THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 1 – INTRODUCTION TO LAW AND PRACTICE*

QUESTION PAPER

Time allowed: 1 hour
THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES
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.

Example

Question 1

The colour of grass is:

A Red
B Blue
C Green
D Yellow

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
You must ensure that the X is contained within the lines of the box

Example

Correct:

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Incorrect:

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

Incorrect:

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

Example

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

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

Example

<table>
<thead>
<tr>
<th>Question Number</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

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

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

* This unit is a component of the CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS and LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS
Question 1
What type of Legal System does England and Wales have?
A  Federal law
B  Civil law
C  Common law
D  Equitable law

Question 2
Which one of the following is NOT a type of Bill?
A  Public Bill
B  European Bill
C  Private Bill
D  Government Bill

Question 3
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)
Question 4

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

Question 5

Which of the following statements correctly describe Regulations of the European Union?

(i)  They are constitutional documents
(ii) They are a secondary source of law
(iii) They are directly applicable
(iv) They are a primary source of law

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

Question 6

Which one of the following is a disadvantage of a tribunal hearing?

A  Costs cannot be awarded in most circumstances
B  A final hearing may take place sooner than a court final hearing
C  Proceedings are more informal than litigation in court
D  The panel includes experts
Question 7
Which one of the following is NOT an equitable maxim?
A  Equity does not follow the law
B  Equality is equity
C  Equity acts in personam
D  Equity will not assist a volunteer

Question 8
Which one of the following is NOT a control on delegated legislation?
A  Publication
B  Laying before Parliament
C  Ultra vires
D  Appeal to the Supreme Court

Question 9
Which one of the following is a way in which a court may avoid following precedent?
A  Withdrawing
B  Distinguishing
C  Overturning
D  Repealing

Question 10
Which one of the following is a primary source of European Union Law?
A  Regulations
B  Treaties
C  Directives
D  Opinions
Question 11

Section 3 of the Human Rights Act 1998 provides that:

A  The Act has both horizontal and vertical effect
B  Everyone has the right to a fair trial
C  Public authorities are not permitted to breach the European Convention on Human Rights
D  The courts are required, so far as possible, to interpret legislation to make it compatible with the European Convention on Human Rights

Question 12

Which one of the following is a mandatory Level 3 CILEx Unit?

A  Client Care Skills
B  Employment Law
C  Conveyancing
D  Family Law

Question 13

Which of the following are characteristics of criminal law?

(i)  The standard of proof is beyond a reasonable doubt
(ii) The Crown or appellant bear the burden of proof
(iii) Damages or equitable remedies are available
(iv) Cases are heard in a Magistrates’ or County Court

A  (i) and (ii)
B  (iii) and (iv)
C  (i) and (iv)
D  (i), (ii) and (iii)
Question 14

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 15

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 16

Which of the following are required by the Criminal Cases Review Commission before it will review a case?

(i) New evidence
(ii) New legal argument
(iii) New Act of Parliament
(iv) Exceptional circumstances

A (i) and (ii)
B (ii) and (iii)
C (i), (iii) and (iv)
D (i), (ii) and (iv)
Question 17

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

A  Order in Council
B  Enabling Act
C  Consolidation Act
D  Constitutional Reform Act

Question 18

Which of the following statements about magistrates are correct?

(i) They are normally full-time and paid
(ii) Qualified lawyers can act as magistrates
(iii) Magistrates receive no formal training
(iv) Magistrates are appointed by the Lord Chancellor

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

Question 19

Which of the following correctly describes the process of Mediation?

(i) It is very 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 20

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 limited by the UK’s membership of 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)

Question 21

Steve has been charged with murder. In which court will he make his first appearance?

A  County Court
B  Magistrates’ Court
C  Crown Court
D  High Court

Question 22

Which of the following statements correctly describe Orders in Council?

(i)  They are a type of delegated legislation
(ii) They set out procedures which 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)
Question 23
Which one of the following is a disadvantage of trial by jury?
A  It involves ordinary people in the criminal justice system
B  It provides constitutional protection against the state
C  Jurors have to understand complex facts
D  Jury decisions can lead to later reform of the law

Question 24
Which one of the following statements is incorrect?
A  The Monarch invites the leader of the party with the majority of seats in Parliament to form a government
B  The Prime Minister’s party always receives the majority of votes in a general election
C  The Prime Minister appoints the members of the Cabinet
D  Not all members of Parliament have to belong to a political party

Question 25
Which one of the following describes the term *obiter dicta*?
A  An incorrect decision by a court
B  A dissenting judgment
C  The binding element of a decision
D  The persuasive element of a decision

Question 26
Which one of the following courts cannot bind a Divisional Court of the High Court?
A  Supreme Court
B  Court of Appeal
C  Divisional Court of the High Court
D  High Court
Question 27
Which of the following are types of work that can be undertaken by Chartered Legal Executives?

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

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

Question 28
Which one of the following is NOT a right under Schedule 1 Human Rights Act 1998?

A Right to freedom of thought  
B Right to medical treatment  
C Right to a fair trial  
D Right to freedom of expression

Question 29
Which one of the following is NOT a principal institution of the European Union?

A The European Parliament  
B The European Council  
C The European Court of Human Rights  
D The Court of Justice of the European Union
Question 30

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

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