

UNIVERSITY OF BOLTON

SCHOOL OF LAW

LAW PATHWAYS

SEMESTER 1 EXAMINATIONS 2021/2022

ENGLISH LEGAL SYSTEM AND FOUNDATION
LEGAL SKILLS

MODULE NO: LAW4007

Date: Wednesday 12th January 2022

Time: 2:00pm-3.30pm

INSTRUCTIONS TO CANDIDATES:

There are 30 questions in total.

Answer ALL questions.

All questions carry equal marks.

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.

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

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

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. Answers not entered in the answer book will be marked as incorrect.

The multiple choice test amounts to 90% of your mark in this module.

Please turn over when instructed to begin.

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Read the following ***fictitious*** section and answer the questions following it.

Animal Protection Act 2021

12 *Domestic Animals*

(1) *Animals for the purposes of this section include cats, dogs, hamsters and other animals.*

START OF QUESTIONS

1. A judge is deciding a case regarding the above section. Applying the doctrine of *ejusdem generis*, what would NOT be included?
 - a. Rabbits
 - b. Horses
 - c. Guinea Pigs
 - d. Snakes

2. What is an internal (intrinsic) aid?
 - a. Hansard
 - b. Golden Rule
 - c. Explanatory Notes
 - d. Interpretation Act 1978

3. Which of the following BEST DESCRIBES the Mischief Rule?
 - a. The court must determine the literal definition of the words used in the statute
 - b. The court must interpret the statute according to the explanatory notes in the statute
 - c. The court must decide the purpose
 - d. The court must determine the mischief that the statute is trying to address

END OF STATUTE SECTION

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4. What is the main difference between public and private law?
 - a. Private law is relationship between individuals. Public law is relationship between individuals and State.
 - b. Public law is concerned with matters that are widely known whereas private law is concerned with confidential matters.
 - c. Private law is criminal law, public law is contract
 - d. Private law describes court proceedings closed to the public, while public law is a court hearing heard in public

5. Which of the following is the correct case citation for the case *Knight v Knight* [1840]?
 - a. *Knight v Knight* [1840] Beav148 vol 3
 - b. *Knight v Knight* [1840]
 - c. [1840] *Knight v Knight*3 Beav 148
 - d. *Knight v Knight* [1840] 3 Beav 148

6. How should the case of *Donoghue v Stevenson* be pronounced (said aloud)?
 - a. Donoghue AND Stevenson
 - b. Donoghue AGAINST Stevenson
 - c. Donoghue VERSUS Stevenson
 - d. Donoghue VEE Stevenson

7. Ordinarily, which court precedes the Supreme Court in the criminal court system?
 - a. Magistrates court
 - b. High court
 - c. Court of Appeal
 - d. Crown Court

Please turn the page.

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8. Why is an Act of Parliament needed to bring international law into UK domestic law?
- Because the UK is a Monist country
 - Because the UK is a Dualist country
 - Because the UK is a Monarchy
 - Because the UK is a Democracy
9. Which three bodies make up Parliament?
- House of Lords, the Cabinet and the Monarch
 - Legislative, executive and the judiciary
 - House of Commons, House of Lords and the Monarch
 - Cabinet, the Government and the House of Commons
10. When a Bill passes through either House of Parliament, which stage directly follows the Second Reading?
- Third Reading
 - Committee Stage
 - Report Stage
 - Royal Assent

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Scenario:

Perry is walking down the street and, while looking in a shop window, decides that he is going to steal a necklace from a new jeweller that opened in the area. He is in the store about to steal the necklace when a Police Officer arrests him.

11. Under the Police and Criminal Evidence Act 1984, can Perry be lawfully

arrested for this?

- a. Yes, under s. 1(a), Perry could be arrested without a warrant
- b. Yes, however, the police would need a warrant to arrest him
- c. No as he has not yet committed an offence
- d. No, as the police officer did not have a warrant for his arrest

12. Which court would Perry's case first be heard?

- a. High Court
- b. Crown Court
- c. Magistrates Court
- d. Court of Appeal

13. In the Crown Court, Perry chose to remain silent. According to the case of R v Bathurst [1968] 2 QB 99, what should the jury do?

- a. Make no assumption of guilt from the fact that Perry did not go into the witness box
- b. Ask that Perry go into to witness box
- c. Take Perry's silence as an indicator of guilt
- d. See if the defence can prove him innocent before deciding.

End of scenario section.

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- 14.** According to the Civil Procedure Rules 1997, which courts operate within the civil justice system?
- Civil division of the Court of Appeal, High Court and the County Court
 - The Court of Appeal, Supreme Court and the County Court
 - Chancery division of the High Court, the County Court and the Magistrates Court
 - Civil division of the Court of Appeal, Mediation company, County Court.
- 15.** Which of the following is NOT an example of Alternative Dispute Resolution
- Court judgment
 - Arbitration
 - Mediation
 - Collaboration
- 16.** Which of these BEST DESCRIBES the doctrine of *stare decisis*?
- The court should follow previously decided cases in all courts
 - The court should follow previously decided cases with similar facts and issues if decided in a higher court
 - The court should not follow previously decided cases
 - The court should follow previously decided cases from only the supreme court
- 17.** The phrase “time immemorial” is governed by the Statute of Westminster 1275 as being on...
- 5th November 1996
 - 25th October 1415
 - 14th October 1066
 - 6th July 1189

Please turn the page.

18. Which of the following is MOST ACCURATE?

- a. In order to become a High Court Judge, one must have been a Solicitor or Barrister for 7 years after qualifying or be a circuit judge for 2 years
- b. In order to be a High Court Judge, one must have at least 5 years' rights of audience with all courts and has experience as a Crown Court and County Court Judge
- c. In order to be a High Court Judge, one must be a barrister for at least 10 years after qualifying or been a recorder for 4 years
- d. In order to be a High Court Judge, one has to have been a circuit judge for 3 years or a recorder for 6 years

19. At what age is a Magistrate required to retire?

- a. 60
- b. 65
- c. 70
- d. 75

20. If the Police and Criminal Evidence Act 1984 Codes of Practice are not followed, section 78 of the Act states that...

- a. The Chief Constable of the relevant police force may be sued for a civil wrong
- b. That individual police officers may be prosecuted for a crime
- c. That any evidence obtained may be excluded at a subsequent trial
- d. That any resulting prosecution must be abandoned

21. Which of the following accurately represents the full code test adopted by the CPS and police in charging a suspect with a criminal offence?

- a. Is there sufficient evidence to secure a realistic prospect of conviction?
- b. Is it in the public interest to prosecute the suspect?
- c. Is there sufficient evidence to secure a realistic prospect of conviction and is it in the public interest to prosecute?
- d. None of the above options accurately describe the full code test.

22. When may a trial be held without a Jury under the Criminal Justice Act 2003?

- a. In complex fraud cases where there is a substantial risk that jurors would not understand a significant part of the evidence
- b. If there is evidence of a real and present danger that jury tampering may occur
- c. In cases concerning serious terrorism or serious organised crime
- d. Where, because of the possible length of the case, it would not be reasonable to expect a jury to participate.

23. What are the 3 categories of criminal offence in England?

- a. Summary, indictable and misdemeanour
- b. Summary, triable either way and misdemeanour
- c. Indictable, triable either way and summary
- d. Misdemeanour, triable either way and indictable

24. Which of these BEST DESCRIBES the role of the CPS?

- a. To protect the public, support victims and deliver justice
- b. To support the judiciary when bringing cases forward to ensure they are best equipped to handle a case
- c. To assist the public when faced with a criminal
- d. To take cases from the police

25. In what areas is Alternative Dispute Resolution NOT frequently used?

- a. Employment cases
- b. Commercial cases
- c. Family and matrimonial disputes
- d. Criminal cases

26. What does the Latin phrase "*obiter dicta*" mean?

- a. "That which is said in passing"
- b. "Other statements"
- c. "Let the decision stand"
- d. "Rationale for the decision"

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27. “It is an offence to stab or wound using an instrument. An instrument for this purpose is identified as a tool.”

The defendant bites an individual breaking the skin.

Which of the following, using the **literal rule**, would be most accurate?

- a. The defendant would be guilty as teeth are instruments.
- b. The defendant would be guilty.
- c. The defendant would be not guilty as there were no instruments used in the offence.
- d. The defendant is not guilty as there was no wound.

28. What is the BEST DESCRIPTION of a natural law stance?

- a. If the law does not fit with morality, it cannot be considered law.
- b. The law is the law and therefore applies regardless.
- c. If the law is written, it cannot be deviated from.
- d. The law must adhere to a higher morality (such as from religion).

29. In the case of *Shaw v DPP* [1962] AC 220, what offence was created by the House of Lords?

- a. Conspiracy to corrupt individuals
- b. Conspiracy to corrupt public morals
- c. Conspiracy to commit an offence
- d. Conspiracy to defraud

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30. If the Supreme court disagrees with a judgment of the Court of Appeal that it hears on appeal and finds in favour of the appellant, it is described as doing which of the following?

- a. Following the decision of the Court of Appeal
- b. Overruling the decision of the Court of Appeal
- c. Applying the decision of the Court of Appeal
- d. Reversing the decision of the Court of Appeal

END OF QUESTIONS

PAST EXAMINATION PAPER