

**INSTITUTE OF LEGAL EXECUTIVES**

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

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**QUESTION PAPER AND ANSWER BOOKLET**

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<b>Membership Number:</b>	

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\*This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

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**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

<b>X</b>

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

**Question 1**

**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 maxim?**

- 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


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**Question 4**

**Which one of the following is not a right protected by section 1 of the European Convention on Human Rights?**

- A** The right to life
- B** The right to liberty and security of the person
- C** The right to choose to die with dignity
- D** Prohibition of slavery and forced labour


**Question 5**

**Kim is a newly elected MP who is researching how a Public Act of Parliament is created. She asks you to tell her the correct order of the following stages of this process:**

- (i) First and Second Readings**
- (ii) Report Stage**
- (iii) Committee Stage**
- (iv) Third Reading**

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


**Question 6**

**Gerald has been charged with murder. In which Court will he appear first?**

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


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**Question 7**

Which, if any, of the following are equitable remedies?

- (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
- B 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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**Question 10**

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

- A** Any member of the public may introduce it into Parliament
- B** It has to have the support of the Government
- C** The Bill always becomes an Act of Parliament
- D** The chances of the Bill becoming law are very low.


**Question 11**

**Brody is a law student in his third year at university and asks you for clarification on advice he has received on how to complete his qualification as a solicitor. Which of the following will Brody have to do to become a solicitor?**

- (i) Pass the Legal Practice Course**
- (ii) Complete a two year training contract**
- (iii) Complete the academic stage of training**
- (iv) Undertake the Bar Professional Training Course**

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


**Question 12**

**The doctrine of judicial precedent dictates:**

- A** The Supreme Court binds all other courts and is bound by its own decisions
- B** The Supreme Court binds all other courts but is not bound by its own decisions
- C** The Court of Appeal binds the Supreme Court
- D** The Crown Court binds the Magistrates Court


**Turn over**

**Question 13**

**Which one of the following is not an advantage of delegated legislation?**

- A** It saves parliamentary time
- B** Its volume
- C** It is flexible
- D** It can be very technical


**Question 14**

**Which one of the following is not eligible to be a member of a jury?**

- A** A High Court Judge
- B** A convicted murderer who has been released from prison after serving a sentence of 15 years
- C** A Lance Corporal in the army
- D** A 20 year old student


**Question 15**

**Legal Executives are directly regulated by:**

- A** The Solicitor's Code of Conduct
- B** ILEX Professional Standards
- C** The Ministry of Justice
- D** The Law Society


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**Question 16**

**Which court would hear an appeal from the County Court in a dispute concerning land?**

- A** Queen's Bench Division
- B** Court of Appeal Criminal Division
- C** Divisional Court of the Chancery Division
- D** The Supreme Court


**Question 17**

**Section 3 of the Human Rights Act 1998 provides that:**

- A** The Act has both horizontal and vertical effect
- B** Everyone has the right to a fair trial
- C** 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


**Question 18**

**Which one of these is a correct description of the forms of delegated legislation?**

- A** Orders in Council, By-laws, Ordinances
- B** By Laws, Orders in Council, Statutory Instruments
- C** Ordinances, Statutory Instruments and By-laws
- D** Statutory Instruments and Ordinances


**Turn over**

**Question 19**

**In order to become a Fellow of ILEX, what is the total number of years of qualifying employment an individual must have?**

- A** 4
- B** 3
- C** 5
- D** 6


**Question 20**

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

- A** It can overturn convictions or sentences
- B** It was established by the Criminal Appeal Act 1995
- C** 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


**Question 21**

**Jemima has been in a car accident and has issued proceedings in the County Court against Taylor, who was responsible for the accident. Jemima's car will cost £2,000 to repair and she wants to claim £500 for personal injury. Which track should this case be allocated to?**

- A** Small claims track
- B** Fast track
- C** Medium claims track
- D** Multi-track


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**Question 22**

**Which one of the following is not an Inn of Court?**

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


**Question 23**

**Which one of the following is not an institution of the European Union?**

- A** The European Parliament
- 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**

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


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**Question 25**

**The correct term to refer to an individual issuing a civil claim is:**

- A** litigant
- B** claimant
- C** defendant
- D** Crown


**Question 26**

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

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

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


**Question 27**

**Circuit Judges can sit in which of the following court(s)?**

- A** Crown Court and County Court
- B** Crown Court
- C** County Court and High Court
- D** High Court, Crown Court and County Court


**Question 28**

**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 29**

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


**Question 30**

**Which one of the following is not a First Tier Tribunal?**

- A** General Regulatory
- B** Tax and Chancery
- C** Social Entitlement
- D** War Pensions and Armed Forces Compensation


**End of Examination Paper**

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