



**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 separate 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	

- All questions are compulsory. 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 is 'the body of laws dealing with the rights and duties owed by individuals and organisations to each other'?**

- A** Criminal Law
- B** Common Law
- C** Civil Law
- D** Law of Equity

### **Question 2**

**What type of Act of Parliament delegates power to create secondary legislation?**

- A** Authorising Act
- B** Enabling Act
- C** Delegating Act
- D** Entitling Act

### **Question 3**

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

- A** Regulation
- B** Directive
- C** Treaty
- D** Decision

***Turn over***

#### Question 4

**Which of the following describe the maximum sentencing powers of a Magistrates' Court in a criminal case?**

- (i) 6 months for one or more summary offences**
- (ii) 12 months for two or more summary offences**
- (iii) 6 months for two or more either-way offences**
- (iv) 12 months for two or more either-way offences**

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

#### Question 5

**Which one of the following branches of the legal profession automatically has the widest rights of audience?**

- A** Solicitors
- B** Chartered Legal Executives
- C** Barristers
- D** Paralegals

#### Question 6

**Section 4 of the Human Rights Act 1998 provides that:**

- A** UK courts must take into account decisions of the European Court of Human Rights
- B** If UK legislation is incompatible with the European Convention on Human Rights, a declaration of incompatibility may be made
- C** Only public authorities are bound to give effect to the European Convention on Human Rights
- D** UK legislation should be interpreted to be compatible with the European Convention on Human Rights

### **Question 7**

**The common law consists of which one of the following?**

- A** All written judgments arising from case law
- B** All judgments arising from the application of equity
- C** All legislation applying to a significant part of the population
- D** All common parts of the civil law as set out in the Civil Code

### **Question 8**

**Which one of the following statements about the Judicial Committee of the Privy Council is NOT correct?**

- A** It hears appeals from UK overseas territories
- B** Its decisions are binding on UK courts rather than persuasive
- C** It hears appeals from certain professional bodies within the UK
- D** Its membership can consist of different categories of judges

### **Question 9**

**Which one of the following statements about arbitration is correct?**

- A** The arbitrator is likely to be an expert in the subject matter of the dispute
- B** It is governed by the Independent Arbitration Act 2010
- C** The arbitrator will put forward a suggested solution, but the final decision is made by the parties
- D** There is an automatic right of appeal to the High Court

***Turn over***

### **Question 10**

**A breach of the rule that all discussions among jurors must be kept secret is a:**

- A** Contempt of court under section 8 of the Contempt of Court Act 1981
- B** Breach of trust under section 2 of the Trustee Act 2000
- C** Criminal offence under section 20D of the Juries Act 1974
- D** Civil wrong under section 1 of the Official Secrets Act 1911

### **Question 11**

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

- A** The Executive
- B** The House of Commons
- C** The Monarch
- D** Parliament

### **Question 12**

**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 the Privy Council
- (iv)** They are created by a local authority

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

### Question 13

**Which one of the following is NOT a form of protected right under Schedule 1 of the Human Rights Act 1998?**

- A** Absolute
- B** Limited
- C** Qualified
- D** Restricted

### Question 14

**What is the overriding objective in the Criminal Procedure Rules?**

- A** To ensure that criminal cases are actively managed
- B** To allow the defendant to choose trial by judge and jury
- C** To ensure that criminal cases are dealt with justly
- D** To give a defendant an automatic right to appeal against conviction

### Question 15

**Which of the following statements regarding magistrates are correct?**

- (i) They do not need to be legally qualified**
- (ii) They hear only criminal cases**
- (iii) They are assisted by legal advisors and justices' clerks**
- (iv) They are paid on a daily basis for each sitting**

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

**Turn over**

### Question 16

**Amy is a trainee lawyer and has been asked to carry out some research on how new legislation is created. Which one of the following determines how a Bill is classified?**

- A** The person who introduces it
- B** The length of it
- C** The House in which it commences
- D** The extent to which it is controversial

### Question 17

**Which one of the following statements in relation to the organs of government is NOT correct?**

- A** The Prime Minister appoints the members of the Cabinet
- B** The Prime Minister's party does not necessarily receive the majority of all votes cast in a general election
- C** The Members of Parliament can choose whether to belong to a political party
- D** The Cabinet must consist of Members of Parliament in the House of Commons

### Question 18

**The enforceability of European Union law in the UK courts will depend upon whether it has which of the following effects:**

- (i) Horizontal direct effect**
- (ii) Variable indirect effect**
- (iii) Vertical direct effect**
- (iv) Horizontal indirect effect**

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

**Question 19**

**Which one of the following is an equitable maxim?**

- A** Equity is not defeated by delay
- B** Equity follows the law
- C** Equity looks to the form not the intent
- D** Equity will assist a volunteer

**Question 20**

**Which one of the following would make a member of the public ineligible to serve on a jury in a criminal trial?**

- A** Being 18 years of age
- B** Being convicted and fined for a minor assault
- C** Being a member of the armed forces
- D** Being resident in the UK for less than five years

**Question 21**

**Which of the following types of business may be used by solicitors to operate their practice?**

- (i) Limited companies**
- (ii) Limited liability partnerships**
- (iii) Chambers**
- (iv) Multi-disciplinary practices**

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

**Turn over**

### Question 22

**The purpose and detail of a Public Bill will be explained to Parliament for the first time at the:**

- A** First Reading
- B** Second Reading
- C** Report Stage
- D** Committee Stage

### Question 23

**What is the *ratio decidendi* in relation to case law?**

- A** It consists of the facts that the judge used to make their decision
- B** It is the binding element of the judge's decision
- C** It is the persuasive element of the judge's decision
- D** It is an issue of law or fact upon which an appeal may be lodged

### Question 24

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

### Question 25

**Which one of the following is responsible for the appointment of judges?**

- A** HM Courts & Tribunals Service
- B** Judicial Appointments Commission
- C** Ministry of Justice
- D** Legal Services Board

### Question 26

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

- A** To enable uncontroversial Bills to be considered by the House of Commons and the House of Lords concurrently
- B** To confirm the principle of parliamentary sovereignty of the House of Commons and the House of Lords
- C** To limit the powers of the House of Lords to block Bills approved by the House of Commons
- D** To enable certain Bills to pass between the House of Commons and the House of Lords on a number of occasions ('ping-pong')

### Question 27

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

- (i) To apply the law**
- (ii) To limit the power of Parliament**
- (iii) To overrule unjust legislation**
- (iv) To ensure that government ministers act within their powers**

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

**Turn over**

### Question 28

**Which one of the following statements about the tribunal system is NOT correct?**

- A** It operates under the Tribunals, Courts and Enforcement Act 2007
- B** Decisions are normally made by a tribunal judge assisted by two experts
- C** Most tribunals are administered by HM Courts & Tribunals Service
- D** In most cases, successful applicants are awarded their legal costs

### Question 29

**Timothy fell off a ladder at work, breaking his leg. He has been off work for three months. Timothy has been advised that he has a claim for negligence against his employer for £20,000.**

**Which track is Timothy's court claim likely to be assigned to?**

- A** Small claims track
- B** Fast track
- C** Multi track
- D** Personal injury track

### Question 30

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

- A** Government Bill
- B** Law Reform Bill
- C** Opposition Party Bill
- D** Consolidating Bill

**End of Examination Paper**

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