

UNIVERSITY OF BOLTON

SCHOOL OF LAW

LLB LAW

SEMESTER 1 EXAMINATIONS 2022/2023

**ENGLISH LEGAL SYSTEM AND FOUNDATION
LEGAL SKILLS**

MODULE NO: LAW4007

Date: Tuesday 10th January 2023

Time: 10.00am – 11.30am

INSTRUCTIONS TO CANDIDATES:

There are 25 questions on this paper.

Answer 25 questions.

In Section One, all questions are equal marks. There are 20 marks available in this section.

In Section Two, marks are indicated next to the question. There are 10 marks available in this section.

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Section One

1. What stage follows the First Reading in the process of a bill through Parliament?
 - a. Committee Stage
 - b. Report Stage
 - c. Second Reading
 - d. House of Lords

2. Which of the following **BEST DESCRIBES** "Parliamentary ping-pong"?
 - a. A bill appears to bounce back and forth between the two chambers like a ping pong ball.
 - b. A bill bounces between the committee stage and the report stage.
 - c. When the House of Lords vetoes a bill, the bill is sent back to the House of Lords.
 - d. The bill discusses the National Plan for Sport and Recreation Committee.

3. Which source of law does the following describe?
'A set of legal principles that supplement existing laws where the application of this would be harsh or absurd.'
 - a. Common Law
 - b. Equity
 - c. Statute
 - d. Civil Law

4. What does the following describe?
'a draft law that has not been approved yet'
 - a. Green paper
 - b. White paper
 - c. Act of Parliament
 - d. Bill

5. Which one of the following is NOT a way of introducing a Private Members Bill?
 - a. The Ballot
 - b. The Ten-Minute Rule
 - c. Presentation
 - d. Ministerial Approach

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6. Which one of the following BEST DESCRIBES the Literal Rule?
- The court can substitute a reasonable meaning where, without doing so, would lead to an absurd result
 - The court must determine the problem that the law is trying to address
 - The court must interpret the Act within the dictionary definition of the word/phrase in question
 - The court must determine Parliament's intention behind the creation of the Act
7. What Act of Parliament led to the setting up of the CPS?
- Offences Act 1985
 - Police and Criminal Evidence Act 1984
 - Representation of the People Act 1983
 - Civil Jurisdiction and Judgements Act 1982
8. Is it possible for the accused in a criminal trial to remain silent when asked to enter a plea?
- Yes, silence is accepted by the court and a not guilty plea will usually be entered on behalf of the defendant.
 - Yes, silence is accepted by the court and a guilty plea will usually be entered on behalf of the defendant.
 - No silence is not accepted by the court however, the court will adjourn to allow a plea to be entered at a later hearing.
 - No silence is not accepted by the court, the defendant must enter a plea.
9. Which of the following is a form of non-adjudicative alternative dispute resolution?
- Arbitration
 - Court Proceedings
 - Tribunals
 - Early neutral evaluation
10. Who has the duty of court management?
- The solicitors
 - The barristers
 - The clerk
 - The judge

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11. What does Part 36 of the Civil Procedure Rules deal with?
- Offers to settle made in writing
 - Offers in excess of £100,000
 - Acceptance of offer
 - Offer refusal
12. What kind of method is used within the civil trial process?
- Inquisitorial
 - Adversarial
 - Disquisitive
 - Acrimonious
13. What does the bold text mean in the following citation?
Re (Care Proceedings: Risk Assessment) [2009] **EWCA Civ** 1008, [2010] 1 FLR 160
- England and Wales Civil Appeals
 - England and Wales Court of Appeal, Civil Division
 - England and Wales County Court, Civil Division
 - England and Wales Civil Appointment
14. In the hierarchy of criminal courts, which court comes after the Court of Appeal?
- Crown Court
 - High Court
 - Magistrates Court
 - Supreme Court
15. Which one of the following is NOT a factor in the doctrine of precedent?
- Cases with the same or similar facts should be decided in the same way
 - Decisions made in higher level courts carry more weight than those from the lower courts
 - A lower court can set aside the ratio of a superior court but not the decision
 - Some elements of a judgment can be irrelevant (for example, obiter dictum).

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16. Which of the following is commonly NOT handled by Tribunals?
- Immigration cases
 - Employment cases
 - Theft cases
 - Tax cases
17. The Latin phrase *Stare Decisis* means...
- “Let the decision stand”
 - “The reasoning behind the decision”
 - “Of the same kind”
 - “Statements made in passing”
18. Which rule of statutory interpretation was introduced in *Pepper v Hart* [1992] 3 WLR 1032?
- Purposive approach
 - Golden Rule
 - Mischief Rule
 - Literal Rule
19. Statutes made in the UK Parliament is applicable in what countries?
- England and Wales
 - England and Scotland
 - England and Northern Ireland
 - Whichever countries are specified in the Act
20. Which of the following has a duty to appoint judges?
- Judicial Appointments Commission
 - Judicial Commission
 - Appointments Commission
 - Appointment of the Judiciary Commission

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Section Two

1. Answer **ONE** of the following questions:

- (a) Discuss the advantages and disadvantages of using laypeople within the English Legal System. Include **at least** one advantage and disadvantage.

OR

- (b) Briefly outline the role of juries in criminal trials.

(3 Marks)

2. Outline the three tracks that cases can be allocated to within the civil justice system

(3 Marks)

3. Name **TWO** courts in the hierarchy of criminal courts.

(2 Marks)

4. In the following example of an Act of Parliament (See page 7), which is the Long Title?

A, B, C or D?

(1 Mark)

5. In the following example of an Act of Parliament (See page 7), which is the first section?


A, B, C or D?

(1 Mark)

Please see over the page for Act of Parliament example for question 4 & 5

Please Turn the Page.

Statute: This is the original version (as it was originally enacted).



European Union (Withdrawal) Act 2018 A

2018 CHAPTER 16

An Act to repeal the European Communities Act 1972 and make other provision in connection with the withdrawal of the United Kingdom from the EU. [26th June 2018] B

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:— C

Repeal of the ECA

1 Repeal of the European Communities Act 1972 D

The European Communities Act 1972 is repealed on exit day.

Retention of existing EU law

2 Saving for EU-derived domestic legislation E

(1) EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law on and after exit day.

(2) In this section "EU-derived domestic legislation" means any enactment so far as—

- (a) made under section 2(2) of, or paragraph 1A of Schedule 2 to, the European Communities Act 1972,
- (b) passed or made, or operating, for a purpose mentioned in section 2(2)(a) or (b) of that Act,
- (c) relating to anything—
 - (i) which falls within paragraph (a) or (b), or
 - (ii) to which section 3(1) or 4(1) applies, or
- (d) relating otherwise to the EU or the EEA,

but does not include any enactment contained in the European Communities Act 1972.

END OF QUESTIONS