



**THE CHARTERED INSTITUTE
 OF LEGAL EXECUTIVES**

**UNIT 1 – INTRODUCTION TO LAW
 AND PRACTICE***

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 AND PRACTICE***

QUESTION PAPER AND ANSWER BOOKLET

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* 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
QUESTION PAPER AND ANSWER BOOKLET

Time allowed: 1 hour

Instructions to Candidates

- Use blue or black ink or ballpoint pen.
- Candidates must comply with the CILEx Examination Regulations.
- **You must answer ALL the questions on the examination paper.**
- All the questions are multiple choice questions.
- Insert an **X** in the box corresponding to the answer you consider to be correct.

Example

The colour of grass is:

- A** Red
- B** Blue
- C** Green
- D** Yellow

X

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Question 1

Which ONE of the following describes the basis of the legal system in England and Wales?

- A** Federal law
- B** Common law
- C** Civil law
- D** Natural law

Question 2

Which of the following are features of civil law?

- (i) The standard of proof is beyond all reasonable doubt**
- (ii) The main parties are called the claimant and the defendant**
- (iii) The principal remedies are damages or equitable remedies**
- (iv) The cases are heard in the Magistrates' Court**

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

Question 3

Which ONE of the following statements about a Private Member's Bill is correct?

- A** The Bill always becomes an Act of Parliament
- 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

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Question 4

Which ONE of the following statements about the Criminal Cases Review Commission is wrong?

- 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 5

In which of the following courts can circuit judges sit?

- A** Crown Court and County Court
- B** County Court and Magistrates' Court
- C** High Court and County Court
- D** High Court and Crown Court

Question 6

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

- A** Juries can demonstrate opposition to certain laws
- B** It is a trial by one's peers
- C** It enables ordinary people to take part in the criminal justice system
- D** Jurors may be influenced by the media

Turn over

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Question 7

Which ONE of the following is not a principal European Union institution?

- A** European Council
- B** European Parliament
- C** European Cabinet
- D** European Commission

Question 8

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 9

Which ONE of the following correctly describes the persuasive element of a judgment?

- A** *Stare Decisis*
- B** *Judicial Decidendi*
- C** *Ratio Decidendi*
- D** *Obiter Dicta*

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Question 10

Caspian wants to be a magistrate. Which of the following will he need to demonstrate?

- (i) He has a degree**
- (ii) He is of good character**
- (iii) He is middle class**
- (iv) He is socially aware**

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

Question 11

At which stage will the purpose and detailed content of a Public Bill be explained to Parliament for the first time?

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

Question 12

The Court of Justice of the European Union has primary jurisdiction over:

- (i) actions against European Union institutions for failure to act**
- (ii) direct actions by the European Union against Member States**
- (iii) actions for annulment of an element of European Union Law**
- (iv) preliminary rulings on a point of European Union Law**

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

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Question 13

According to the doctrine of separation of powers, which of the following statements correctly describe the legislature's position?

- (i) Its power is limited by membership of the European Union**
- (ii) It must abide by the decisions of the Executive**
- (iii) It is independent of the Executive and Judiciary**
- (iv) It can create laws to limit the power of future parliaments**

A (i) and (ii)

B (ii) and (iv)

C (iii) and (iv)

D (i) and (iii)

Question 14

Which ONE of the following courts is not bound by the Divisional Courts of the High Court?

A Crown Court

B High Court

C Court of Appeal

D County Court

Question 15

Which ONE of the following is a right contained in Schedule 1 of the Human Rights Act 1998?

A The right to liberty and security of the person

B The right to welfare benefits

C The right to die

D The right to trial by jury

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Question 16

Jennifer has been supplying Carl with clothes for his boutique shop for the past 8 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 forms of alternative dispute resolution could Jennifer and Carl use to resolve their dispute?

- (i) Negotiation
- (ii) Conciliation
- (iii) Litigation
- (iv) Arbitration

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

Question 17

Jake leaves school at 16 and has no legal qualifications but immediately joins CILEx as a student member. Which of the following correctly describes the sequential order of the 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), (iv)
- D (i), (ii), (iii)

Turn over

Question 18

Which ONE of the following describes the effect of section 6 of the Human Rights Act 1998?

- A** The courts of England and Wales are required to take into account decisions of the European Court of Human Rights (ECHR)
- B** It is unlawful for a public authority to act in a way which is incompatible with an ECHR right
- C** The victim of a breach of the ECHR by a public body may bring legal proceedings against that body
- D** If legislation does not comply with ECHR, a declaration of incompatibility may be made

Question 19

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

- A** The monarch can make Orders in Council
- B** Regulations can only be drafted by local authorities
- C** Only the Secretary of State can make Orders in Council
- D** A government minister can make Bye-laws

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Question 20

Which ONE of the following summarises the doctrine of *stare decisis*?

- A** It is something said 'by the way' in a judgment
- B** Similar decisions should be made in cases where there are similar facts
- C** A judicial decision that is not binding may be persuasive
- D** It is the proposition of law which decides the case in the light or context of the material facts

Question 21

Which ONE of the following is not an equitable maxim?

- A** Equity permits delay
- B** Equity will not assist a volunteer
- C** Equity looks to the intent not the form
- D** He who seeks equity must do equity

Question 22

Which of the following areas of work are undertaken by the Law Commission?

- (i) Commercial and common law**
- (ii) Criminal law**
- (iii) Property, family and trust law**
- (iv) Public law**

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

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Question 23

Martha is Annabel's landlord and wishes to take Annabel to court for non-payment of rent amounting to £3,000. Which court will hear Martha's claim at first instance?

- A** High Court – Chancery Division
- B** Magistrates' Court
- C** County Court
- D** High Court - Queens Bench Division

Question 24

How many people sit on a jury in a criminal case?

- A** 24
- B** 12
- C** 14
- D** 8

Question 25

Which ONE of the following is the function of a green paper?

- A** To publish the final version of the government's proposals
- B** To publish the public's response to government proposals
- C** To ensure the Code of Practice on Consultation is followed
- D** To publish the government's draft proposals

Question 26

Which ONE of the following is not an equitable remedy?

- A** Restitution
- B** Rescission
- C** Rectification
- D** Injunction

Question 27

Which ONE of the following is not a First Tier Tribunal?

- A** Mental Health
- B** Lands
- C** Primary Health Lists
- D** Asylum Support

Question 28

How many principles are contained within the CILEx Code of Conduct?

- A** 10
- B** 9
- C** 8
- D** 6

Turn over

Question 29

Which ONE of the following is the main role of the Executive?

- A** To apply the law
- B** To ensure laws are not *ultra vires*
- C** To govern the country
- D** To control Parliament

Question 30

Which ONE of the following is correct as to the number of years of qualifying employment necessary to become a Fellow of CILEx?

- A** 3
- B** 2
- C** 6
- D** 4

End of Examination Paper

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