

**THE CHARTERED INSTITUTE  
 OF LEGAL EXECUTIVES**

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



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 OF LEGAL EXECUTIVES

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 AND PRACTICE\***

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**QUESTION PAPER AND ANSWER BOOKLET**

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

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**THE CHARTERED 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 CILEx 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**

**Andrea has been charged with Theft. Which court will she appear in?**

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


**Question 2**

**The doctrine of Parliamentary Sovereignty means:**

- A The United Kingdom has an unwritten constitution**
- B The Executive has absolute power**
- C The Judiciary has absolute power**
- D No Parliament can pass laws that a future Parliament cannot change**


**Question 3**

**Which of the following best describes the characteristics of civil law?**

- (i) The standard of proof is on the balance of probabilities**
- (ii) All cases are heard in the Magistrates' Court**
- (iii) Damages or an equitable remedy are the only remedies**
- (iv) The parties are called the Crown or appellant**

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


**Question 4**

Which one of the following is the correct description of the relationship between common law and equity?

- A**     **Equity is a substitute for common law**
- B**     **Equity complements common law**
- C**     **Equity allows a person to take advantage of their position**
- D**     **The law follows equity**


**Question 5**

How many stages are there in the creation of a Public Act of Parliament in the House of Commons before it passes to the House of Lords?

- A**     **2**
- B**     **5**
- C**     **4**
- D**     **8**


**Question 6**

Which one of the following correctly describes Ratio Decidendi?

- A**     **It is the facts which the judge relied upon to reach their decision**
- B**     **It is a system that dictates which courts make binding decisions**
- C**     **The legal principle which decides the case in the light or context of the material facts**
- D**     **It sets out the appeal route through the court system**


**Turn over**

**Question 7**

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

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


**Question 8**

Judicial precedent requires courts to follow previous case precedents. If the case facts are significantly different the court can:

- A** reverse the decision in earlier cases
- B** follow previous precedent
- C** distinguish cases
- D** apply to a higher court for advice


**Question 9**

Which of the following best describes Treaties?

- (i)** They set out the law in general terms only
- (ii)** They are constitutional documents
- (iii)** They are the only primary source of EU Law
- (iv)** They are a secondary source of EU Law

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


**Question 10**

Daniel has been charged with murder. Which of the following courts could Daniel's case potentially be heard in?

- (i) Magistrates' Court; Crown Court; Court of Appeal; Supreme Court
- (ii) County Court; Crown Court; Court of Appeal; Supreme Court
- (iii) Magistrates' Court; County Court; High Court; Supreme Court
- (iv) Crown Court; High Court; Supreme Court

A (i)

B (ii)

C (iii)

D (iv)


**Question 11**

The Criminal Cases Review Commission was established by which Act?

A Criminal Justice Act 2003

B Constitutional Reform Act 2005

C Criminal Appeal Act 1995

D Human Rights Act 1998


**Question 12**

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

A Right to die

B Right to a fair trial

C Freedom of religion

D Right to marry


**Turn over**

**Question 13**

**Amal and Trevor have been in business together for 5 years with Amal supplying Trevor with chocolate for his shop. However, relations have soured between the pair as the last batch of chocolate supplied was mouldy and Trevor lost sales.**

**Which of the following methods of ADR would be open to Amal and Trevor:**

- (i) Negotiation**
- (ii) Mediation**
- (iii) Arbitration**
- (iv) Tribunals**

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


**Question 14**

**Bethany is a fully qualified Chartered Legal Executive and has been asked to complete the following tasks. Which of these tasks can she undertake?**

- (i) Draft a will**
- (ii) To sign a cheque on a solicitor's client account**
- (iii) To appear in the Court of Appeal on a client's case**
- (iv) To give preliminary advice to a client on their divorce**

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




**Question 15**

Which of the following best describes the general criteria the Judicial Appointments Commission use for appointing judges?

- (i) Intellectual ability
- (ii) Efficiency
- (iii) Authority and communication skills
- (iv) Ability to understand and deal with cases fairly

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


**Question 16**

Joan is a final year law student who wishes to become a barrister. Which of the following will Joan have to complete in order to become a barrister?

- (i) Obtain a qualifying law degree
- (ii) Pass the Bar Professional Training Course
- (iii) Pass the Legal Practice Course
- (iv) Undertake a mini pupillage

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


**Turn over**

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**Question 17**

Which of the following statements about magistrates are correct?

- (i) They have to be at least 40 years of age
- (ii) They are appointed by the Lord Chancellor
- (iii) They are unpaid and part time
- (iv) They do not have to be legally trained

**A** (i), (iii), (iv)

**B** All of the above

**C** (ii), (iii), (iv)

**D** (i), (ii), (iii)


**Question 18**

Which of the following statements about juries are correct:

- (i) Solicitors cannot sit on juries
- (ii) Jury members have to have been resident in the United Kingdom for at least 5 years
- (iii) Jury members have to be aged between 18 and 70
- (iv) Jury members cannot have a mental disorder

**A** (i), (iii), (iv)

**B** (ii), (iii), (iv)

**C** (i), (ii), (iii)

**D** All of the above


**Question 19**

The role of the Executive is:

**A** to govern the country

**B** to apply the law

**C** to make law

**D** to determine the constitution


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**Question 20**

Which one of the following type of Bill particularly affects one or more individuals or locations?

- A Public Bill**
- B Private Bill**
- C Law Reform Bill**
- D Hybrid Bill**


**Question 21**

Which of the following controls over delegated legislation can be imposed by the courts?

- (i) Limits to delegated power**
- (ii) Compliance with the European Court of Human Rights**
- (iii) Publication**
- (iv) Laying before Parliament**

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


**Question 22**

Judicial precedent dictates that the:

- A Magistrates' Court binds the County Court**
- B Court of Appeal binds the Supreme Court**
- C Supreme Court binds itself as well as all lower courts**
- D Supreme Court binds all lower courts but not itself**


**Turn over**

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**Question 23**

Which one of the following institutions does not have any legislative functions?

- A European Council**
- B European Parliament**
- C Council of European Union**
- D European Commission**


**Question 24**

Judy has had a car accident which was not her fault. She has been advised that her claim is worth £14,000. To which track should her claim be assigned?

- A Fast Track**
- B Personal Injury Track**
- C Small Claims Track**
- D Multi Track**


**Question 25**

Section 4 of the Human Rights Act 1998 provides that:

- A English courts must take account of the decisions of the European Court of Human Rights**
- B If legislation does not comply with the European Convention on Human Rights it allows a declaration of incompatibility to be made**
- C Only public authorities are bound to give effect to the European Convention on Human Rights**
- D Legislation should be interpreted in compliance with the European Convention on Human Rights**


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**Question 26**

Which one of the following statements about mediation is incorrect?

- A** Clear, frank views are expressed
- B** The outcome can be legally binding
- C** A resolution is guaranteed
- D** It is relatively quick and cheap


**Question 27**

Dougie believes that his solicitor has breached the Solicitors' Code of Conduct. Whom should he contact about the conduct of his solicitor?

- A** Law Society
- B** Solicitors Regulation Authority
- C** Bar Council
- D** Bar Standards Board


**Question 28**

Which of the following is not a mandatory Level 3 CILEx Unit?

- A** Contract Law
- B** Criminal Law
- C** Legal Research Skills
- D** Criminal Litigation


**Question 29**

**Which is the highest rank of judge in the list below?**

- A Recorder**
- B High Court Judge**
- C Lord Justice of Appeal**
- D Circuit Judge**


**Question 30**

**Which is the highest court in England and Wales?**

- A House of Lords**
- B Supreme Court**
- C Court of Appeal**
- D European Court of Justice**


**End of Examination Paper**

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