17 January 2011 Level 3 INTRODUCTION TO LAW AND PRACTICE Subject Code L3-1

INSTITUTE OF LEGAL EXECUTIVES

UNIT 1 – INTRODUCTION TO LAW AND PRACTICE*

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QUESTION PAPER AND ANSWER BOOKLET

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^{*}This unit is a component of the following ILFX qualifications: LEVEL 3 CERTIFICATE IN LAW AND

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INSTITUTE OF LEGAL EXECUTIVES 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 ball point pen.
- Candidates must comply with the ILEX 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	
В	Blue	
С	Green	X
D	Yellow	

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

You are a trainee Legal Executive and your principal has asked you some research in the library.

Student Bounty.com You have been asked to find the case of Airedale NHS Trust v Bland [1993] 1 All ER and then prepare a summary:

Leave year and a second property and a second year.	
This citation means that you will find the case at:	

A	paragraph 1 of the All England Law Reports 1993	
В	page 1 of the All England Law Reports 1993	
С	chapter 1 of the All England Law Reports 1993	
D	volume 1 of the All England Law Reports 1993	

Question 2

The standard of proof in a civil case is:

A	on the Defendant	
В	on the Claimant	
С	on the balance of probabilities	
D	beyond all reasonable doubt	

Question 3

By way of an equitable remedy, a court may set aside a contract and restore each party to the position they were in before the contract was made. This is the equitable remedy of:

A	mandatory injunction	
В	specific performance	
С	rectification	
D	rescission	

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-		13.
Whi	ch of the following make up the Parliament of the United King	THEOLIT
(i)	The House of Lords	
(ii)	The House of Commons	
(iii)	The Government	
(iv)	The Monarchy	
A	(ii) & (iv)	
В	(i) (ii) & (iii)	
С	(iii) & (iv)	
D	(i) (ii) & (iv)	
Que	stion 5	
The	doctrine of the sovereignty of Parliament means that:	
A	a Parliament cannot pass an Act that binds a future Parliament	
В	Acts of Parliament have to be ratified by the Monarch	
С	English law does not have to comply with E.U. law	
D	a Parliament can pass an Act that binds a future Parliament	
Que	stion 6	
	en the Government wishes to seek consultation on proposals finds slation, it will:	for new
A	publish a White Paper	
В	publish a Green Paper	
С	ask the Law Commission to issue a Report	
D	give notice of the proposed new legislation in the Queen's Speech	

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	what stage of the creation of an Act of Parliament would it be mined in detail?	MAGUI
A	Report stage	
В	Committee stage	
C	Second Reading	
D	Third Reading	
Que	estion 8	
Whi	ch of the following is <u>not</u> a form of delegated legislation?	
A	a local authority by-law	
В	an Order in Council	
C	a Parent Act	
D	a Regulation	
Que	estion 9	
Par	liament exercises control over delegated legislation by being	able to:
(i)	declare that a Statutory Instrument is contrary to rights protected be European Convention on Human Rights	y the
(ii)	require that a Statutory Instrument is published	
(iii)	declare that a Statutory Instrument is ultra vires because it is not viterms of the relevant Enabling Act	vithin the
(iv)	examine a Statutory Instrument in a Joint Select Committee	
A	(i) & (iii)	
В	(ii) (iii) & (iv)	
C	(ii) & (iv)	
D	(iii) & (iv)	
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You are a trainee Legal Executive acting for a client under the guid of your principal. You are instructed in a civil case due to be heard by Court of Appeal (you do not need to know the detail of the case).

Stilldent BOUNTY.COM The House of Lords passed a judgment several years ago which does not support your client's case. However, since then a statute has been passed changing the law and which supports your client's case.

Your client's case is about to be heard in the Court of Appeal. Your client wants to know what the Court of Appeal would be expected to do in relation to the House of Lords judgment. You should tell your client that in these circumstances the Court of Appeal would be expected to:

A	follow the previous House of Lords' decision	
В	depart from the previous House of Lords' decision because of the 1966 Practice Statement	
С	declare the previous House of Lords' decision per incuriam	
D	not follow the previous House of Lords' decision and apply the statute	
Question 11		
Judgments of the Crown Court are correctly described as:		

- (i) sometimes persuasive
- binding on Magistrates' Courts (ii)
- (iii) subject to being overruled by the Court of Appeal
- (iv) subject to being reversed by a Divisional Court of the High Court
- (i) & (ii) Α
- В (ii) & (iii)
- C (i) (iii) & (iv)
- D (ii) (iii) & (iv)

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Quest	ion 12	Teg.
Which decisi	ion 12 of the following statements summarise the doctrine of states?	TOOLL
A	It is something said 'by the way' in a judgment	
В	Similar decisions should be made in cases where there are similar facts	
С	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	
Quest	ion 13	
at the	orincipal asked you to accompany a client, Shane Cole, to a Magistrates' Court. Shane was charged with one either was under the Criminal Damage Act 1971.	
came	hearing, Shane was found guilty. However, when the Magis to sentence Shane they decided that they wanted to pass a nce that was more severe than they have the power to impo	
	e asks you what the Magistrates may now do. You should ad that in his case the Magistrates:	vise
A	can only pass a sentence of up to 6 months imprisonment or a $\pounds 5,000$ fine	
В	will hold a mode of trial hearing to decide if his case should now be tried in the Crown Court	
С	may impose on him a sentence of up to 12 months imprisonment	
D	can commit his case to the Crown Court for sentencing	
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	hich court would an appeal against conviction in a Magistra t go?	AROUN
A	Crown Court	
В	Magistrates' Court with different Magistrates	
С	Court of Appeal (Criminal Division)	
D	A Divisional Court of the High Court	
Ques	stion 15	
Civil	proceedings in the County Court are subject to which rules?	
A	The Civil Procedure Rules 1998	
В	The Civil Proceedings Rules 1998	
С	The Court Procedure Rules 1998	
D	The Court Proceedings Rules 1998	
If th	stion 16 e Supreme Court has to apply an act of parliament that it be not comply with a right set out in the European Convention	
	an Rights, it should:	
A	refuse to apply the act of parliament and make a decision based on the Human Rights Act 1998	
В	apply the act of parliament	
С	refer the matter to the European Court of Justice for a preliminary ruling	
D	refuse to apply the act of parliament and make a decision based on the European Convention on Human Rights	
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Which of the following statements about the rights and freedoms protected by the European Convention on Human Rights are correct?

- (i) The rights and freedoms are absolute.
- Student Bounty.com (ii) The European Convention on Human Rights does not contain a right to have freedom of religion.
- (iii) A person is protected from being convicted of an offence that was not a criminal offence when the act was committed.
- (iv) There is a right to life.
- Α (i) & (iii)
- В (ii) & (iii)
- C (i) (ii) & (iv)
- D (iii) & (iv)

Question 18

Which of the following is not a specialist court within the Queen's Bench **Division of the High Court?**

- Α The Administrative Court
- В The Commercial Court
- C The Companies' Court
- D The Admiralty Court

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Imran Mirza wants to qualify as a Legal Executive. He has passed Level 3 Professional Diploma in Law and Practice and is now going to undertake the Level 6 Professional Higher Diploma in Law and Practice

Student Bounty.com Imran's principal is very interested in Imran's training and asks Imran to explain the structure of this new course. Imran explains to his principal that in order to successfully complete the course, he must pass 1 law unit and 1 linked practice unit from the ILEX Level 6 subject units together with:

(i)	2 further law units	
(ii)	2 professional skills units	
(iii)	2 further practice units	
(iv)	all of the above	
A	(i)	
В	(i) & (ii)	
С	(i) & (iii)	
D	(iv)	

Question 20

Which one of the following regulates Legal Executives?

A	ILEX Standards Board	
В	ILEX Professional Standards	
С	ILEX Regulatory Board	
D	ILEX Conduct and Professional Standards Committee	

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Jane is a university graduate training to be a solicitor and has recepassed the Legal Practice Course (LPC). What is the next stage in qualifying as a solicitor?			
A	She must now complete a one year training contract		
В	She must now be admitted to the Roll of Solicitors		
С	She must now complete a one year pupillage		
D	She must now complete a two year training contract		
Question 22 Trainee Barristers must join one of the four Inns of Court. Which of the			
follo	wing is <u>not</u> an Inn of Court?		
Α	Outer Temple		
В	Inner Temple		
С	Gray's Inn		
D	Lincoln's Inn		
Que	stion 23		
	ch of the various ranks of judges are entitled to hear cases nty Court?	in the	
(i)	District Judge		
(ii)	County Court Judge		
(iii)	Circuit Judge		
(iv)	Recorder		
A	(i) & (ii)		
В	(i) (iii) & (iv)		
С	(i) (ii) & (iv)		
D	(i) (ii) & (iii)		
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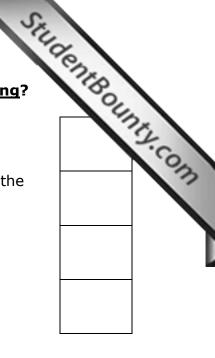
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Which one of the following statements about mediation is correct? A mediator will make a decision after carefully listening to both			
A	A mediator will make a decision after carefully listening to both parties' cases	1	
В	The parties to a mediation are normally kept apart and the mediator speaks to each of them separately		
С	Mediators have to be solicitors or barristers		
D	A decision at a mediation is subject to appeal to the High Court		
Que	stion 25		
Which of the following are included in the Upper Tribunal of the Unified Tribunal Service?			
(i)	Lands Chamber		
(ii)	Administrative Appeals Chamber		
(iii)	Health, Education & Social Care Chamber		
(iv)	Tax and Chancery Chamber		
A	(i) (ii) & (iii)		
В	(ii) (iii) & (iv)		
С	(i) (ii) & (iv)		
D	(i) (iii) & (iv)		
Question 26			
Who	appoints magistrates?		
A	The Lord Chancellor		
В	The Lord Lieutenant of the County		
С	The Director of Public Prosecutions		
D	The Minister of Justice		
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Which one of the following statements about Equity is wrong?

- **A** Equity will not assist a volunteer
- **B** If there is a conflict between the common law and equity, the common law should prevail
- **C** Disputes in equity have to be resolved promptly
- **D** Equity can overlook breaches of formalities

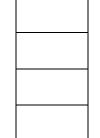


Question 28

Leah has received notification that she has been selected for jury service. She is not sure what this might involve so she asks you for some help.

Which of the following statements would correctly describe what Leah might expect when she attends court?

- (i) She may be asked to serve on a jury in the High Court.
- (ii) She is prohibited from disclosing anything that happens in the jury room.
- (iii) As a jury member, she will be asked to decide questions of law.
- (iv) She will be paid a salary.
- **A** (i) & (ii)
- **B** (i) (ii) & (iii)
- **C** (ii) & (iii)
- **D** (ii) & (iv)



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Question 29		
Which Justic	n one of the following is <u>not</u> a function of the European Court e?	ENROUN
A	Hearing applications from individuals for declarations that an E.U. law is illegal	
В	Hearing cases from E.U. citizens involving alleged breaches of Human Rights law	
С	Give preliminary rulings to member states on interpretation of E.U. law	
D	Hearing cases against E.U. member states for failing to fulfil their obligations under E.U. law	
Quest	cion 30	
The m	nain sources of E.U. law are:	
A	Treaties	
В	Regulations and Directives	
С	International Conventions	
D	Acts of the UK Parliament	

End of Examination Paper

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