14 January 2013 Level 3 **INTRODUCTION TO LAW AND PRACTICE Subject Code L3-1** 

### THE CHARTERED INSTITUTE **OF LEGAL EXECUTIVES**

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



AND PRACTICE\*

# **QUESTION PAPER AND ANSWER BOOKLET**

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<sup>\*</sup>This unit is a component of the following CTLEx qualifications: LEVEL 3 CERTIFICATE IN LAW AND

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14 January 2013 Level 3 INTRODUCTION TO LAW AND PRACTICE Subject Code L3-1



# 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

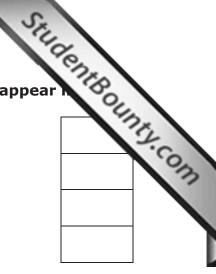
### The colour of grass is:

A	Red	
В	Blue	
C	Green	Х
D	Yellow	

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

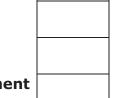
- A Magistrates' Court
- **B** County Court
- C High Court
- D Crown Court



## **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)



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	one of the following is the correct description of the relaten common law and equity?	io Tagun		
A	Equity is a substitute for common law			
В	Equity complements common law			
С	Equity allows a person to take advantage of their position	1		
D	The law follows equity			
Quest	ion 5			
How many stages are there in the creation of a Public Act of Parliament in the House of Commons <u>before</u> it passes to the House of Lords?				
A	2			
В	5			
С	4			
D	8			
Quest	ion 6			
Which	one of the following correctly describes Ratio Decidendi?			
A	It is the facts which the judge relied upon to reach their decision			
В	It is a system that dictates which courts make binding decisions			
С	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			
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Which one of the following is <u>not</u> an advantage of delegated legisla

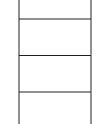
- A It is flexible
- **B** It saves Parliamentary time
- C It can be very technical
- D Its volume



## **Question 8**

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

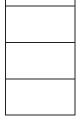
- A reverse the decision in earlier cases
- B follow previous precedent
- C distinguish cases
- D apply to a higher court for advice



## **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)



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Question 10			
Question 10  Daniel has been charged with murder. Which of the following councould 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			
(i) (ii) (iii) (iv)		e Court irt ourt	
A	(i)		
В	(ii)	-	
С	(iii)		
D	(iv)		
Question 11			
The Criminal Cases Review Commission was established by which Act?			
A	Criminal Justice Act 2003		
В	Constitutional Reform Act 2005		
С	Criminal Appeal Act 1995		
D	Human Rights Act 1998		
Quest	ion 12		
	one of the following is <u>not</u> a main right protected by Sched uman Rights Act 1998?	ule 1 of	
A	Right to die		
В	Right to a fair trial		
С	Freedom of religion		
D	Right to marry		

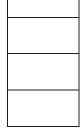
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Student Bounty.com Amal and Trevor have been in business together for 5 years with A supplying Trevor with chocolate for his shop. However, relations have soured between the pair as the last batch of chocolate supplied was mouldy and Trevor lost sales.

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

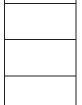
- (i) **Negotiation**
- Mediation (ii)
- (iii) Arbitration
- **Tribunals** (iv)
- Α All of the above
- В (i), (ii), (iii)
- C (i), (ii)
- D (i), (ii), (iv)



### **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?

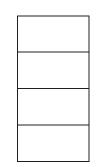
- **Draft a will** (i)
- (ii) To sign a cheque on a solicitor's client account
- (iii) To appear in the Court of Appeal on a client's case
- To give preliminary advice to a client on their divorce (iv)
- Α (i), (ii), (iii)
- В (i), (ii), (iv)
- C (ii), (iii), (iv)
- All of the above D



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

- Obtain a qualifying law degree (i)
- (ii) **Pass the Bar Professional Training Course**
- (iii) Pass the Legal Practice Course
- (iv) Undertake a mini pupillage
- Α (i), (ii), (iv)
- В (i), (ii), (iii)
- C (ii), (iii), (iv)
- (i), (ii) D



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SHILDERIR OURKY. COM Which of the following statements about magistrates are correct?

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



Which of the following statements about juries are correct:

- **Solicitors cannot sit on juries** (i)
- (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
- Α (i), (iii), (iv)
- В (ii), (iii), (iv)
- C (i), (ii), (iii)
- D All of the above

### **Question 19**

The role of the Executive is:

- Α to govern the country
- В to apply the law
- C to make law
- to determine the constitution D

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Quest	ion 20	6
	one of the following type of Bill particularly affects one or iduals or locations?	CHIBOU
A	Public Bill	
В	Private Bill	
С	Law Reform Bill	
D	Hybrid Bill	
Quest	ion 21	
	of the following controls over delegated legislation can be ed by the courts?	
(i) (ii) (iii) (iv)	Limits to delegated power Compliance with the European Court of Human Rights Publication Laying before Parliament	
A	(i), (iii), (iv)	
В	(i), (ii)	
С	(ii), (iii)	
D	(i), (ii), (iii)	
Quest	ion 22	
Judici	al precedent dictates that the:	
A	Magistrates' Court binds the County Court	
В	Court of Appeal binds the Supreme Court	
С	Supreme Court binds itself as well as all lower courts	
D	Supreme Court binds all lower courts but not itself	
	T	urn over

Which functi	one of the following institutions does not have any legislations?	TOOLIN
A	European Council	
В	European Parliament	
С	Council of European Union	
D	European Commission	
Quest	ion 24	
advise	nas had a car accident which was not her fault. She has been ed that her claim is worth £14,000. To which track should her signed?	r claim
A	Fast Track	
В	Personal Injury Track	
С	Small Claims Track	
D	Multi Track	
	L	
Quest	ion 25	
Sectio	on 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	
В	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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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	ZUI!
B The outcome can be legally binding C A resolution is guaranteed	
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 <u>not</u> a mandatory Level 3 CILEx Unit?	
A Contract Law	
B Criminal Law	
C Legal Research Skills	
D Criminal Litigation	

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# 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

**Supreme Court** 

**Court of Appeal** 

В

C

**D** European Court of Justice

### **End of Examination Paper**

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