

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 ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

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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 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
B Blue
C Green
D Yellow

X

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Question 1

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

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

This citation means that you will find the case at:

- A** paragraph 1 of the All England Law Reports 1993
- B** page 1 of the All England Law Reports 1993
- C** 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
- B** on the Claimant
- C** 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
- B** specific performance
- C** rectification
- D** rescission

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Question 4

Which of the following make up the Parliament of the United Kingdom?

- (i) The House of Lords
- (ii) The House of Commons
- (iii) The Government
- (iv) The Monarchy

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

Question 5

The doctrine of the sovereignty of Parliament means that:

- A** a Parliament cannot pass an Act that binds a future Parliament
- B** Acts of Parliament have to be ratified by the Monarch
- C** English law does not have to comply with E.U. law
- D** a Parliament can pass an Act that binds a future Parliament

Question 6

When the Government wishes to seek consultation on proposals for new legislation, it will:

- A** publish a White Paper
- B** publish a Green Paper
- C** 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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Question 7

At what stage of the creation of an Act of Parliament would it be examined in detail?

- A** Report stage
- B** Committee stage
- C** Second Reading
- D** Third Reading

Question 8

Which of the following is not a form of delegated legislation?

- A** a local authority by-law
- B** an Order in Council
- C** a Parent Act
- D** a Regulation

Question 9

Parliament exercises control over delegated legislation by being able to:

- (i) declare that a Statutory Instrument is contrary to rights protected by the European Convention on Human Rights
- (ii) require that a Statutory Instrument is published
- (iii) declare that a Statutory Instrument is ultra vires because it is not within the terms of the relevant Enabling Act
- (iv) examine a Statutory Instrument in a Joint Select Committee

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

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Question 10

You are a trainee Legal Executive acting for a client under the guidance of your principal. You are instructed in a civil case due to be heard by the Court of Appeal (you do not need to know the detail of the case).

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
- B** depart from the previous House of Lords' decision because of the 1966 Practice Statement
- C** 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
- (ii) binding on Magistrates' Courts
- (iii) subject to being overruled by the Court of Appeal
- (iv) subject to being reversed by a Divisional Court of the High Court

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

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Question 12

Which of the following statements summarise 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 13

Your principal asked you to accompany a client, Shane Cole, to a hearing at the Magistrates' Court. Shane was charged with one either way offence under the Criminal Damage Act 1971.

At the hearing, Shane was found guilty. However, when the Magistrates came to sentence Shane they decided that they wanted to pass a sentence that was more severe than they have the power to impose.

Shane asks you what the Magistrates may now do. You should advise Shane that in his case the Magistrates:

- A** can only pass a sentence of up to 6 months imprisonment or a £5,000 fine
- B** will hold a mode of trial hearing to decide if his case should now be tried in the Crown Court
- C** 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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Question 14

To which court would an appeal against conviction in a Magistrates Court go?

- A** Crown Court
- B** Magistrates' Court with different Magistrates
- C** Court of Appeal (Criminal Division)
- D** A Divisional Court of the High Court

Question 15

Civil proceedings in the County Court are subject to which rules?

- A** The Civil Procedure Rules 1998
- B** The Civil Proceedings Rules 1998
- C** The Court Procedure Rules 1998
- D** The Court Proceedings Rules 1998

Question 16

If the Supreme Court has to apply an act of parliament that it believes does not comply with a right set out in the European Convention on Human Rights, it should:

- A** refuse to apply the act of parliament and make a decision based on the Human Rights Act 1998
- B** apply the act of parliament
- C** 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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Question 17

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.
- (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.

- A** (i) & (iii)
- B** (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?

- A** The Administrative Court
- B** The Commercial Court
- C** The Companies' Court
- D** The Admiralty Court

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Question 19

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

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)
- B** (i) & (ii)
- C** (i) & (iii)
- D** (iv)

Question 20

Which one of the following regulates Legal Executives?

- A** ILEX Standards Board
- B** ILEX Professional Standards
- C** ILEX Regulatory Board
- D** ILEX Conduct and Professional Standards Committee

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Question 21

Jane is a university graduate training to be a solicitor and has recently passed 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
- B** She must now be admitted to the Roll of Solicitors
- C** 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 following is not an Inn of Court?

- A** Outer Temple
- B** Inner Temple
- C** Gray's Inn
- D** Lincoln's Inn

Question 23

Which of the various ranks of judges are entitled to hear cases in the County Court?

- (i) District Judge
- (ii) County Court Judge
- (iii) Circuit Judge
- (iv) Recorder

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

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Question 24

Which one of the following statements about mediation is correct?

- A** A mediator will make a decision after carefully listening to both parties' cases
- B** The parties to a mediation are normally kept apart and the mediator speaks to each of them separately
- C** Mediators have to be solicitors or barristers
- D** A decision at a mediation is subject to appeal to the High Court

Question 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)
- B** (ii) (iii) & (iv)
- C** (i) (ii) & (iv)
- D** (i) (iii) & (iv)

Question 26

Who appoints magistrates?

- A** The Lord Chancellor
- B** The Lord Lieutenant of the County
- C** The Director of Public Prosecutions
- D** The Minister of Justice

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Question 27

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 one of the following is not a function of the European Court of Justice?

- A** Hearing applications from individuals for declarations that an E.U. law is illegal
- B** Hearing cases from E.U. citizens involving alleged breaches of Human Rights law
- C** 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

Question 30

The main sources of E.U. law are:

- A** Treaties
- B** Regulations and Directives
- C** International Conventions
- D** Acts of the UK Parliament

End of Examination Paper

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