

UNIVERSITY OF BOLTON

OFF CAMPUS DIVISION

WESTERN INTERNATIONAL COLLEGE

BA (HONS) LAW

SEMESTER 1 EXAMINATION 2022/23

**ENGLISH LEGAL SYSTEM AND FOUNDATION LEGAL
SKILLS**

MODULE NO. LAW4107

Date: Tuesday, 10 January 2023

Time: 10:00 – 11:00

INSTRUCTIONS TO CANDIDATES:

There are 35 Multiple Choice Questions on this paper.

Answer ALL questions.

All questions carry equal marks.

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1. What does the doctrine of precedent mean?

- A. Judges are bound by statute.
- B. Judges must decide the case on the facts.
- C. Judges must apply the law set out in relevant decision of previous superior courts and sometimes courts of the same standing.
- D. Judges may apply the law set out in relevant decision of previous superior courts only

2. What type of cases does a county court deal with?

- A. Only divorces.
- B. Minor criminal matters.
- C. A range of civil cases.
- D. All types of cases.

3. In which court may a trial for an indictable offence be heard?

- A. The Magistrates' Court.
- B. The High Court.
- C. The Crown Court
- D. The Supreme Court

4. Statute may be interpreted by judges by using different rules. Which of the following is not a rule of interpretation?

- A. Golden Rule.
- B. Literal Rule.
- C. Mischief Rule.
- D. General Rule.

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5. Which of the following bodies regulates the conduct of solicitors in England and Wales?

- A. The Solicitors Society
- B. The Legal Services Commission
- C. The Law Society
- D. Solicitors Regulation Authority

6. What is the rule in Pepper v Hart?

- A. Judges can refer to Hansard when interpreting statutes
- B. Judges can refer to other judges when interpreting statutes
- C. Judges can refer to newspapers when interpreting statutes
- D. Judges cannot refer to any external aid when interpreting statutes

7. Who makes legislation?

- A. Legislature
- B. Judiciary
- C. Executive
- D. Law Commission

8. Which of the following is not an external aide to statutory interpretation?

- A. Hansard
- B. Schedules
- C. Explanatory Notes
- D. Dictionaries

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9. Which of the following is not a division of the High Court of Justice?

- A. Administrative Division (AD)
- B. Queen's Bench Division (QBD)
- C. Family Division (Fam)
- D. Chancery Division (Ch)

10. The Supreme Court will only hear appeals in what circumstances?

- A. Where the case has been designated as a matter of general public importance.
- B. Where the case involves the state as a party to proceeding.
- C. Where the case is a criminal one.
- D. Where the case is in relation to a breach of human rights.

11. What is the doctrine of stare decisis?

- A. A doctrine of statutory interpretation
- B. A doctrine of precedent
- C. A doctrine of legislative powers
- D. A doctrine of Parliamentary sovereignty

12. What is the ratio decidendi of a case?

- A. The reasons for the decision
- B. Other things said
- C. The reasons of the majority only
- D. The decision in the factual case

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13. What is the common law?

- A. Law passed by Parliament
- B. Delegated legislation
- C. Power exercised by royal prerogative
- D. Case law made by judges

14. When citing a case, which law report should be cited principally?

- A. Neutral citations
- B. Specialist Law Reports
- C. Weekly Law Reports
- D. The Law Reports

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16. Which one of the following is the Highest Court in England?

- A. The Court of Appeal.
- B. The Supreme Court.
- C. The High Court.
- D. The Crown Court.

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17. Which of the following statements best describes the 'common law'?

- A. The body of legal rules and principles found in court decisions
- B. A body of law, which applies across many different countries
- C. The body of legal rules found in local customs
- D. The body of law, which only governs minor issues

18. Which of the following is NOT a stage in the passage of primary legislation?

- A) Fourth Reading
- B) Second Reading
- C) Committee Stage
- D) Third Reading

19. Which rule of language, sometimes used in statutory interpretation, and known by the Latin term *Expressio unius est exclusio alterius* means what?

- A. Known by the company it keeps.
- B. The thing speaks for itself.
- C. To express one thing is to exclude the others.
- D. Buyer beware.

20. Which of the following is the best definition of the term *in rem*?

- A. In the matter of
- B. Amongst other things
- C. Against the person
- D. Against the matter

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21. According to the Civil Procedure Rules 1998, which track is the normal track for any claim for personal injuries where the value of the claim is not more than £10,000?

- A. The fast track
- B. The small claims track
- C. The multi-track
- D. The slow track

22. Which of the following is the best definition of the term ultra vires?

- A. The worst illness
- B. Beyond the power
- C. Out of control
- D. An extreme measure of control

23. When a bill passes through a House of Parliament which 'stage' next follows the second reading of a bill?

- A. The Royal Assent
- B. The Report Stage
- C. The Committee Stage
- D. The Third Reading

24. Which of the following statements best describes the function of a legal system?

- A. Protection of individual rights and liberties
- B. Maintenance of public order
- C. Conferral of obligations
- D. All of the options given are correct

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25. Which of the following statements best describes a "legal personality"?

- A. Natural persons only
- B. Artificial persons only
- C. Both natural and artificial persons
- D. None of the options given are correct

26. What is the difference between private law and public law?

- A. Private law refers to the relationship between individual citizens. Public law refers to the relationship between individual citizens and the state.
- B. Public law refers to the relationship between individual citizens. Private law refers to the relationship between individual citizens and the state.
- C. Private law relates to crimes committed inside the home. Public law relates to crimes committed in public places.
- D. Private law relates to court hearings conducted in private. Public law relates to court hearings conducted in public.

27. Which of the following is the most accurate description of civil law?

- A. Civil law is an aspect of public law
- B. Civil law relates to controlling conduct or wrong-doing of which it disapproves
- C. Civil law relates to the enforcement of particular forms of behaviour
- D. Civil law is a form of private law and involves the relationships between individuals

28. Which of the following is the best definition of the word executor?

- A. One who carries out a death sentence.
- B. One who orders a death sentence
- C. A person or persons specified to carry out the provisions of a will.
- D. A person who is the beneficiary of a will.

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29. Which of the following is not an example of Alternative Dispute Resolution?

- A. Mediation
- B. Arbitration
- C. Court judgment
- D. Early neutral evaluation

30. When does an Act of Parliament enter into force?

- A) Upon Royal Assent always
- B) Either on the commencement date stated in the statute, or where the statute is silent, upon Royal Assent.
- C) On the day the House of Lords pass the Bill.
- D) None of the options given are correct

31. Under the Judicial Pensions and Retirement Act 1993, judges appointed to a judicial office after 31 March 1995 must retire at what age?

- A. 68 Years?
- B. 70 Years?
- C. 72 Years?
- D. 75 Years?

32. Which of the following is the best definition of the word deed?

- A. A legal document which sets out the terms of an agreement, which is signed by both parties.
- B. A physical action to asserts a right.
- C. A spoken assertion of ownership.
- D. Any document which assets a legal right or responsibility.

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33. Once a claim form has been served, and in order to avoid a default judgment, the Defendant must file an acknowledgement of service within:

- A. 7 days
- B. 28 days
- C. 21 days
- D. 14 days

34. Which one of the following statements do you think is the most accurate description of the golden rule of statutory interpretation?

- A. You must take the statute as a whole, giving words their ordinary meaning, unless they produce an inconsistency or absurdity or inconvenience that would convince the court that the words should not have their ordinary meaning. Only in this way can you determine the true purpose of Parliament.
- B. You must give each word in the statute its literal meaning.
- C. You should identify the defect in the common law which the Act of Parliament was designed to remedy.
- D. You should look at Hansard to identify the purpose for which the Act of Parliament was passed.

35. In what volume of statutes would you find, alongside the text, a commentary on that statute?

- A. Halsbury's Statutes
- B. Statutes at Large
- C. Public General Acts
- D. Current Law Statutes Annotated

END OF QUESTIONS

END OF PAPER