



7473-204 SAMPLE

Level 2 Certificate in Legal Administration

The legal environment

1 hour

SAMPLE

- This paper contains **30** questions.
- Each question shows **four** possible answers (lettered 'a', 'b', 'c' and 'd'); only **one** is correct.
- Decide which **one** is correct
- Attempt all questions. If you find a question difficult, leave it and return to it later.

SAMPLE

- 1 In criminal trials crimes are prosecuted by the
- state
 - police
 - judge
 - jury.
- 2 To be effective, law must be
- at least thirty years old
 - published annually
 - enforceable
 - reviewed regularly.
- 3 The main purpose of the law of tort is to
- punish criminals
 - provide a remedy in civil law
 - control exclusion clauses in contracts
 - regulate the buying and selling of land.
- 4 The fact that Parliament can pass any law that it chooses is called Parliamentary
- convention
 - supremacy
 - regulation
 - constitution.
- 5 In order to produce an Act of Parliament, a set procedure is followed. Until this is completed it is called a
- Precedent
 - Report
 - Bill
 - Chapter.
- 6 When judges apply a statute to a case they are hearing in court, their aim is to give effect to the intention of
- Parliament
 - The jury
 - Barristers
 - The Law Society.
- 7 If words in a statute are clear and unambiguous a judge will give them their ordinary and plain meaning by using the
- Mischief Rule
 - Literal Rule
 - Golden Rule
 - Interpretation Rule.
- 8 Delegated legislation is permitted by an Act of Parliament. This Act is called an
- Arbitration Act
 - Enforcement Act
 - Authorising Act
 - Enabling Act.
- 9 Bye-laws are a form of delegated legislation made by
- local councils
 - government ministers
 - Privy Council
 - Chief Constables.
- 10 The process of following previously decided cases is expressed in the phrase
- distinguishing cases
 - stare decisis
 - obiter dicta
 - law reporting.
- 11 The Court of Appeal (Criminal Division) is not bound to follow its own decisions because
- it is the highest court in the judicial system
 - it is not able to set precedents
 - decisions of this court affect the freedom of the individual
 - there is concern that there would be too many appeals.

- 12 European Union laws which are binding in member states means that national courts should
- apply them only if the judge or magistrate approves
 - allow the defendant to decide whether they should apply
 - automatically refer the case to the Supreme Court
 - apply them in preference to national laws.
- 13 The section of the Human Rights Act 1998 which allows a claimant to bring an action for breach of human rights in the UK courts is section
- 1
 - 3
 - 7
 - 9.
- 14 In the hierarchy of the courts, the lowest criminal court is the
- County Court
 - High Court of Justice
 - Crown Court
 - Magistrates' Court.
- 15 Appellate courts are those which
- hear trials at first instance
 - hear civil cases only
 - make proposals for law reform
 - hear appeals from lower courts.
- 16 The main function of a barrister is to present cases in court. This is called
- law reporting
 - advocacy
 - pupillage
 - counseling.
- 17 The Bar Professional Training Course is required to become a
- solicitor
 - barrister
 - jury member
 - police officer.
- 18 If a defendant is found guilty in the Crown Court he will be sentenced by the
- jury
 - police
 - judge
 - magistrate.
- 19 In the Magistrates' Court, lay magistrates are guided on points of law by the
- jury
 - clerk of the court
 - court usher
 - Crown Prosecution Service.
- 20 A conditional fee arrangement is most commonly used in cases of
- personal injury
 - land disputes
 - matrimonial cases
 - aggravated burglary.
- 21 A 'Duty Solicitor' is available in the Magistrates' courts for defendants who
- have paid in advance
 - are prepared to enter a guilty plea
 - have previous convictions
 - are otherwise unrepresented.
- 22 The least serious type of criminal offence is known as a
- preliminary offence
 - summary offence
 - basic offence
 - first offence.
- 23 When a person accused of a crime is granted bail this means that they are
- held in custody until the trial
 - free to remain in the community until the trial
 - allowed legal funding from the state
 - given a set amount of money to live on until the trial.

- 24 If a person is found guilty of a crime and given a custodial sentence it means that he will be
- a allowed to go free
 - b sent to prison
 - c placed on probation
 - d given a fine.
- 25 A community sentence is one where a person convicted of a crime must
- a pay a set amount of money into a community fund
 - b be detained in a community prison
 - c undertake unpaid work in the community
 - d agree to move to a different community.
- 26 When two parties to a dispute agree to settle it by allowing an independent third party to decide the outcome it is known as
- a representation
 - b litigation
 - c conciliation
 - d arbitration.
- 27 Alternative dispute resolution (ADR) means that parties to a dispute can
- a avoid attending a hearing in court
 - b choose which court in which they wish the case to be heard
 - c automatically receive legal funding from the state
 - d apply for the case to be heard in the Court of Appeal.
- 28 State funding is not available for civil litigants pursuing a claim via the
- a fast track
 - b multi-track
 - c small claims track
 - d civil track.
- 29 In the civil justice system, the small claims track is used for claims
- a under £5,000
 - b between £5,000 and £10,000
 - c between £6,000 and £25,000
 - d over £25,000.
- 30 An injunction is an order which generally
- a instructs a person to do something
 - b requires a person to pay a set sum of money
 - c prevents a person from doing something
 - d requires a defendant to disclose documents.