

Law and the Legal System

1. The term 'English law' is most commonly used when describing:
 - a. The law applied within the United Kingdom
 - b. Law passed by Westminster with the approval of the devolved institutions
 - c. The law applied in Great Britain
 - d. The law applied in England & Wales
2. The term 'common law' when used to describe the 'legal system' of England & Wales means:
 - a. That case law has a higher status than legislation
 - b. That the system of laws are highly codified
 - c. That particular importance is placed on cases decided by the courts
 - d. That statutes are used to 'fill the gaps' left by the case law
3. How many distinct legal systems operate in the United Kingdom?
 - a. 5
 - b. 3
 - c. 2
 - d. 9
4. Which school of legal theory would argue that law can only be regarded as such when it is recognised by human-made authority?
 - a. Legal Realism
 - b. Natural Law Theory
 - c. Legal Positivism
 - d. Critical Legal Studies

Sources of Law

5. The constitutional arrangements of the English Legal System could be best described as:
 - a. Uncodified and comprising of many sources
 - b. Fully codified
 - c. Derived from statute alone
 - d. Derived from case law alone
6. Primary legislation is made by:
 - a. Ministers
 - b. Courts
 - c. The House of Commons acting alone
 - d. Parliament
7. In order for 'custom and practice' to become a source of law it must have been existence since 'time immemorial'. The term 'time immemorial' means:
 - a. 1688
 - b. 1832
 - c. 1189
 - d. 1066
8. Which of the following are equitable maxims:
 - a. *Equity acts in personam*
 - b. He who comes to equity must come with clean hands
 - c. *Nemo dat quod non habe*

- d. Between equal equities the first in order of time shall prevail
9. In terms of international law, the English Legal System is described as being a 'dualist' system. The term 'dualist system' means that international law becomes part of the English Legal System:
- a. When brought into effect by domestic law (normally though an Act of Parliament).
 - b. When recognised by the courts
 - c. When ratified by the Government
 - d. Automatically
10. When classifying laws people often draw a distinction between 'public' and 'private' law. In this context when we say 'public law' we mean:
- a. The law that applies to open spaces
 - b. The law that applies between individuals
 - c. The law that applies between the state and the individual
 - d. The law that applies when public bodies are contracting in a private capacity

Institutions of the legal system

11. Within a legal system the legislature typically has the role of:
- a. Making the law
 - b. Administering and executing the law
 - c. Interpreting and applying the law
12. With which branch of the Government is the role of administering the most closely associated?
- a. Judiciary
 - b. Legislature
 - c. Executive
13. The Lords Spiritual and the Lords Temporal sit in the House of Lords. The Lords Spiritual are:
- a. Those peers drawn from across all major religions.
 - b. Those peers who declare themselves to have a belief in God.
 - c. Those peers who inherit their place in the House of Lords.
 - d. The Bishops of the Church of England.
14. Within the Parliament of the United Kingdom, the House of Commons is typically regarded as the 'superior' chamber because:
- a. The Prime Minister is drawn from the Members of Parliament in the Commons
 - b. The House of Lords is elected.
 - c. The House of Commons is elected.
 - d. The House of Commons has a larger membership.
15. Which of the following best describes the operation of the 'separation of powers' in the English Legal System
- a. Separation of powers is achieved through a strict separation of the personnel of the branches of state.
 - b. Separation of powers is achieved through a strict separation of the functions of the branches of state.
 - c. Separation of powers is achieved in a hybrid manner with each branch utilising checks and balances to avoid an abuse of power.

16. Which of the following govern the selection of the Prime Minister:
- a. The Monarch selects the Prime Minister
 - b. The Prime Minister is selected from the House of Commons
 - c. The Prime Minister must be able to command the confidence of the House of Commons.
 - d. The Prime Minister will always be the leader of the party who secures the most seats at the General Election.
17. Judges are often selected to lead Public Inquiries into events that have caused concern amongst the public. Judges are likely to be chosen because:
- a. The public respect and trust the judiciary and their independence.
 - b. They are used to dealing with complex evidence.
 - c. They are used to handling witnesses.
 - d. Their recommendations will automatically become binding law.

Primary Legislation

18. The practical impact of parliamentary sovereignty is that:
- a. That an earlier Parliament cannot bind a later Parliament.
 - b. That the courts of England & Wales cannot rule a validly passed Act of Parliament unlawful.
 - c. That Parliament is the only institution that can make binding law.
19. A Public Bill:
- a. Has general application
 - b. Applies only in public spaces.
 - c. Applies only to the executive
 - d. Applies only to natural legal persons.
20. A Private Members' Bill:
- a. can be introduced by any member of the public.
 - b. applies only to defined areas or groups of people.
 - c. is introduced by a member of the House of Commons or Lords.
 - d. passes only through the House of Lords.
21. A 'statement of compatibility' is required to be made before the second reading of all Government Bills. The 'statement of compatibility':
- a. is intended to ensure that all legislation is compatible with the party Manifesto.
 - b. is intended to ensure that all legislation is compatible with the British constitution.
 - c. is intended to highlight that the minister believes that the Bill is compatible with Convention rights.
 - d. is intended to ensure that no legislation can progress without ensuring compatibility with the European Convention on Human Rights.
22. The case of *Thoburn* established that:
- a. EU law takes priority over UK law under all circumstances.
 - b. that the doctrine of implied repeal is no longer in operation in the United Kingdom.
 - c. that the doctrine of implied repeal does not not apply to constitutional statutes.
 - d. that the doctrine of implied repeal does apply to all Acts of Parliament.

Delegated legislation

23. As applied to secondary legislation, the term 'judicial review' means:
- That judges are involved in drafting secondary legislation before it becomes law.
 - that judges adjudicate on disputes between the House of Commons and House of Lords that arise in relation to secondary legislation.
 - that judges can review the lawfulness of secondary legislation.
 - that courts can, in any case before it becomes law, signal to Parliament that a piece of secondary legislation is causing problems for the efficient administration of justice.
24. The purpose(s) of Explanatory Memoranda is to:
- set out the objectives of the Statutory Instrument
 - explain the context of the Statutory Instrument
 - give the details of any impact assessments undertaken.
 - to give legally binding examples of how the Statutory Instrument will be applied.
25. Remedial Orders allow Ministers to make direct changes to primary legislation for which of the following purposes?
- To resolve incompatibility, identified by the courts, with the rights contained within the European Convention on Human Rights.
 - To remedy any perceived defect in the law.
 - To make changes to Acts of Parliament to clarify areas of uncertainty but not to make changes of substance.
 - To resolve incompatibility, identified by the House of Commons, with the rights contained within the European Convention on Human Rights.
26. Statutory instruments passed using the 'negative resolution procedure' are effective:
- Immediately after being laid before Parliament.
 - After 40 days of being laid before Parliament.
 - Only after a motion passed by both the House of Commons and the House of Lords.
 - After scrutiny by a committee that has been established for the purpose of giving scrutiny to the Statutory Instrument.
27. Statutory instruments passed using the 'affirmative resolution procedure' are only effective:
- Immediately after being laid before Parliament.
 - After 40 days of being laid before Parliament.
 - Only after a motion passed by both the House of Commons and the House of Lords.
 - After scrutiny by a committee that has been established for the purpose of giving scrutiny to the Statutory Instrument.

Statutory interpretation

28. In the case *Mandla v Lee* (CA), Lord Denning relied upon the Oxford English Dictionary in interpreting the term 'ethnic'. This would best fit within which 'rule' of statutory interpretation:
- Literal Rule
 - Purposive Rule
 - Mischief Rule
 - Golden Rule
29. Which of the following may give rise to a need for statutory interpretation?

- a. Words that have multiple meanings.
 - b. Situations not foreseen by Parliament when passing the law.
 - c. Where statutes have been flexibly drafted.
 - d. Where statutes have been poorly drafted.
30. Lord Denning stated that judges 'We do not sit here to pull the language of Parliament to pieces and make nonsense of it. We sit here to find out the intention of Parliament and carry it out and we do this better by filling in the gaps and making sense of the enactment than by opening it up to destructive analysis.' This could best be described as subscribing to which approach to statutory interpretation:
- a. Purposive approach
 - b. Literal approach
 - c. Golden rule
31. In *The Sussex Peerage Case* it was held that: 'If the words of the statute are in themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense. The words themselves alone do, in such case, best declare the intention of the lawgiver.' This could best be described as subscribing to which approach to statutory interpretation:
- a. Purposive approach
 - b. Literal approach
32. In *Smith v Hughes* the court was faced with a statute that made it an offence to 'loiter or solicit in a street or public place...for the purpose of prostitution'. Those accused of the offence were, in fact, soliciting from open and closed balconies above the street. The court held that, as Parliament's intention had been to allow people undisturbed passage along the street, the women were in within the definition of the Street Offence Act 1959. Which of the following best describes the tool of interpretation used in that case?
- a. Purposive approach
 - b. Literal approach
 - c. Mischief rule
 - d. Golden rule
33. A fictitious statute requires that specific registration is required for 'cats, dogs, guinea pigs and other animals'. A question arises before a court as to whether horses fall within the ambit of this Act. The judge decides that it falls outside of the scope of the Act. Which of the following best describes the rule of language being applied by the judge in this case:
- a. *Ejusdem generis*
 - b. *expressio unius est exclusio alteris*
 - c. *noscitur a sociis*
34. A fictitious statute regulates the sale of computers, mobile phones and tablets. A question arises before a court as to whether a 'smart watch' is covered by the Act. The judge holds that the fact that there are no 'general' words in the list and so it can only apply to those things specifically listed. Which rule of language is the judge relying upon in coming to their finding:
- a. *Ejusdem generis*
 - b. *expressio unius est exclusio alteris*
 - c. *noscitur a sociis*

The Judiciary

35. Which of the following are generally regarded as being part of the judicial role?
- Give interpretations of the law
 - Apply the law
 - Resolve disputes
 - Adjudicate on procedural matters
36. The Constitutional Reform Act 2005 transferred much of the leadership of the judiciary from the Lord Chancellor to the Lord Chief Justice. Which of the following best describes the reason for this transfer of leadership?
- To ensure that the workload of the Lord Chancellor was reduced.
 - To enhance the separation of powers.
 - To increase diversity in the judiciary.
 - To prevent the Lord Chancellor from having to defend the independence of the judiciary.
37. How many justices form the Supreme Court?
- 10
 - 11
 - 12
 - 13
38. Which of the following is inadmissible as ground for complaint to the Office for Judicial Complaints?
- Inappropriate behaviour
 - Conflict of interest
 - Objection to the judicial decision in a case
 - Misuse of judicial status.
39. Which of the following is not a possible sanction following a complaint to the Office for Judicial Complaints?
- Formal advice
 - Fine
 - Warning
 - Reprimand
 - Removal from office.
40. The current compulsory retirement age for a judge is:
- 60
 - 65
 - 67
 - 70
 - No retirement age
41. On the taking of which office is the holder obliged to make the following oath: "I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible"
- Lord Chief Justice
 - Master of the Rolls
 - President of the Supreme Court
 - Lord Chancellor

The Court Structure

42. The Supreme Court's jurisdiction can best be described in the following terms:
- a. The Supreme Court is the highest court for all civil cases in the UK and all criminal cases in England & Wales.
 - b. The Supreme Court is the highest court for all cases within the UK
 - c. The Supreme Court is the highest court for all criminal cases in the UK and all civil cases in England & Wales
 - d. The Supreme Court has jurisdiction only for cases brought in England & Wales
43. Which of the following is a 'senior' court?
- a. Court of Appeal
 - b. Supreme Court
 - c. County Court
 - d. Magistrates' Court
44. Which of the following are Divisions of the High Court?
- a. Queen's Bench Division
 - b. Chancery Division
 - c. Criminal Division
 - d. Family Division
45. The Chancery Division typically deals with which of the following?
- a. Corporate insolvency
 - b. Leases and general property law
 - c. Inheritance
 - d. Wardship
 - e. Intellectual property
46. The Court of Appeal (Civil Division) is presided over by:
- a. Lord Chief Justice
 - b. Lord Chancellor
 - c. Master of the Rolls
 - d. The Senior President of Tribunals
47. All criminal cases will begin their life in the:
- a. Magistrates' Court
 - b. Crown Court
 - c. County Court
 - d. Court of Protection
48. The Court of Appeal (Criminal Division) is presided over by:
- a. Lord Chief Justice
 - b. Lord Chancellor
 - c. Master of the Rolls
 - d. The Senior President of Tribunals

Precedent

49. The Latin phrase, at the heart of precedent, which translates as 'let it stand' is:
- a. *Ratio*
 - b. *Obiter*

- c. *Stare Decisis*
- d. *Res Judicata*

50. In the context of the doctrine of precedent, the reporting of cases is important because:
- a. To provide an accurate record of a judgment so that it may be relied upon in future cases.
 - b. To provide a source of income for those selling law reports.
 - c. To provide material for law students to study during their degree programmes.
 - d. To allow Parliament to observe whether Acts of Parliament are operating as intended
51. The Incorporated Council of Law Reporting produced authorised series of Law Reports that, if available, must be cited in court. Which of the following are the series of Law Reports published by the ICLR that contain judgments of the Supreme Court:
- a. Appeals Cases (AC)
 - b. Supreme Court Cases (SCC)
 - c. Family Division Cases (Fam)
 - d. Queen's Bench Cases (QB)
 - e. Chancery Division Cases (Ch)
52. The 26th paragraph of the 14th judgment of 2018 in the Criminal Division of the Court of Appeal would have which of the following neutral citations?
- a. [2018] 14 CA (Crim) 26
 - b. 14 [2018] EWCA Crim at [26]
 - c. [2018] EWCA Crim 14 at [26]
 - d. [2018] UKCA Crim 14 at [26]
53. The binding element of the case to be applied to future disputes is known as:
- a. Judgment
 - b. *Obiter dicta*
 - c. *Res judicata*
 - d. *Ratio Decidendi*
54. A binding precedent can be avoided by:
- a. Distinguishing
 - b. Overruling
 - c. Reversing
 - d. A finding of *per incuriam*
55. The concept of distinguishing is best described as:
- a. That the material facts of the present case are sufficiently distinct to raise different legal issues than that in the precedent being discussed.
 - b. Where there is a successful appeal in the case at hand and so the decision of the first instance case is reversed.
 - c. Where a decision can be overturned on the basis that it was made in ignorance of other binding precedent.
 - d. Where a court higher in the precedential hierarchy overturns the judgment of a lower court.
56. The Practice Direction of 1966:
- a. Allows the Supreme Court to overrule decisions of the Court of Appeal.

- b. Allows the Supreme Court to overrule its own prior decisions where necessary in the interests of justice.
- c. Prevents the Supreme Court from overruling its own decisions.
- d. Allows the Supreme Court to make statements about the law that are then binding on all other courts.

57. A dissenting judgment is:

- a. of persuasive value only.
- b. binding on all inferior courts.
- c. binding on all senior courts.
- d. binding on all courts.

Civil Justice

58. The claimant in a civil law claim:

- a. is the person bringing the claim.
- b. is the person responding to the claim.
- c. is the judge in the case.
- d. is a witness.

59. The burden of proof in most civil law actions:

- a. Rests with the defendant.
- b. Rests with the claimant.
- c. Is beyond all reasonable doubt.
- d. Is on the balance of probabilities.

60. The standard of proof in civil law actions:

- a. Rests with the defendant.
- b. Rests with the claimant.
- c. Is beyond all reasonable doubt.
- d. Is on the balance of probabilities

61. Which of the following was a recommendation to come out of the Jackson Report on the costs of civil litigation?

- a. Introduction of the Civil Procedure Rules.
- b. Introduction of pre-action protocols.
- c. Introduction of so-called 'Part 36' offers to settle disputes at an earlier stage.
- d. Widen the range of claims for which the use of contingency fees were available.

62. The options open to defendant in responding to a claim under CPR Part 9 are to file or serve:

- a. A justification.
- b. An admission
- c. A defence
- d. An acknowledgement of service

63. A case will only be assigned to the 'fast track' where the trial is likely to last for no longer than:

- a. 3 days
- b. 5 days
- c. 1 day
- d. 1 week

64. Rescission is an equitable remedy. In this context what does rescission mean?
- a. The setting aside of a contract.
 - b. That the court insists on the performance of a contractual obligation.
 - c. A prohibitory order to prevent a party from taking a specific course of action.
 - d. An award of a sum of money representing compensation for loss.

Criminal Justice

65. The full name of the CPS is:
- a. The Criminal Prosecution Service
 - b. The Crown Prosecution Service
 - c. The Crown Prosecution Service
 - d. The Criminal Prisons Service
66. A warrant issued by which member of the judiciary is usually necessary for the search of premises?
- a. A Justice of the Peace (Magistrate)
 - b. A High Court Judge
 - c. A Lord Justice of Appeal
 - d. The Lord Chief Justice
67. An 'either way' offence is one that is heard in which court?
- a. Either way offences can only be heard in the Magistrates' Court
 - b. Either way offences can only be heard in the Crown Court
 - c. Either way offences can be heard in either the Magistrates' Court or in the Crown Court.
68. Criminal proceedings:
- a. Begin in the Magistrates' or Crown Court, depending on the severity of the offence.
 - b. Begin in the Magistrates' or Crown Court, depending on the choice of the defendant.
 - c. Always begin in the Crown Court
 - d. Always begin in the Magistrates' Court
69. A criminal trial will open with:
- a. The opening speech of the prosecution.
 - b. The opening speech of the defence.
 - c. Summing up by the judge.
 - d. The verdict.
70. The burden of proof in criminal proceedings:
- a. Rests with the defence.
 - b. Is proof beyond all reasonable doubt.
 - c. Rests with the prosecution.
 - d. Is proof on a balance of probabilities.
71. The standard of proof in criminal proceedings:
- a. Rests with the defence.
 - b. Is proof beyond all reasonable doubt.
 - c. Rests with the prosecution.
 - d. Is proof on a balance of probabilities.

Juries

72. A jury in a criminal trial will normally have how many members?
- 11
 - 12
 - 13
 - 14
73. A jury can proceed with a minimum of how many members?
- 9
 - 10
 - 11
 - 12
74. Jury equity' means:
- Each juror has an equal voice in coming to a verdict.
 - That juries must come to majority verdict.
 - That juries can acquit a defendant based on a moral, rather than a legal, judgment.
 - That the deliberations of a jury are confidential.
75. The Criminal Justice and Courts Act 2015 created a series of new offences. These include:
- Jury research during the trial period
 - Jury tampering
 - Sharing of research with another juror
 - Disclosing a jury's deliberations.
76. In order to be eligible for jury service a person must be:
- Aged over 18 with no upper limit.
 - Aged between 21 and 75
 - Aged between 18 and 75
 - Aged between 18 and 70.
77. Which of the following may justify a deferral to jury service?
- Insufficient understanding of English
 - Beliefs that are incompatible with jury service
 - Physical disability making attendance difficult
 - Work commitments
78. Which of the following are disqualified from jury service for a period of 10 years?
- Those who have served any part of a sentence of imprisonment
 - Those who have been sentenced to life imprisonment.
 - A person for the time being liable to be detained under the Mental Health Act 1983.
 - A person who lacks capacity within the meaning of the Mental Capacity Act 2005.
79. The term 'challenging the array' means:
- A challenge to an individual juror on the basis that the juror is biased.
 - A challenge to the whole panel of jurors in a particular case.
 - A challenge by the prosecution to a particular juror, normally following-on from 'jury vetting'
 - A challenge to the judge hearing the case on the basis that they are biased.

80. Which of the following is a chamber of the Upper Tier Tribunal?
- a. Health, Education and Social Care Chamber
 - b. War Pensions and Armed Forces Compensation Chamber
 - c. Administrative Appeals Chamber
 - d. General Regulatory Chamber
81. The role of an ombudsman is primarily:
- a. To deal with allegations of illegality.
 - b. To deal with complaints about the quality of service provided by those governed by an ombudsman scheme.
 - c. To deal with complaints about the judiciary.
 - d. To deal with complaints about Government policy.
82. The purpose of a Public Inquiry is to:
- a. Find facts and, in some cases, make recommendations.
 - b. To gather evidence for criminal prosecutions.
 - c. To apportion blame for public disasters.
 - d. To issue fines following public disasters and scandals.

Alternative Dispute Resolution

83. Which of the following is not a traditional form of alternative dispute resolution?
- a. Negotiation
 - b. Arbitration
 - c. Mediation
 - d. Litigation
84. Which form of dispute resolution is being described: "A more formal and structured form of negotiation involving a third party. Normally termed 'facilitative' because the parties are helped to reach their own agreement."
- a. Negotiation
 - b. Arbitration
 - c. Mediation
 - d. Litigation
85. In which year was the current Arbitration Act passed?
- a. 1966
 - b. 1999
 - c. 2006
 - d. 1996
86. According to section 1 of the Arbitration Act 1996, what is the object of arbitration in England and Wales?
- a. To obtain the fair resolution of disputes by an impartial tribunal without unnecessary delay or expense.
 - b. To obtain the fair resolution of disputes without recourse to legal rules.
 - c. To allow parties to resolve their disputes without any possibility of the involvement of the courts.
 - d. To allow parties unfettered choice in how, where and by what rules their disputes are resolved.

87. Which of the following is within the power of the parties to decide in an arbitration governed by the Arbitration Act 1996?
- a. The seat of arbitration.
 - b. The number, identity and process of appointment for the arbitrator.
 - c. To revoke the authority of a particular arbitrator.
 - d. The procedures of the tribunal and any rules of evidence that will apply.
88. Which of the following is not a ground for challenging an arbitral award before the courts in England and Wales?
- a. If the substantive jurisdiction of the tribunal is in issue.
 - b. If there were serious irregularities that risk causing injustice to the applicant.
 - c. If there is an alleged error of law.
 - d. If one of the parties disagrees with a finding of fact made by the tribunal.
89. In terms of 'encouraging' parties to use alternative dispute resolution, courts can:
- a. Compel parties to use dispute resolution mechanisms.
 - b. Penalise parties in costs if they unreasonably refuse to engage with alternative forms of dispute resolution.

Legal Professions

90. The BSB regulates which of the legal professions?
- a. Solicitors
 - b. Chartered Legal Executives
 - c. Barristers
 - d. Patent Attorneys
91. The SRA regulates which of the legal professions?
- a. Solicitors
 - b. Chartered Legal Executives
 - c. Barristers
 - d. Patent Attorneys
92. The Law Society is the representative body of which of the legal professions?
- a. Solicitors
 - b. Chartered Legal Executives
 - c. Barristers
 - d. Patent Attorneys

European Union

93. The UK joined the European Union in which year?
- a. 1970
 - b. 1973
 - c. 1976
 - d. 1979
94. Which of the following are categories of competence for which the EU can pass law?
- a. Exclusive
 - b. Unified
 - c. Supporting
 - d. Shared

95. Which Article of the Treaty on European Union governs the mechanism by which a Member State can leave the EU?
- a. Article 50 TEU.
 - b. Article 49 TEU
 - c. Article 267 TFEU
 - d. Article 288 TFEU
96. Which of the following is not an institution of the EU?
- a. The European Council
 - b. The European Commission
 - c. The European Court of Human Rights
 - d. The European Parliament
97. Which of the following are legal instruments under Article 288 TFEU?
- a. Order in Council
 - b. Regulations
 - c. Directives
 - d. Decisions
98. The UK left the European Union on:
- a. 31st January 2020
 - b. 31st December 2020
 - c. 1st January 2021
 - d. 23rd June 2016
99. Which of the following are types of retained EU Law
- a. EU-derived domestic law
 - b. Direct EU legislation
 - c. Opinions
 - d. Retained EU case law