

**THE CHARTERED INSTITUTE
OF LEGAL EXECUTIVES**

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



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OF LEGAL EXECUTIVES

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

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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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

X

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

Question 1

What type of legal system does England and Wales have?

- A** Civil Law
- B** Common law
- C** Federal law
- D** Constitutional Law

Question 2

Judges' power to review decisions made by the executive, to ensure ministers and decision makers act within their powers, is known as:

- A** Executive Review
- B** Parliamentary Sovereignty
- C** Judicial Review
- D** Separation of Powers

Question 3

Which of the following are characteristics of Civil Law?

- (i) An individual or organisation sues another individual or organisation**
- (ii) The standard is beyond reasonable doubt**
- (iii) The parties are known as Claimant and Defendant**
- (iv) A party will or will not be found liable**

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

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Question 4

Which one of the following is not an equitable maxim?

- A** Equity does not suffer a wrong without a remedy
- B** Equity assists a volunteer
- C** Equity acts '*in personam*'
- D** Equity follows law

Question 5

Which of the following is the correct order for the creation of a Public Act of Parliament?

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

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

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Question 6

Which of the following courts are bound by decisions of the Court of Appeal?

- (i) High Court
- (ii) Supreme Court
- (iii) County and Crown Court
- (iv) Magistrates' Court

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

Question 7

The *ratio decidendi* of a decision is:

- A The persuasive element of the decision
- B The binding element of the decision
- C The dissenting element of the decision
- D The material facts of a decision

Question 8

Which one of the following is not a principal institution of the European Union?

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

Question 9

Which one of the following type of cases would not be heard in a County Court?

- A Personal injury claims in tort
- B Divorce proceedings
- C Traffic offences
- D Breach of contract

Question 10

How many CILEx membership categories are there?

- A 4
- B 5
- C 6
- D 7

Question 11

Which one of the following forbids jurors from disclosing what is said and done in the jury room?

- A s44 Criminal Justice Act 2003
- B s8 Contempt of Court Act 1981
- C Criminal Procedure Rules 2010
- D s1 Juries Act 1974

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Question 12

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

- A It is not subject to proper democratic control
- B It is very flexible
- C It can be technical and detailed
- D It saves parliamentary time

Question 13

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

- A Tribunals deal with a high volume of cases
- B Costs cannot in most circumstances be awarded
- C Tribunals are flexible
- D Tribunals include experts in the matter under dispute

Question 14

Rob fell off a ladder at work, crushed his knee and was unable to work for six months. Rob has issued proceedings against his employer in the County Court. Rob has been advised that his claim is worth £52,000. Which track will the case be allocated to?

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

Question 15

Which one of the following is not a main right protected by s1 Human Rights Act 1998?

- A** The prohibition of torture
- B** Freedom of expression
- C** Right to marry and have a family
- D** The right to die with dignity

Question 16

Which of the following best describes the advantages of Negotiation?

- (i) It is the quickest form of ADR**
- (ii) It is inexpensive**
- (iii) It preserves good working relationships between parties**
- (iv) A negotiator has full control of proceedings not the parties**

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

Question 17

Neve wants to become a Magistrate. Which of the personal qualities below is she required to have?

- (i) Sound judgement and social awareness**
- (ii) Good character, commitment and reliability**
- (iii) Understanding and communication skills**
- (iv) Maturity and sound temperament**

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

Turn over

Question 18

The government is creating a new piece of legislation and has finished the consultation process. What is the name of the Paper now produced by the government which specifies the legislative proposals and reasons for them?

- A Green Paper
- B Blue Paper
- C White Paper
- D Black Paper

Question 19

Which one of the following is not a reason for the Criminal Cases Review Commission to investigate a case?

- A A new piece of evidence
- B Poor legal representation
- C Exceptional circumstances
- D A new legal argument

Question 20

How many main forms of control are there over delegated legislation?

- A 1
- B 4
- C 3
- D 5

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Question 21

What is the role of the executive?

- A** To make law
- B** To govern the country
- C** To control Parliament
- D** To apply the law

Question 22

Which one of the following is not a secondary source of European Legislation?

- A** Regulations
- B** Decisions
- C** Directives
- D** Treaties

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

Andrew has been charged with grievous bodily harm and has pleaded guilty. In which court will his trial be heard?

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

Question 25

Which of the following are equitable remedies?

- (i) Specific Performance**
- (ii) Rectification**
- (iii) Injunction**
- (iv) Rescission**

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

Question 26

Judicial Precedent means:

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

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Question 27

Which one of the following statements about Tribunals is correct?

- A** There are 4 First Tier Chambers and 4 Upper Tribunals
- B** There are 5 First Tier Chambers and 5 Upper Tribunals
- C** There are 4 First Tier Chambers and 5 Upper Tribunals
- D** There are 6 First Tier Chambers and 4 Upper Tribunals

Question 28

How many years' qualifying employment are needed to become a Fellow of CILEx?

- A** 2
- B** 4
- C** 5
- D** 3

Question 29

Which one of the following is not a stage of a barrister's training?

- A** Qualifying law degree or Graduate Diploma in Law
- B** Admission to an Inn of Court
- C** Completion of the Legal Practice Course
- D** Pupillage

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Question 30

What is the standard of proof in a civil case?

- A** Beyond reasonable doubt
- B** On the balance of possibilities
- C** A reasonable doubt
- D** On the balance of probabilities

End of Examination Paper

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