

<https://sell.docx.com/products/test-bank-the-english-legal-system-7e-gillespie>

**Type: multiple choice question**

**Title:** Chapter 02 - Question 01

**01)** What can statutory instruments be classified as?

a. Primary legislation

**Feedback:** Sorry, incorrect. Statutory instruments are an example of secondary legislation.

**Page reference:** 25

b. Superior legislation

**Feedback:** Sorry, incorrect. Statutory instruments are an example of secondary legislation.

**Page reference:** 25

\*c. Secondary legislation

**Feedback:** Correct! Statutory Instruments are an example of secondary legislation and are made under the authority of an Act of Parliament.

**Page reference:** 25

d. Local Act of Parliament

**Feedback:** Sorry, incorrect. Statutory instruments are an example of secondary legislation.

**Page reference:** 25

**Type: multiple choice question**

**Title:** Chapter 02 - Question 02

**02)** What is the final stage a Bill must pass through before it becomes an Act of Parliament?

a. The Committee Stage

**Feedback:** Sorry, incorrect. The final stage of a Bill is when Royal Assent is given to the Bill and it becomes an Act of Parliament.

**Page reference:** 28

\*b. Royal Assent

**Feedback:** Correct! The final stage of a Bill is when Royal Assent is given to the Bill and it becomes an Act of Parliament.

**Page reference:** 28

c. House of Lords

**Feedback:** Sorry, incorrect. The final stage of a Bill is when Royal Assent is given to the Bill and it becomes an Act of Parliament.

**Page reference:** 28

d. Report Stage

**Feedback:** Sorry, incorrect. The final stage of a Bill is when Royal Assent is given to the Bill and it becomes an Act of Parliament.

**Page reference:** 28

**Type: multiple response question**

**Title:** Chapter 02 - Question 03

**03)** Which of the following are examples of primary sources of law?

**Feedback:** Primary sources of law are those that are authoritative statements of the law. It includes all legislation (both primary and secondary) and case law.

**Page reference:** 22

\*a. Acts of Parliament

\*b. Orders in Council

c. Textbooks

\*d. Decisions of the Superior Courts

**Type: true-false**

**Title:** Chapter 02 - Question 04

**04)** Public Acts will only ever be substantive law.

a. True

**Feedback:** Sorry, incorrect. Public Acts of Parliament are those that apply to all of society and are judicially noticed. They can be either substantive or procedural.

**Page reference:** 24

\*b. False

**Feedback:** Correct! Public Acts of Parliament are those that apply to all of society and are judicially noticed. They can be either substantive or procedural.

**Page reference:** 24

**Type: true-false**

**Title:** Chapter 02 - Question 05

**05)** The Human Rights Act 1998 means that Parliament is no longer Sovereign and cannot pass legislation that is incompatible with a Convention Right.

**a.** True

**Feedback:** Sorry, incorrect. Parliament can continue to pass any law it wishes but if it wishes to act in a way that is incompatible with the Convention it should say this. Also, the 1998 Act could be repealed at any time.

**Page reference:** 43-4

**\*b.** False

**Feedback:** Correct! Parliament can continue to pass any law it wishes but if it wishes to act in a way that is incompatible with the Convention it should say this. Also, the 1998 Act could be repealed at any time.

**Page reference:** 43-4

**Type: true-false**

**Title:** Chapter 02 - Question 06

**06)** Acts of Parliament that create criminal offences must first be introduced as a Bill to the House of Commons and not the House of Lords.

**a.** True

**Feedback:** Sorry, incorrect. A Bill can be introduced to either the House of Commons or the House of Lords.

**Page reference:** 27

**\*b.** False

**Feedback:** Correct! A Bill can be introduced to either the House of Commons or the House of Lords.

**Page reference:** 27

**Type: multiple choice question**

**Title:** Chapter 02 - Question 07

**07)** How Many Parliament Acts have there been?

**a.** 1 – Parliament Act 1911.

**Feedback:** Sorry, incorrect. There were two Parliament Acts, those of 1911 and 1949.

**Page reference:** 28

**\*b.** 2 – Parliament Acts of 1911 and 1949.

**Feedback:** Correct! There were two Parliament Acts.

**Page reference:** 28

**c.** 3 – Parliament Act 1911, 1949, and 1971.

**Feedback:** Sorry, incorrect. There were two Parliament Acts, those of 1911 and 1949.

**Page reference:** 28

**d.** 4 – Parliament Acts of 1911, 1949, 1971, and 2005.

**Feedback:** Sorry, incorrect. There were two Parliament Acts, those of 1911 and 1949.

**Page reference:** 28

**Type: multiple choice question**

**Title:** Chapter 02 - Question 08

**08)** How would sub-section 2 of section 13 of the Sexual Offences Act 2003 be referred to?

**a.** s.2(13), Sexual Offences Act 2003

**Feedback:** Sorry, incorrect. The correct answer is s.13(2).

**Page reference:** 35-6

**\*b.** s.13(2), Sexual Offences Act 2003

**Feedback:** Correct! It would be written as s.13(2).

**Page reference:** 35-6

**c.** s.13/2, Sexual Offences Act 2003

**Feedback:** Sorry, incorrect. The correct answer is s.13(2).

**Page reference:** 35-6

**d.** S 132, Sexual Offences Act 2003

**Feedback:** Sorry, incorrect. The correct answer is s.13(2).

**Page reference:** 35-6

**Type: fill-in-blank**

**Title:** Chapter 02 - Question 09

**09)** The \_\_\_\_\_ rule of statutory interpretation is the default rule (i.e. should normally be used).

**Feedback:** Statutes should ordinarily be interpreted using the ordinary meanings of words, this is known as the literal rule.

**Page reference:** 38

**a.** literal

**Type: true-false**

**Title:** Chapter 02 - Question 10

**10)** The mischief rule can only be used where the literal rule would lead to Parliament's intention being circumvented. Is this true or false?

**\*a.** True

**Feedback:** Correct! The mischief rule is only used under those circumstances.

**Page reference:** 41-2

**b.** False

**Feedback:** Sorry, incorrect. The mischief rule may only be used under those circumstances.

**Page reference:** 41-2

**Type: multiple choice question**

**Title:** Chapter 02 - Question 11

**11)** Which section of the Human Rights Act 1998 deals with how courts should interpret legislation?

**a.** 1

**Feedback:** Sorry, incorrect. Section 3 deals with interpreting legislation.

**Page reference:** 42-3

**b.** 2

**Feedback:** Sorry, incorrect. Section 3 deals with interpreting legislation.

**Page reference:** 42-3

**\*c.** 3

**Feedback:** Correct! Section 3 deals with interpreting legislation.

**Page reference:** 42-3

**d.** 4

**Feedback:** Sorry, incorrect. Section 3 deals with interpreting legislation.

**Page reference:** 42-3

**Type: fill-in-blank**

**Title:** Chapter 02 - Question 12

**12)** In \_\_\_\_\_ v *Hart* [1993] AC 593 the House of Lords set out the circumstances under which the courts could refer to *Hansard*.

**Feedback:** The case is *Pepper v Hart* [1993] AC 593 and is one of the most important cases in the English Legal System.

**Page reference:** 56-7

**a.** *Pepper*

**Type: multiple choice question**

**Title:** Chapter 02 - Question 13

**13) Can academic writings be used in court?**

**a.** No, never because they are not primary sources of law.

**Feedback:** Sorry, incorrect. Although they are not frequently cited any academic writing can be considered by a court. There are no formal rules governing their use but they tend to be restricted to the most authoritative works.

**Page reference:** 53-4

**b.** Yes, but only if the author is dead.

**Feedback:** Sorry, incorrect. Although they are not frequently cited any academic writing can be considered by a court. There are no formal rules governing their use but they tend to be restricted to the most authoritative works.

**Page reference:** 53-4

**c.** Yes, but only if it is a textbook. Articles cannot be cited in court.

**Feedback:** Sorry, incorrect. Although they are not frequently cited any academic writing can be considered by a court. There are no formal rules governing their use but they tend to be restricted to the most authoritative works.

**Page reference:** 53-4

**\*d.** Yes, there are no rules governing their use.

**Feedback:** Correct! Although they are not frequently cited any academic writing can be considered by a court. There are no formal rules governing their use but they tend to be restricted to the most authoritative works.

**Page reference:** 53-4