are presumed innocent until proved guilty

### Question 14

**What was the effect of the Judicature Acts 1873-75 on the application of common law and equity?**

- A All courts are able to apply common law and equity
- B Only the Chancery Division of the High Court can apply equity
- C Only the Supreme Court can apply equity
- D Equity may only be applied in appeal courts

### Question 15

**Sabina was recently dismissed from her job as a trainee chef. She thinks that she has a claim for unfair dismissal and does not want to pursue conciliation. Where is her case likely to be heard?**

- A Arbitration hearing
- B Tribunal
- C High Court
- D County Court

### Question 16

Solicitors do NOT have an automatic right of audience in which ONE of the following courts?

- A Crown Court
- B County Court
- C Magistrates' Court
- D Coroner's Court

### Question 17

Which ONE of the following is an equitable maxim?

- A Delay permits equity
- B He who comes to equity must come with clean hands
- C Equity cannot prevail over the common law
- D He who seeks equity must not do equity

### Question 18

Which of the following statements about lay magistrates are correct?

- (i) They must have a law degree
- (ii) They must retire at age 65
- (iii) They are paid expenses
- (iv) It is a voluntary position

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

### Question 19

Sarah has a complex claim involving banking law which is worth £60,000. Where is her case likely to be initially heard?

- A A First Tier Tribunal
- B The High Court under the multi-track
- C The County Court under the fast track
- D The Court of Appeal

### Question 20

**An appeal from the Magistrates' Court to the Queen's Bench Divisional Court of the High Court is known as:**

- A** Judicial review
- B** Leapfrog appeal
- C** Appeal on a point of law of general public importance
- D** Appeal by way of case stated

### Question 21

**Which ONE of the following is an advantage of negotiation as a method of Alternative Dispute Resolution (ADR)?**

- A** It always involves a neutral third party who helps the parties to reach a compromise
- B** It can help to maintain relationships between the disputing parties
- C** It is more formal than the other methods of Alternative Dispute Resolution
- D** It is a compulsory step in any civil action

### Question 22

**Phil wants to qualify as a solicitor and will start his legal education in September 2023. Once he has completed his law degree, what is the next stage of his training?**

- A** Pupillage
- B** Qualifying work experience
- C** Graduate Diploma in Law
- D** Solicitor's Qualifying Exam (SQE1)

### Question 23

**Which ONE of the following is responsible for administering the tribunal system?**

- A** Legal Services Board
- B** Department for Justice
- C** The Upper Tribunal Administrative Appeal Chamber
- D** HM Courts & Tribunals Service

#### Question 24

**A Public Bill starting in the House of Commons has just finished its Second Reading. What is the correct order of the next stages of its legislative journey?**

- A** Committee Stage, Report Stage, Third Reading, House of Lords, Commencement
- B** Third Reading, Committee Stage, Report Stage, House of Lords, Royal Assent
- C** Committee Stage, Report Stage, Third Reading, House of Lords, Royal Assent
- D** Report Stage, Committee Stage, Third Reading, House of Lords, Commencement

#### Question 25

**Which ONE of the following is the highest court for the purposes of judicial precedent?**

- A** The High Court
- B** The European Court of Human Rights
- C** The Supreme Court
- D** The Court of Appeal

#### Question 26

**Which ONE of the following institutions of the European Union is directly elected by citizens of the Member States?**

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

#### Question 27

**Which of the following are Parliamentary controls over delegated legislation?**

- (i)** Procedural *ultra vires*
- (ii)** The Joint Committee on Statutory Instruments
- (iii)** The enabling Act
- (iv)** Substantive *ultra vires*

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



### Question 28

Olivia considers her right to liberty has been breached by the police and would like to take action under the Human Rights Act 1998. What section of the Act permits her to take this action in domestic courts?

- A Section 4
- B Section 2
- C Section 7
- D Section 6

### Question 29

Which ONE of the following types of Bill affects a limited geographical area or a limited group of people?

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

### Question 30

Which ONE of the following is the binding element of a judgment?

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

**End of the examination**

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