THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 1 – INTRODUCTION TO LAW AND PRACTICE*

QUESTION PAPER

Time allowed: 1 hour

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

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

Example

Correct:

<table>
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<th>C</th>
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Incorrect:

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Incorrect:

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</table>

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

Example

<table>
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</table>

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

Example

<table>
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<tr>
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• 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
What type of Legal System does England and Wales have?
A  Common law
B  Civil law
C  Federal law
D  Equitable law

Question 2
Which one of the following is the function of a Green Paper?
A  To publish the final version of the government’s policy
B  To publish the public’s response to government proposals
C  To ensure the government’s Code of Practice on Consultation is followed
D  To publish the government’s draft proposals for legislation

Question 3
Which one of the following statements about Magistrates’ Courts is NOT correct?
A  They mainly deal with criminal matters
B  The maximum sentence they can impose is six months for one offence
C  They try indictable offences
D  They can commit a case to the Crown Court for sentencing
Question 4

Section 4 of the Human Rights Act 1998 provides that:

A. English courts must take account of the decisions of the European Court of Human Rights

B. If legislation does not comply with the European Convention on Human Rights, it allows a declaration of incompatibility to be made

C. Only public authorities are bound to give effect to the European Convention on Human Rights

D. Legislation should be interpreted in compliance with the European Convention on Human Rights

Question 5

Jennifer has been supplying Carl with clothes for his boutique shop for the past eight years. Jennifer’s last two deliveries of clothes have been faulty, causing Carl to lose business. Jennifer and Carl are now in dispute.

Which of the following are forms of Alternative Dispute Resolution that Jennifer and Carl could use to resolve their dispute?

(i) Negotiation
(ii) Conciliation
(iii) Determination
(iv) Arbitration

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

Question 6

Which one of the following is considered to be an advantage of magistrates?

A. They live and work in the communities they serve
B. They are generally older
C. They must be legally qualified
D. They are predominantly middle class
Question 7

The role of the Executive is to:

A  Make law
B  Apply the law
C  Govern the country
D  Uphold the constitution

Question 8

Which of the following are controls over delegated legislation?

(i) Substantive and procedural *ultra vires*
(ii) Preventing publication
(iii) Compliance with the European Convention on Human Rights
(iv) Laying before Parliament

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

Question 9

Which one of the following is NOT a division of the High Court?

A  Civil Division
B  Queen’s Bench Division
C  Chancery Division
D  Family Division

Turn over
Question 10

Jake leaves school and immediately joins CILEx as a student member. Which of the following is the correct order of steps Jake must take to qualify as a Chartered Legal Executive:

(i) Complete qualifying employment/work-based learning
(ii) Complete CILEx Level 3 and Level 6 qualifications
(iii) Complete the CILEx Graduate Fast-track Diploma
(iv) Become a Fellow of CILEx

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

Question 11

What is the standard of proof in a civil case?

A The claimant must prove the case
B The defendant must prove the case
C The case must be proved on the balance of probabilities
D The case must be proved beyond reasonable doubt

Question 12

Roberto is on work experience for Mrs Singh, who is a Member of Parliament. Roberto asks how a Public Act of Parliament is created. Mrs Singh tells Roberto the stages are:

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

What is the correct order of these stages?

A (i), (ii), (iii), (iv)
B (ii), (iii), (i), (iv)
C (iii), (i), (ii), (iv)
D (ii), (i), (iv), (iii)
Question 13

What does the doctrine of *stare decisis* mean?

A. It ensures that judgments from superior courts bind the courts below

B. It is the binding element of a judgment

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 14

Which one of the following statements about the Criminal Cases Review Commission is NOT correct?

A. It was established by the Criminal Appeal Act 1995

B. It can overturn convictions or sentences

C. The Court of Appeal can refer cases to the Commission to investigate

D. New evidence or new legal argument is needed to review a case

Question 15

Which one of the following is responsible for setting the professional standards of Chartered Legal Executives?

A. The Law Society

B. CILEx Regulation

C. Legal Services Board

D. Legal Ombudsman
Question 16
Which of the following apply 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 17
Which of the following are equitable remedies?

(i) Specific Performance
(ii) Rectification
(iii) Injunction
(iv) Rescission

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

Question 18
Which one of the following statements about delegated legislation is correct?

A  Only local authorities can make Bye-Laws  
B  A local council can make Orders in Council  
C  Only the Cabinet can make Statutory Instruments  
D  The Monarch can make Orders in Council
Question 19

Alison has been convicted of murder. She believes that at her trial the Crown Court made an error on a point of law. By whom would Alison’s appeal be heard?

A  Court of Appeal (Criminal Division)
B  Divisional Court of the Queen’s Bench Division of the High Court
C  The Supreme Court
D  The Attorney General

Question 20

Which one of the following is NOT a First Tier Tribunal?

A  Lands
B  General Regulatory
C  Social Entitlement
D  Health, Education and Social Care

Question 21

With regard to the Separation of Powers, which of the following statements correctly describe the role of the Legislature:

(i)  It can create laws which limit the law-making power of all future Parliaments
(ii) Its power is limited by the UK’s membership of the European Union
(iii) It must uphold the decisions of the Executive
(iv) It is independent of the Executive and the Judiciary

A  (i), (ii) and (iii)
B  (i) and (iii)
C  (ii) and (iv)
D  (ii), (iii) and (iv)
Question 22
Which one of the following correctly describes how judicial precedent works?

A  The Court of Appeal can bind the Supreme Court
B  The County Court can bind the Magistrates’ Court
C  The Supreme Court is bound by its own decisions
D  The Supreme Court binds all lower courts

Question 23
Which of the following correctly describe the features of the European Council?

(i) It does not have any legislative functions
(ii) It defines the general political direction of the European Union
(iii) It is known as the ‘Guardian of the Treaties’
(iv) It is regarded as the civil service of the European Union

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

Question 24
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 freedom of expression
C  A right to assisted suicide
D  A right to marry and start a family
Question 25

Emma wants to qualify as a barrister. She has gained her law degree. What further steps must she take to qualify?

(i) Complete the Bar Professional Training Course
(ii) Complete the Legal Practice Course
(iii) Undertake a pupillage
(iv) Join an Inn of Court

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

Question 26

Which one of the following is a correct description of the types of delegated legislation?

A Orders in Council, Bye-Laws, Bills
B Bye-Laws, Orders in Council, Statutory Instruments
C Ordinances, Statutory Instruments, Bye-Laws
D Statutory Instruments, Bills, Ordinances

Question 27

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 in a decision by the Supreme Court
D A decision by the Crown Court
Question 28
Which one of the following is NOT a main right protected by the European Convention on Human Rights?

A  Right to accommodation  
B  Freedom of assembly  
C  Right to a fair trial  
D  Freedom of expression  

Question 29
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 30
Which one of the following is a primary source of European Union law?

A  Regulations  
B  Treaties  
C  Directives  
D  Opinions