



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 Level 3 Certificate and Professional Diploma in Law and Practice 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

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

Question 1**A criminal prosecution is brought in the name of the:**

- A** Police
- B** Crown Prosecution Service
- C** Minister of Justice
- D** Crown

Question 2**In a civil case, the burden of proof is:**

- A** on the Claimant
- B** on the Defendant
- C** on the balance of probabilities
- D** beyond all reasonable doubt

Question 3**Which one of the following statements about Equity is true?**

- A** Equity is based upon established rules and binding precedents
- B** Only the Chancery Court can deal with cases involving equity
- C** Equitable remedies are discretionary
- D** Equity will always assist a volunteer

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Question 4

According to the theory of the Separation of Powers, which of the following statements correctly describes the role of the judiciary?

- (i) It should be independent of Parliament and the Government
- (ii) It must apply the laws made by the Government
- (iii) It should apply the laws made by the legislature
- (iv) It does not have power to review decisions made by the executive

A (ii) & (iii)

B (i) & (iii)

C (i) (ii) & (iv)

D (i) & (iv)

Question 5

Which one of the following statements is wrong?

A All members of Parliament are elected

B The Monarch invites the leader of the party with the majority of seats in Parliament to form a government

C The Prime Minister is always the head of the party with the majority of votes in a general election

D The Prime Minister appoints the members of the Government

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Question 6

You are a trainee Legal Executive employed by a government department. The Minister responsible for the department wants to propose some new legislation.

You are aware of a number of methods by which a Government Minister can present new proposals. Which of the following methods could the Minister use?

- (i) A White Paper
- (ii) A Green Paper
- (iii) A Government Bill
- (iv) A Private Members Bill

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

Question 7

A Government Minister will explain the purpose and principles involved in proposed legislation to the House of Lords at what stage of the creation of an Act of Parliament?

- A** The 1st reading
- B** The 2nd reading
- C** The committee stage
- D** The report stage

Question 8

You are a trainee Legal Executive acting for a client under the guidance of your principal. You are instructed in a case where the Court has been asked to look at the question of procedural ultra vires in relation to the making of a piece of delegated legislation where there has been a failure to comply with a mandatory procedural requirement. (You do not need to know the details of the delegated legislation.)

You advise the client that in these circumstances the Court would be expected to:

- A** declare that Parliament must repeal the delegated legislation in question
- B** make a judgment that rectifies the failure
- C** declare the delegated legislation invalid
- D** do none of the above

Question 9

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

- A** A Government Minister cannot make Regulations
- B** A local council can make Orders in Council
- C** The Monarch can make Orders in Council
- D** Only Local Authorities can make By-laws

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Question 10

A comment made by a judge in a judgment that is not necessary to the decision in the case, but which may be persuasive in future cases, is known as:

- A** Ratio decidendi
- B** Stare Decisis
- C** Obiter Dictum
- D** Ultra Vires

Question 11

The Court of Appeal (Civil Division) is bound by its own decisions except if:

- (i) its previous decision is inconsistent with a House of Lords/Supreme Court decision
- (ii) it wants to depart from its previous decision because it appears right to do so
- (iii) there is an inconsistent precedent made by the Divisional Court of the High Court
- (iv) its previous decision is per incuriam

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

Question 12

You are a trainee Legal Executive and you are employed in the legal department of a multi-national corporation.

The European Union has passed a Directive which will affect your company's operations in Europe.

Your Principal is worried about the immediate effect of this Directive. She asks you to confirm the position in relation to the Directive being applicable to the U.K. You advise your Principal that:

- A** as an E.U. Directive, it is directly applicable to all member states and therefore the U.K. is automatically bound by it
- B** the U.K. Parliament must introduce new legislation to bring the Directive into effect
- C** as it is a primary source of E.U. law, all member states are immediately bound by it
- D** as it is a Directive, E.U. member states can decide whether or not to adopt it

Question 13

Which European Institution is primarily responsible for proposing new legislation?

- A** The European Parliament
- B** The European Council
- C** The Council of the EU
- D** The Commission

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Question 14

A 'mode of trial' hearing in the Magistrates' Court will decide whether

- A** the case will be heard by a judge or jury
- B** the case will be heard by one or three magistrates
- C** the case will be heard in the Magistrates' Court or the Crown Court
- D** the accused should be committed to the Crown Court for trial

Question 15

The purpose of the Overriding Objective in r1.1 Civil Procedure Rules 1998 is to enable the Court to:

- A** deal with cases justly by convicting guilty people and acquitting innocent people
- B** manage cases efficiently which can include overriding the objectives of the parties
- C** deal with cases justly
- D** manage cases solely by allocating cases to one of the three tracks in the court system

Question 16

Which one of the following is not one of the main rights protected by the European Convention on Human Rights?

- A** Freedom of expression
- B** Freedom of the press
- C** Freedom of thought
- D** Freedom of religion

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Question 17

The Human Rights Act 1998 incorporated the European Convention on Human Rights into English Law. Which one of the following correctly describes the effect of the Human Rights Act 1998?

- A** Only public authorities are bound to give effect to the rights under the Convention
- B** Anyone who is victim of a breach of a Convention right by another person can bring legal proceedings against that person
- C** The rights under the Convention are absolute
- D** UK courts do not have jurisdiction to hear cases involving alleged breaches of the Convention rights

Question 18

You are a trainee Legal Executive and your Principal has asked you to accompany a client to the hearing of the appeal of the client's case in the Supreme Court.

When you get there, the client asks you what the judges sitting in the Supreme Court are known as. You tell the client that they are known as:

- A** Judges of the Supreme Court
- B** Law Lords
- C** Justices of the Supreme Court
- D** Lords Justice of Appeal

Turn over

Question 19**A pupil barrister is someone who:**

- A** is still at school and is accompanying the barrister on a school work experience scheme
- B** is studying to be a barrister but has not yet passed the academic or vocational stages of barrister training
- C** has completed the academic stage of barristers training but not the vocational stage
- D** has completed the bar professional training course (formally bar vocational course) and has been called to the bar within the last year

Question 20**The main purpose of the Criminal Cases Review Commission is to investigate suspected miscarriages of justice.****Which of the following statements about the Criminal Cases Review Commission are correct?**

- (i) It may be directed by the Court of Appeal to carry out an investigation into a case
- (ii) It can overturn sentences but not convictions
- (iii) It can refer cases to the Crown Court or the Court of Appeal
- (iv) It can investigate cases if there is a new piece of evidence or a new legal argument

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

Question 21

In order to become a Fellow of the Institute of Legal Executives, a member of ILEX must complete how many years qualifying employment?

- A** 2 years
- B** 4 years
- C** 5 years
- D** 6 years

Question 22

Sylvia is a student member of ILEX. She is keen to know what she will be able to do once she has qualified as a Fellow of ILEX. You can tell Sylvia that once she has qualified as a Fellow of ILEX she can:

- (i) be authorised to sign cheques on a solicitor's client account
- (ii) act as a Commissioner for Oaths
- (iii) act as a Notary Public
- (iv) call herself a Legal Executive

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

Question 23

Which one of the following statements about Magistrates is incorrect?

- A** They are also known as Justices of the Peace
- B** They must be legally qualified
- C** They sometimes deal with Family Law cases
- D** They receive legal advice from a legally qualified clerk

Turn over

Question 24

As a result of s8 Contempt of Court Act 1981 a member of a jury can

- A** be paid a fee for jury service as this would stop them from being wholly unbiased
- B** dispute what the trial judge says in his summing up
- C** disclose what happens in the course of their deliberations
- D** be legally qualified

Question 25

You are a trainee Legal Executive and your Principal asks you to assist with a client.

The client company has a dispute with another company, though they want to carry on doing business together and they don't want the dispute to go to court. They have not been able to reach an agreement so the client wants a final decision made quickly. You would therefore advise the client to refer the dispute to:

- A** mediation
- B** conciliation
- C** arbitration
- D** the Advisory Conciliation and Arbitration Service

Question 26

A decision of which one of the following tribunals cannot be appealed to the Upper Tribunal?

- A** Employment Tribunal
- B** Taxation
- C** Health, Education and Social Care
- D** Social Entitlement

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Question 27

Mr Howard is buying a house from Mr Smith, however Mr Smith is refusing to complete the transaction. Mr Howard still wants to complete the purchase of the house. Consequently he has issued court proceedings against Mr Smith for an order for:

- A** an injunction
- B** specific performance
- C** rescission
- D** rectification

Question 28

Whose statutory duties include *'..to take and keep under review all the law..'* and *'..the repeal of obsolete and unnecessary enactments..'*?

- A** The Law Committee
- B** The Criminal Cases Review Commission
- C** The Law Commission
- D** The Ministry of Justice

Question 29

The doctrine of judicial precedent requires that courts should follow precedents set by previous cases. However, if the Court is asked to follow a previous case where the facts are significantly different, the court:

- A** should refer the case to a superior court for a decision
- B** can distinguish the two cases
- C** can reverse the decision in the earlier case
- D** has to follow the previous case

Turn over

Question 30

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

End of Examination Paper

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