

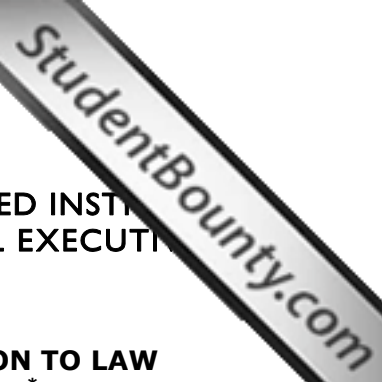
**THE CHARTERED INSTITUTE  
 OF LEGAL EXECUTIVES**

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



CHARTERED INSTITUTE  
 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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**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**

**What is common law?**

- A** Legislation passed by Parliament
- B** A system of law based on fairness
- C** Case law developed by the courts
- D** Basic principles of law written into a constitution


**Question 2**

**What does the doctrine of Parliamentary sovereignty mean?**

- A** Judges cannot ignore a law made by Parliament as Parliament has absolute power
- B** The Executive has absolute power
- C** The Legislature and Executive are fused
- D** The Legislature, Executive and Judiciary are all separate


**Question 3**

**Which one of the following equitable maxims is incorrect?**

- A** Equity will not assist a volunteer
- B** Equity looks to the form rather than the intent
- C** Delay defeats equity
- D** He who comes to equity must come with clean hands


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**Question 4**

Roberto is on work experience for Mr Singh who is a Member of Parliament. Roberto asks how a Public Act of Parliament is created. Mr Singh tells Roberto the stages are:

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

What is the correct order of these stages?

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


**Question 5**

Which one of the following is not a type of delegated legislation?

- A Orders in Council
- B Bye-Laws
- C Hybrid Bills
- D Statutory Instruments


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**Question 6**

**What is meant by a persuasive precedent?**

- A** A decision which is not absolutely binding but must be fully considered.
- B** A decision which is absolutely binding
- C** A decision which is only binding on lower courts
- D** A decision which must not be considered


**Question 7**

**Jim fell off a ladder at work breaking his arm and leg. He has been off work for three months. Jim has been told his employers have been negligent and he has a claim against them worth £15,000.**

**Which track will his claim be assigned to?**

- A** Small Claims
- B** Work Injuries Track
- C** Multi-track
- D** Fast Track


**Question 8**

**Which of the following correctly describe Mediation?**

- (i) It is very informal**
- (ii) Parties are normally kept separate**
- (iii) The mediator can propose agreements and compromises**
- (iv) The outcome can be legally binding if agreed by the parties**

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


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**Question 9**

**Which of the following are types of work that can be undertaken by Chartered Legal Executives?**

- (i) Drafting wills
- (ii) Signing cheques on clients' accounts
- (iii) Advising clients accused of crimes
- (iv) Assisting in the formation of a company

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


**Question 10**

**Which one of the following would stop a member of the public serving on a jury?**

- A** Being aged between 18-70
- B** Having a mental disorder
- C** Being registered to vote in local or Parliamentary elections
- D** Being a resident of the UK for a minimum of 5 years


**Question 11**

**The role of the Executive is to:**

- A** Make law
- B** Apply the law
- C** Govern the country
- D** Uphold the constitution


**Turn over**

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**Question 12**

**Solicitors are directly regulated by:**

- A** The Ministry of Justice
- B** The Law Society
- C** The Solicitors Regulation Authority
- D** The Solicitors Code of Conduct


**Question 13**

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


**Question 14**

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

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

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




**Question 15**

**What does *ratio decidendi* mean?**

- A** The proposition of law which decides the case in the light or context of the material facts
- B** The facts the judge uses to make his decision
- C** To stand by decided matters
- D** The concept allowing judges to make binding decisions


**Question 16**

**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 the European Convention on Human Rights
- D** The courts are required to interpret legislation to make it compatible with the European Convention on Human Rights as far as possible


**Question 17**

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

- A** It saves Parliamentary time
- B** It can include technical and detailed information
- C** Its volume
- D** Its flexibility


**Turn over**

**Question 18**

**Which of the following correctly describe the Council of the European Union?**

- (i) It proposes new legislation
- (ii) The membership is variable
- (iii) Each Member State has a representative
- (iv) It passes secondary legislation

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


**Question 19**

**Which one of the following is considered to be an advantage of magistrates?**

- A** They are predominantly middle class
- B** They are generally older
- C** There is a lack of uniformity in the sentences they impose
- D** They live and work in the communities they serve


**Question 20**

**Which one of the following is not a right under Schedule 1 Human Rights Act 1998?**

- A** Right to freedom of thought
- B** Right to medical treatment
- C** Right to a fair trial
- D** Right to freedom of expression


**Question 21**

Which one of the following is not a type of Bill?

- A** Public Bill
- B** European Bill
- C** Private Bill
- D** Government Bill


**Question 22**

Megan wants to become a solicitor.

Which of the following steps will Megan have to take?

- (i)** Pass the Legal Practice Course
- (ii)** Complete the academic stage of training
- (iii)** Secure a Tenancy in a legal practice
- (iv)** Complete a two year training contract

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


**Question 23**

Which of the following are equitable remedies?

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

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


**Turn over**

**Question 24**

**Steve has been charged with murder. In which court will he make his first appearance?**

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


**Question 25**

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

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


**Question 26**

**What is the standard of proof in a criminal case?**

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


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**Question 27**

**Which one of the following is a primary source of European Union law?**

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


**Question 28**

**Which one of the following is a disadvantage of trial by jury?**

- A** It involves ordinary people in the criminal justice system
- B** It provides constitutional protection against the state
- C** Juries have to understand legal facts
- D** Jury decisions can lead to later reform of the law


**Question 29**

**How many categories of CILEx membership are there?**

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


**Turn over**

**Question 30**

**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


**End of Examination Paper**

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