16 January 2012 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 TLFX 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

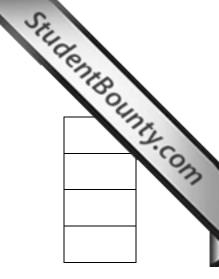
The colour of grass is:

A	Red	
В	Blue	
С	Green	Х
D	Yellow	

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The standard of proof in a criminal case is:

- **A** beyond all reasonable doubt
- **B** on the balance of probabilities
- **C** on the defendant
- **D** on the prosecution



Question 2

The doctrine of sovereignty of Parliament in the United Kingdom means:

- A Parliament has absolute power
- **B** only Parliament can limit the power of future Parliaments
- **C** the Executive has absolute power
- **D** only the Judiciary has more power than Parliament

Question 3

Which one of the following is an equitable <u>maxim</u>?

- **A** Equity will assist a volunteer
- **B** He who seeks equity must do equity
- **C** Equity is not discretionary
- **D** Equity is not defeated by delay

•		3
	h one of the following is <u>not</u> a right protected by <u>section 1</u> of pean Convention on Human Rights?	CHIROLIN
A	The right to life	
В	The right to liberty and security of the person	
С	The right to choose to die with dignity	
D	Prohibition of slavery and forced labour	
Ques	tion 5	
Parlia	s a newly elected MP who is researching how a Public Act of ament is created. She asks you to tell her the correct order owing stages of this process:	f the
(ii) I (iii) (First and Second Readings Report Stage Committee Stage Third Reading	
A	(i) (ii) (iii) (iv)	
В	(i) (iv) (ii) (iii)	
С	(i) (iii) (ii) (iv)	
D	(i) (iv) (iii) (ii)	
Ques	tion 6	
Geral	ld has been charged with murder. In which Court will he app	ear
A	Crown Court	
В	Magistrates' Court	
С	High Court	
D	County Court	
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Which, if any, of the following are equitable remedies?

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- (i) Injunction
- (ii) Damages
- (iii) Rescission
- (iv) Specific Performance
- **A** All of the above
- **B** (i) & (ii)
- **C** (i), (iii) & (iv)
- **D** None of the above

Question 8

What is meant by the doctrine of ratio decidendi?

- A It is a system that dictates which courts can make binding decisions
- The proposition of law which is used to decide the case in the light or context of the material facts
- c It is a system which sets out the appeal route through the court hierarchy
- **D** It is the facts upon which judges rely to reach their decisions

Question 9

The role of the legislature is:

- **A** to govern the country and apply the law
- **B** to make law
- **C** to apply the law
- **D** to review decisions to make sure they are not ultra vires

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	ch one of the following statements about a Private Member's rect?	AROU
A	Any member of the public may introduce it into Parliament	
В	It has to have the support of the Government	
С	The Bill always becomes an Act of Parliament	
D	The chances of the Bill becoming law are very low.	
Que	estion 11	
clar qua	dy is a law student in his third year at university and asks you ification on advice he has received on how to complete his lification as a solicitor. Which of the following will Brody have ecome a solicitor?	
(iii)	Pass the Legal Practice Course Complete a two year training contract Complete the academic stage of training Undertake the Bar Professional Training Course	
A	(iii) & (iv)	
В	(i) & (ii)	
С	(ii) & (iii)	
D	(i) (ii) & (iii)	
Que	estion 12	
The	doctrine of judicial precedent dictates:	
A	The Supreme Court binds all other courts and is bound by its own decisions	
В	The Supreme Court binds all other courts but is not bound by its own decisions	
С	The Court of Appeal binds the Supreme Court	
D	The Crown Court binds the Magistrates Court	
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Which	one of the following is <u>not</u> an advantage of delegated legisl	THOU
A	It saves parliamentary time	
В	Its volume	
С	It is flexible	
D	It can be very technical	
	ion 14 I one of the following is <u>not</u> eligible to be a member of a jury	?
A	A High Court Judge	
В	A convicted murderer who has been released from prison after serving a sentence of 15 years	
С	A Lance Corporal in the army	
D	A 20 year old student	
Quest	ion 15	
Legal	Executives are directly regulated by:	
Α	The Solicitor's Code of Conduct	
В	ILEX Professional Standards	
С	The Ministry of Justice	
D	The Law Society	
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Whick conce	h court would hear an appeal from the County Court in a disperning land?	Moun
A	Queen's Bench Division	
В	Court of Appeal Criminal Division	
С	Divisional Court of the Chancery Division	
D	The Supreme Court	
Ques	tion 17	
Section	on 3 of the Human Rights Act 1998 provides that:	
A	The Act has both horizontal and vertical effect	
В	Everyone has the right to a fair trial	
С	Public authorities cannot breach Convention rights	
D	The UK courts are required to interpret all legislation to make it compatible with Convention rights as far as is possible to do so	
Ques	tion 18	
	h one of these is a correct description of the forms of delega ation?	ted
A	Orders in Council, By-laws, Ordinances	
В	By Laws, Orders in Council, Statutory Instruments	
С	Ordinances, Statutory Instruments and By-laws	
D	Statutory Instruments and Ordinances	
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In ord qualif	ler to become a Fellow of ILEX, what is the total number of yoing employment an individual must have?	THOU
A	4	
В	3	
С	5	
D	6	
_	ion 20 one of the following statements about the Criminal Cases R	eview
Comm	nission is <u>wrong</u> ?	
A	It can overturn convictions or sentences	
В	It was established by the Criminal Appeal Act 1995	
С	It is directed by the Court of Appeal to carry out investigations into a case	
D	In most cases a review of a case requires new evidence or new legal argument not previously raised	
Quest	ion 21	
Count Jemin	na has been in a car accident and has issued proceedings in to y Court against Taylor, who was responsible for the accident na's car will cost £2,000 to repair and she wants to claim £50 nal injury. Which track should this case be allocated to?	t.
Α	Small claims track	
В	Fast track	
С	Medium claims track	
D	Multi-track	
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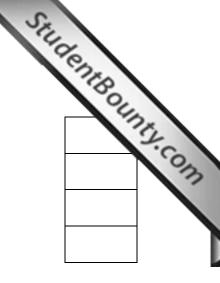
Which one of the following is not an Inn of Court?

ay's Inr

B Inner Temple

C Middle Temple

D Outer Temple



Question 23

Which one of the following is <u>not</u> an institution of the European Union?

Α	The European	Parliament
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B The European Court of Human Rights

C The European Council

D The Council of the European Union

Question 24

The duties of The Law Commission include:

- (i) scrutinising the appointment of judges
- (ii) assisting with the repeal of obsolete laws
- (iii) investigating complaints against barristers
- (iv) considering the codification of the law

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B (i)

C (i) & (iii)

D (ii) & (iv)



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The o	correct term to refer to an individual issuing a civil claim is:	MADUL
A	litigant	
В	claimant	
С	defendant	
D	Crown	
Ques	tion 26	
The (Court of Justice of the European Union has primary jurisdiction	n over:
(ii) (iii)	direct actions by the European Union against Member States preliminary rulings on a point of European Union law actions against European Union institutions for failure to act actions for annulment of an element of European Union law	
A	(i) (ii) (iii)	
В	(ii) (iii) (iv)	
С	(iii) (iv)	
D	All of the above	
•	tion 27	
Circu	it Judges can sit in which of the following court(s)?	
A	Crown Court and County Court	
В	Crown Court	
С	County Court and High Court	
D	High Court, Crown Court and County Court	
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Which one of the following statements about mediation is correct?				
Α	A mediator will make a decision after carefully listening to both parties' cases			
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 29			
Whi	ch of the following statements about Magistrates	are correct?		
 (i) They are normally part-time and unpaid (ii) Qualified lawyers can be appointed as magistrates (iii) Magistrates are appointed by the Lord Chancellor (iv) Candidates wishing to become magistrates do not have to complete any formal training 				
A	All of the above			
В	(i) (ii) (iii)			
С	(ii) (iii) (iv)			
D	(ii) (iii)			
Que	stion 30			
Whi	ch one of the following is <u>not</u> a First Tier Tribuna	1?		
A	General Regulatory			
В	Tax and Chancery			
С	Social Entitlement			
D	War Pensions and Armed Forces Compensation			
	End of Examination Paper	_		
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