

**UNIVERSITY OF BOLTON**

**SCHOOL OF LAW**

**LLB LAW**

**SEMESTER 1 EXAMINATIONS 2023/2024**

**ENGLISH LEGAL SYSTEM AND FOUNDATION  
LEGAL SKILLS**

**MODULE NO: LAW4007**

Date: Monday 8<sup>th</sup> January 2024

Time: 2.00pm-3:00pm

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**INSTRUCTIONS TO CANDIDATES:**

This exam will last 1 hour.

There are 33 questions on this paper.

Answer **ALL** questions in Section 1. Answer **TWO** questions out of the three in Section 2.

All questions in Section 1 carry equal marks. Each question is worth 1 mark.

All questions in Section 2 are worth 10 marks.

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**Section 1:**

1. What stage follows the Third Reading in the process of a Bill through Parliament?
  - a. Report Stage
  - b. Committee Stage
  - c. House of Lords
  - d. Royal Assent
  
2. Which of the following **BEST DESCRIBES** the wide approach of the Golden Rule?
  - a. Where the rule is used to avoid an absurd result, regardless of the number of meanings attributed to the word in question.
  - b. Where the rule is used to avoid an absurd result, but only if there are multiple meanings to the word in question.
  - c. Where the rule is used to avoid an absurd result, but only if there is one meaning for the word in question.
  - d. Where the rule is used despite an absurd result being the case regarding the word in question.
  
3. What source of law does the following describe?  
"An official report of all Parliamentary Debates."
  - a. Explanatory notes
  - b. Hansard
  - c. Obiter Dicta statements
  - d. Previous statute law
  
4. Which of the following is one of A.V. Dicey's principles of Parliamentary Sovereignty?
  - a. Parliament can bind future Parliaments
  - b. Parliament has the right to make or unmake any law
  - c. Only the courts can override an Act of Parliament
  - d. No one can be punished except under ordinary law
  
5. Which of the following **BEST DESCRIBES** the process of "express repeal"?
  - a. When an Act of Parliament expresses that specific statutory rules are abolished
  - b. When a court judgment expresses that specific statutory rules are abolished
  - c. When an Act of Parliament expresses that the court may abolish certain statutory rules
  - d. When a court judgment expresses that Parliament may abolish certain statutory rules

**Please turn the Page**

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6. What does the term “*stare decisis*” mean?

- a. Statements made other
- b. To stand by things decided
- c. Found in fact
- d. Within the law

7. Who makes delegated legislation?

- a. Judges and Magistrates
- b. The Monarch and House of Lords members.
- c. The Lord Chancellor and the Attorney General
- d. Ministers and local authorities

8. What does the Human Rights Act 1998 allow when statute is incompatible with human rights law?

- a. Allow Judges to make remedial orders
- b. Allow Members of Parliament to make remedial orders
- c. Allow Judges to make orders to change the legislation
- d. Allow Members of Parliament to make orders to change the legislation

9. What does “Reasoning by Analogy” rely on?

- a. Relies on existing precedent
- b. Relies on given statements and similar consequences
- c. Relies on interpretation of an existing precedent
- d. Relies on drawing conclusions from the specific to the general

10. Which rule or approach of statutory interpretation was used in the case of *Fisher v Bell* [1961] 1 QB 394?

- a. Purposive Approach
- b. Literal Rule
- c. Golden Rule
- d. Mischief Rule

11. What kind of method is used in the criminal trial process?

- a. Adversarial
- b. Inquisitorial
- c. Disquisitive
- d. Acrimonious

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12. Which court comes after the Court of Appeal in the criminal court hierarchy?

- a. Crown Court
- b. High Court
- c. Supreme Court
- d. European Court for Human Rights

13. Is the High Court bound by decisions made in the High Court?

- a. No, as decisions must be made by the senior courts to be binding
- b. Yes, but decisions in junior courts can override the decision
- c. No, as decisions in the court hearing the case cannot be binding on that case
- d. Yes, but decisions in senior courts can override the decision

14. How would this civil case name be pronounced (said aloud)?

*Donoghue v Stevenson* [1932] AC 562

- a. Donoghue VEE Stevenson
- b. Donoghue AND Stevenson
- c. Donoghue VERSUS Stevenson
- d. Donoghue AGAINST Stevenson

15. Which is the **BEST DESCRIPTION** of persuasive precedent?

- a. Binding decision of a case heard in a court of the same level or higher or in the same jurisdiction
- b. Binding decision of a case heard in a court of a lower level or in a different jurisdiction
- c. Non-binding decision of a case heard in a court of the same level or higher or in the same jurisdiction
- d. Non-binding decision of a case heard in a court of a lower level or in a different jurisdiction

16. What does it mean to “distinguish” a case?

- a. To demonstrate that cases are different from the case being heard and should therefore not apply
- b. To demonstrate that cases are the same as the case being heard but should not apply
- c. To demonstrate that the case is different from the case being heard but should apply
- d. To demonstrate that the case is the same as the case being heard and should therefore should apply

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17. What does the bold text indicate in the following citation?

*Whitely v Chappel* (1868) LR 4 **QB** 147

- a. The law report the case was published in
- b. The volume of the case publication
- c. The court the case was heard in
- d. The Judge's initials

18. Statutes made in the UK Parliament is applicable in which countries?

- a. England only
- b. England and Scotland
- c. England and Wales
- d. Whichever countries are specified in the Act

19. Which of the following would commonly be handled by tribunals?

- a. Immigration cases
- b. Theft cases
- c. Equity cases
- d. Divorce cases

20. Which of the following **BEST DESCRIBES** 'Parliamentary ping-pong'?

- a. A bill appears to bounce between the committee stage and the report stage
- b. When the House of Lords vetoes a bill, the bill is sent back to the House of Commons
- c. A bill appears to bounce between the House of Commons and the House of Lords
- d. None of the above are correct

21. What is a white paper?

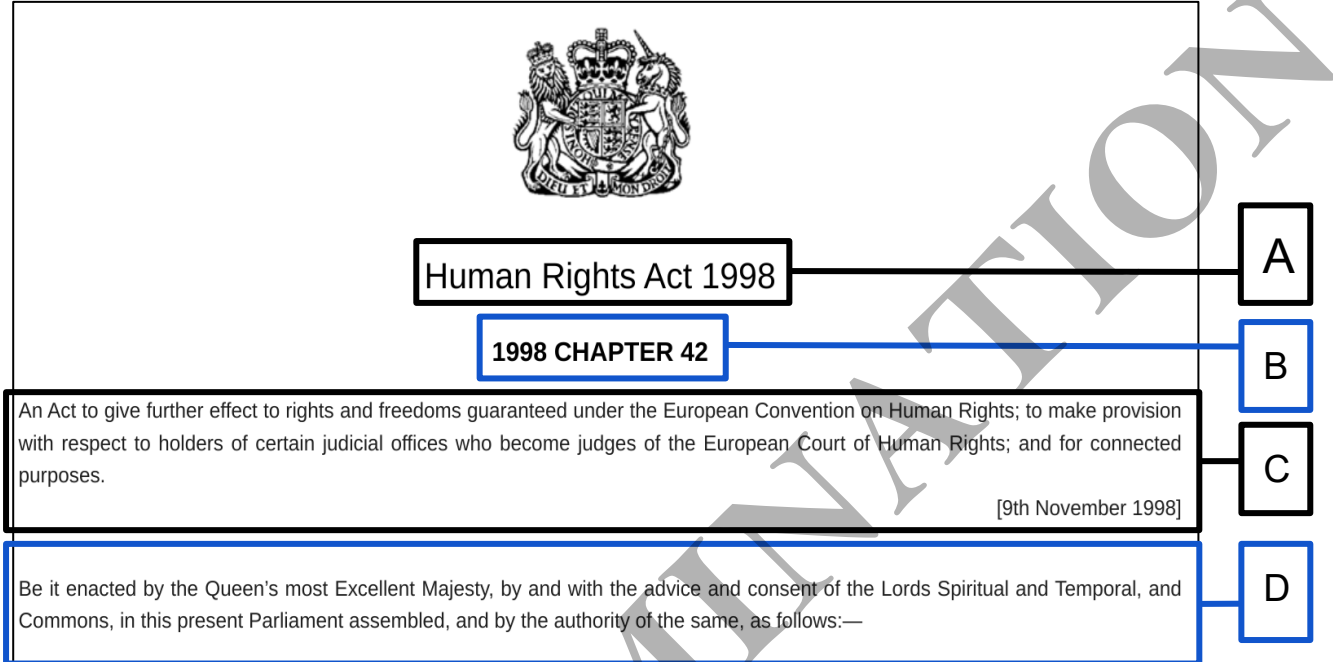
- a. A government report giving information or proposals on an issue
- b. A preliminary report of government proposals
- c. A proposal for a new law
- d. A proposal to change existing an existing law

22. Which of the following is a form of adjudicative alternative dispute resolution (ADR)?

- a. Arbitration
- b. Meditation
- c. Early neutral evaluation
- d. Conciliation

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Please look at the image below and answer the questions that follow.



The diagram shows the structure of the Human Rights Act 1998. At the top is the Royal Coat of Arms. Below it is a box labeled 'Human Rights Act 1998' (A). Underneath is a box labeled '1998 CHAPTER 42' (B). Below that is a box containing the long title: 'An Act to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights; to make provision with respect to holders of certain judicial offices who become judges of the European Court of Human Rights; and for connected purposes.' (C). To the right of this box is the date '[9th November 1998]'. At the bottom is a box containing the enacting formula: '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:—' (D).

23. Which of the above is the short title of the Act?

- a. A
- b. B
- c. C
- d. D

24. Which of the above is the enacting formula?

- a. A
- b. B
- c. C
- d. D

25. Which of the above can be used as an intrinsic aid?

- a. A
- b. B
- c. C
- d. D

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**Section 2:**

Each question is worth **10 marks**.

**Please answer two (2) of the three (3) questions below:**

1. Outline the doctrine of *Stare Decisis* including reference to different types of precedent within the UK Courts.
2. Outline 2 of the following sources of law and discuss the advantages and disadvantages.
  - a. Acts of Parliament
  - b. Case law
  - c. International treaties
  - d. Human Rights law
3. Discuss the process of becoming a solicitor. Include information regarding recent changes and obtaining rights of audience.

**END OF QUESTIONS**