

UNIVERSITY OF BOLTON

SCHOOL OF LAW

LLB (HONS) LAW

SEMESTER 1 EXAMINATION 2019/20

**ENGLISH LEGAL SYSTEM AND FOUNDATION
LEGAL SKILLS**

MODULE NO: LAW4007

Date: Wednesday 15 January 2020

Time: 2.00 – 3.00

INSTRUCTIONS TO CANDIDATES:

There are 40 questions on this paper.

Answer 40 questions ONLY in the answer book provided.

All questions carry the marks indicated.

This examination will last 1 HOUR.

To each question there is only ONE correct answer. If you give more than one answer for any multiple choice question you will receive NO marks for that question.

Should you wish to qualify your multiple choice answer, please write your qualification in the answer book. Make it clear which question your qualification applies to. Only perform this task if you truly believe it to be necessary.

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ANY ANSWERS NOT WRITTEN IN THE ANSWER BOOK WILL NOT BE MARKED.

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Answers must be completed in the student answer book provided. For example for question 1 write 1 in the left margin followed by the appropriate letter which indicates your answer (a. to d.) on the lined page – the example below demonstrates:

1	a
2	b
3	c
4	d
5	a

Answers not entered in the answer book will be marked as incorrect. Please ensure that you write legibly so that there is no doubt what your answer is.

The answers expected refer to legal terms of art. Your answers should therefore relate to this professional vocabulary and not simply to the *general* meaning of words and expression.

Both question paper and answer book must be handed in at the end of the examination.

The examination amounts to 90% of your mark in this module.

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1. Which of the following is most accurate?
 - a. Generally speaking, public law governs the relationship between different parts of the state, and between the state and citizen whereas private law governs the relationship between private citizens and organisations.
 - b. Generally speaking, private law governs the relationship between different parts of the state, and between the state and citizen whereas public law governs the relationship between private citizens and organisations.
 - c. Generally speaking, public law governs the relationship between publicly owned companies or businesses whereas private law governs the relationship between privately owned companies or businesses.
 - d. Generally speaking, public law governs the behaviour of people and organisations in public whereas private law governs the behaviour of people in private.

2. Parliament is made up of which three bodies?
 - a. The House of Commons, the House of Lords and the Monarch
 - b. The Monarch, the Cabinet and the House of Lords
 - c. The Monarch, the Government and the House of Commons
 - d. The Cabinet, the Government and the House of Commons

3. Judges in the Supreme Court are known as
 - a. Law Lords
 - b. Justices of the Supreme Court
 - c. Lord Justices of Appeal
 - d. Lords of Appeal in Ordinary

4. The Court of Appeal comprises two divisions; what are they?
 - a. The Magistrates Division and the Crown Division
 - b. The Fiduciary Division and the Non-fiduciary Division
 - c. The Criminal Division and the Civil Division
 - d. The Appellate Division and the Review Division

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5. When a Bill passes through either House of Parliament, which stage follows the Report stage?
- The First reading
 - The Committee stage
 - The Second reading
 - The Third reading
6. The devolved assembly in Scotland is known as:
- The Scottish Parliament.
 - The Scottish Assembly.
 - The Scottish Legislature.
 - The Scottish Forum.
7. The devolved assembly in Wales is known as:
- The Welsh Parliament.
 - The Welsh Assembly.
 - The Welsh Legislature.
 - The Welsh Forum.
8. According to the *Practice Statement (Judicial Precedent)* [1966] 1 WLR 1234, which court may depart from its own decisions 'when it appears right to do so'?
- The Crown Court
 - The High Court
 - The Court of Appeal
 - The Supreme Court

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9. Which of the following is correct?
- Generally speaking, High Court decisions made by two or more judges are binding on all lower courts but not on the High Court.
 - Generally speaking, High Court decisions made by two or more judges are binding on all lower courts and on the High Court.
 - Generally speaking, High Court decisions made by one judge are binding on all lower courts and on the High Court.
 - Generally speaking, High Court decisions made by one judge are not binding on any other court.
10. Which of the following is NOT one of the divisions of the High Court?
- The Criminal Division
 - The Chancery Division
 - The Queen's Bench Division
 - The Family Division
11. In the following example of an Act of Parliament, which is the Short Title, a, b, c, or d?

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12. In the following example of an Act of Parliament, which is the Long Title, a, b, c, or d?

The image shows a page from the European Union (Notification of Withdrawal) Act 2017. At the top, it says 'ELIZABETH II' and 'c. 9'. Below that is the Royal Coat of Arms. The main title is 'European Union (Notification of Withdrawal) Act 2017', which is enclosed in a red box labeled 'a'. Below the title is '2017 CHAPTER 9'. The next line is 'An Act to confer power on the Prime Minister to notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention to withdraw from the EU. [16th March 2017]', enclosed in a blue box labeled 'b'. Below that is the text 'BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows: -', enclosed in a red box labeled 'c'. Below that is section 1, 'Power to notify withdrawal from the EU', enclosed in a blue box labeled 'd'. Section 1 has two subsections: (1) 'The Prime Minister may notify, under Article 50(2) of the Treaty on European Union, the United Kingdom's intention to withdraw from the EU.' and (2) 'This section has effect despite any provision made by or under the European Communities Act 1972 or any other enactment.' Below section 1 is section 2, 'Short title', which states 'This Act may be cited as the European Union (Notification of Withdrawal) Act 2017.' At the bottom, there is a copyright notice: '© Crown copyright 2017' and 'Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Taffe, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.'

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13. In English law, how should the civil law case *Donoghue v Stevenson* be pronounced (said aloud)?
- Donoghue VEE Stevenson
 - Donoghue VERSUS Stevenson
 - Donoghue AND Stevenson
 - Donoghue AGAINST Stevenson
14. In English law, how should the criminal law case *R v Brown* be pronounced (said aloud)?
- The Queen VEE Brown
 - The Queen VERSUS Brown
 - The Queen AND Brown
 - The Queen AGAINST Brown
15. When talking about a particular custom obtaining the force of law, the custom must have existed since time immemorial. This was fixed by the Statute of Westminster 1275 as being:
- 1 January 1275
 - 5 May 1066
 - 18 June 1275
 - 6 July 1189
16. What is the name and year of enactment of the statute that incorporated EC (now EU) law into UK law?
- The European Communities Act 1972
 - The European Community Act 1972
 - The European Communities Act 1973
 - The European Community Act 1973
17. Generally speaking, an Act of Parliament is needed to make the UK's international obligations part of UK domestic law; this is because
- The UK is a monist country
 - The UK is a dualist country
 - The UK is a monarchy
 - The UK is a parliamentary democracy

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18. The mischief rule of interpretation is also known as?
- The rule in *Heydon's case*
 - The *Factortame* rule
 - The rule in *Fisher v Bell*
 - The rule in *Prohibitions del Roy*
19. What is the name of the rule of interpretation, described by Lord Wensleydale in *Grey v Pearson* (1857) 10 ER 1216, whereby the courts give effect to 'the grammatical and ordinary sense of the words ... unless that would lead to some absurdity, or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the words may be modified, so as to avoid that absurdity and inconsistency, but no farther'?
- The literal rule
 - The golden rule
 - The Wesleydale rule
 - The purposive rule
20. The courts sometimes use a rule of language whereby, when a general word follows a list of particular words, it should be taken to be of the same type or kind of the particular words. This rule is known by which Latin term?
- Ejusdem generis*
 - Res ipsa loquitur*
 - Caveat emptor*
 - Noscitur a sociis*.
21. Which rule of language, sometimes used in statutory interpretation, and known by the Latin term *Expressio unius est exclusio alterius* means what?
- Known by the company it keeps.
 - The thing speaks for itself.
 - To express one thing is to exclude the others.
 - Buyer beware.

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22. Which of the following is NOT a presumption adopted by courts when interpreting statute?
- Where language is ambiguous, the courts assume that Parliament intends to legislate in conformity with its international obligations.
 - That, unless it is clear otherwise, statutes do not alter a previous statute.
 - That, unless it is clear otherwise, statutes do not exclude the jurisdiction of the courts.
 - Statutes which create crimes should be interpreted in favour of the defendant where there is any ambiguity.
23. Section 3 of the Human Rights Act 1998 states
- So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
 - In all circumstances, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
 - Where Parliament clearly intends it, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
 - In cases of ambiguity or absurdity, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
24. Under what provision of the Human Rights Act 1998 may the higher courts issue a declaration of incompatibility with regard to legislation that does not conform with the Convention rights?
- Section 2.
 - Section 4.
 - Section 10.
 - Section 19.
25. Which of the following is not an example of Alternative Dispute Resolution?
- Mediation
 - Arbitration
 - Court judgment
 - Early neutral evaluation

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26. Which of the following is the standard route to becoming a solicitor?
- Law degree > Bar Professional Training Course (BPTC) > Training Contract
 - Law degree > Legal Practice Course (LPC) > Pupillage
 - Law degree > Legal Practice Course (LPC) > Training Contract
 - Law degree > Bar Professional Training Course (BPTC) > Pupillage
27. Who did the Lord Chief Justice replace as Head of the Judiciary?
- The Master of the Rolls
 - The Lord Chancellor
 - The President of the Supreme Court
 - The Attorney General
28. Which of the following is most accurate?
- One is only eligible to be a High Court Judge if one has been a solicitor or barrister with 7 years post qualification experience or a circuit judge for 2 years.
 - One is only eligible to be a High Court judge if one has been a circuit judge for 3 years or a recorder for 6 years.
 - One is only eligible to be a High Court judge if one has at least 5 years' rights of audience with all courts and has experience as a Crown Court and County Court judge
 - One is only eligible to be a High Court judge if one has been a barrister with at least 10 years post qualification experience or been a recorder for 4 years.
29. Which of the following is correct with regard to the dismissal of district judges?
- They may only be removed by the monarch with the agreement of the Lord Chief Justice.
 - They may only be removed by the Lord Chancellor on an address of the House of Commons.
 - They may only be removed by the Lord Chancellor with the agreement of the Lord Chief Justice.
 - They may be removed by the monarch on an address presented to her by both Houses of Parliament.

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30. Under the Judicial Pensions and Retirement Act 1993, judges appointed to a judicial office after 31 March 1995 must retire at what age?
- 68
 - 70
 - 72
 - 75
31. What are the three categories of criminal offence in England, used to determine which court will hear a case?
- Summary, indictable and misdemeanour.
 - Indictable, either way and misdemeanour.
 - Summary, either way and indictable.
 - Summary, misdemeanour and indictable.
32. By virtue of section 69 of the Senior Courts Act 1981 and 66 of the County Court Act 1984 (as amended by the Defamation Act 2013), a jury is only likely to be used in a civil case if the matter concerns
- Fraud, defamation or false imprisonment.
 - Fraud, malicious prosecution or false imprisonment.
 - Defamation, malicious prosecution or false imprisonment.
 - Fraud, defamation or malicious prosecution.
33. In criminal cases involving a jury, which of the following is correct?
- The foreman of the jury must give reasons in court for the jury's decision.
 - The foreman of the jury must explain the way in which each juror voted.
 - Jurors must not disclose any aspect of the jury's deliberations.
 - All jurors must explain to the judge the basis of their decision.
34. Under section 44 of the Criminal Justice Act 2003, when might a criminal trial be held without a jury?
- If there is evidence of a real and present danger that jury tampering would take place.
 - In complex fraud cases where there is a substantial risk that jurors would not understand a significant part of the evidence.
 - In cases concerning serious terrorism or serious organised crime.
 - Where, because of the likely length of the case, it would not be reasonable to expect a jury to participate.

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35. If the Police and Criminal Evidence Act 1984 Codes of Practice are not followed, section 78 of the Act states what?
- That the Chief Constable of the relevant police force may be sued for a civil wrong.
 - That individual police officers may be prosecuted for a crime.
 - That any evidence obtained may be excluded at a subsequent trial.
 - That any resulting prosecution must be abandoned.
36. In *R v Wang* [2005] UKHL 9, [2005] 1 WLR 661, Lord Bingham stated what with regard to judges directing juries?
- Judges may direct juries to convict but not to acquit.
 - Judges may direct juries to both convict or acquit.
 - Judges may direct juries to acquit but not to convict.
 - Judges may not direct juries either to acquit or convict.
37. Which provision of the Police and Criminal Evidence Act 1984 confers on police officers the power to arrest without warrant?
- Section 74
 - Section 24
 - Section 28
 - Section 1
38. Under section 41 of the Police and Criminal Evidence Act 1984, the police may detain someone for 24 hours; by virtue of section 42, this may be extended for a further 12 hours by an officer of the rank of superintendent or above if he has reasonable grounds for believing certain conditions are met; which of the following is NOT one of those conditions?
- That he believes that there is a realistic prospect of conviction.
 - That the investigation is being conducted diligently and expeditiously.
 - That the offence in question is an indictable offence.
 - That the detention of that person without charge is necessary to secure or preserve evidence.

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39. What is the maximum time that a person may be detained by the police without charge?
- a. 36 hours.
 - b. 70 hours.
 - c. 72 hours.
 - d. 96 hours.
40. Which of the following is correct?
- a. Non-personal injury cases where the claim has a value of not less than £10,000 will be allocated to the Small Claims Track.
 - b. Non-personal injury cases where the claim has a value of not less than £10,000 will be allocated to the Fast Track.
 - c. Non-personal injury cases where the claim has a value of not less than £10,000 will be allocated to the Multi-track.
 - d. Non-personal injury cases where the claim has a value of not less than £10,000 will be allocated to the County Court Track.

END OF QUESTION

Past Examination Questions