



INSTITUTE OF LEGAL EXECUTIVES

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

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

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

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Question 1

In a civil case the burden of proof is:

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

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Question 2

According to the theory of the Separation of Powers, which of the following statements correctly describe the role of the legislature:

- (i) It can create laws limiting the law making power of future Parliaments**
- (ii) Its power is limited by the UK's membership of the EU**
- (iii) It must abide by decisions made by the executive**
- (iv) It is independent of the executive and the judiciary**

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

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Question 3

Which one of the following is an equitable maxim?

- A Equity will assist a volunteer**
- B Equity looks to the intent rather than the form**
- C Equity is not defeated by delay**
- D He who comes to equity does not have to come with clean hands**

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Question 4

Which of the following are neither an aim nor a characteristic of the criminal law?

- (i) To punish wrongdoers for offences against society as a whole
- (ii) The parties are called the claimant or plaintiff
- (iii) The standard of proof is beyond all reasonable doubt
- (iv) Cases are heard in the High Court

A (ii) and (iii)

B (i) and (iii)

C (ii) and (iv)

D (i) and (iv)

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Question 5

Which one of the following is a disadvantage of delegated legislation?

A It saves parliamentary time

B It can be technical and detailed

C It is flexible

D It is not always subject to the full democratic parliamentary process

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Question 6

Which one of the following best describes the term Obiter Dicta?

A It is the binding element of a court's judgment

B It does not form a binding legal precedent but is persuasive

C It is the Latin term for a wrong decision by a court

D It is the Latin term for a dissenting judgment

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Question 7

Which one of the following is not a main source of English law?

- A The Common law**
- B Primary Legislation**
- C Secondary legislation**
- D European Directives**

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Question 8

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 9

The Minister responsible for a Public Bill will have the first opportunity to explain the purpose of the Bill to Parliament at:

- A the Report Stage**
- B the First Reading**
- C the Committee Stage**
- D the Second Reading**

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Question 10

Which one of the following is not a main right protected by Schedule 1 of the Human Rights Act 1998?

- A** The right to liberty and security of the person
- B** Freedom of thought, conscience and religion
- C** The right to die
- D** Freedom of assembly

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Question 11

Which one of the following is not a principal institution of the EU?

- A** European Council
- B** European Court of Human Rights
- C** The Commission
- D** The Council of the European Union

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Question 12

Which of the following Judges would not sit in the Crown Court?

- (i)** District Judges
- (ii)** Recorders
- (iii)** Circuit Judges
- (iv)** Judges of the First-Tier Tribunal

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

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Question 13

Which one of the following is not a key objective of the Solicitors' Regulation Authority?

- A To set standards for entry to the legal profession**
- B To represent solicitors**
- C To provide information and advice to solicitors**
- D To operate processes to monitor compliance with standards**

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Question 14

Which one of the following directly regulates barristers?

- A The Ministry of Justice**
- B The Bar Standards Board**
- C The Law Society**
- D The Bar Conduct Committee**

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Question 15

James slipped on a wet floor at work and broke his leg. As a result he has been off work for ten weeks. He has issued proceedings in the County Court against his employer. His claim is valued at £18,000. Which track would this case be allocated to?

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

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Question 16

Which one of the following is an advantage of jury trial?

- A Jurors can be influenced by publicity about the case**
- B Juries can be under time pressure to reach a verdict**
- C Juries can mitigate the harshness of some aspects of the criminal law**
- D Juries can be dominated by one or two individuals**

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Question 17

Which form of Alternative Dispute Resolution is the least formal and least structured?

- A Arbitration**
- B Mediation**
- C Negotiation**
- D Conciliation**

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Question 18

Which one of the following is not a main advantage of arbitration?

- A The atmosphere is less adversarial than in court**
- B There are very limited grounds of appeal**
- C The system is quicker and cheaper than court**
- D The arbitrator is an expert in the matter in dispute**

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Question 19

Which of the following best describes magistrates?

- (i) They must have good character and social awareness
- (ii) They must be over the age of 40
- (iii) They must have commitment and reliability
- (iv) They must have a professional qualification

A (i), (ii) and (iii)

B (i), (iii) and (iv)

C (ii) and (iv)

D (i) and (iii)

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Question 20

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

A 5

B 6

C 2

D 7

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Question 21

You are a trainee Legal Executive 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. You are asked to advise your principal whether the Directive will apply to the UK. Which one of the following would be the correct advice?

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

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Question 22

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

- A** can distinguish the cases
- B** has to follow the previous case
- C** should ask a higher court for advice
- D** can reverse the decision in the earlier case

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Question 23

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**

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Question 24

How many ILEX membership categories are there?

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

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Question 25

Which one of the following is an Upper-Tier Tribunal?

- A Social Entitlement**
- B Health, Education and Social Care**
- C Taxation and Chancery**
- D Trusts**

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Question 26

Sally has not paid her mortgage for six months and has been served proceedings to repossess her house. Which court will she attend for her first hearing?

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

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Question 27

Which of the following best describes the role of the Judiciary?

- (i) To overrule legislation that is unjust**
- (ii) To apply the law**
- (iii) To ensure that Government Ministers act within their powers**
- (iv) To ensure that the power of Parliament is limited**

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

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Question 28

Maria wants to sit on a jury. Which one of the following would disqualify her from jury service?

- A Being aged 35**
- B Being unemployed**
- C Having been convicted of GBH and having served 6 years in jail**
- D Having served in the Army**

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Question 29

A barrister's pupillage is traditionally undertaken for how long?

- A 6 months**
- B 1 Year**
- C 18 months**
- D 2 Years**

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Question 30

Which one of the following is not an equitable remedy?

- A Injunction**
- B Specific performance**
- C Damages**
- D Rescission**

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End of Examination Paper

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