Legal Skills 7th edition Finch Test Bank

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Chapter 2

Type: multiple choice question
Title: Chapter 02 - Question 01
01) Which ONE of the following is the term for a Bill introduced for the benefit of particular individuals, groups of people, institutions or a particular locality?
Feedback: Private Bills are introduced for the benefit of particular individuals, groups of people, institutions or a particular locality.
Section reference: 2.1
a. Public Bills.
b. Private members' Bills.
c. Hybrid Bills.
***d.** Private Bills.

Type: multiple choice question
Title: Chapter 02 - Question 02
02) Which ONE of the following describes a 'consolidating statute'?
Feedback: This is the definition of a consolidating (or consolidation) statute.
Section reference: 2.1.1.5
a. One that restates legal subject matter that was previously contained in earlier statutes, common law and custom.
***b.** One that re-enacts particular legal subject matter that was previously contained in several statutes.

Type: true-false
Title: Chapter 02 - Question 03
03) 'Codification does not change the law.' Is this statement true or false?
Feedback: Unlike consolidation, codification may change the law.
Section reference: 2.1.1.5
a. T
***b.** F

Type: fill-in-blank
Title: Chapter 02 - Question 04
04) A _____ Paper sets out government proposals on topics of current concern.
Feedback: White Papers set out government proposals on topics of current concern. They are more common than Green Papers, which are introductory high-level reports.
Section reference: 2.1.1.6
a. White

Type: multiple choice question
Title: Chapter 02 - Question 05
05) At which ONE of the following stages in the domestic lawmaking process do the main debates take place?
Feedback: The main debates take place during the Second Reading in the House of Commons and House of Lords. The First Reading is only a formality at which the title of the Bill is read and a date is fixed for the Second Reading. The Third Reading may involve some debate, but this is not always the case. The Committee Stage involves expert and

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detailed consideration of each clause of the Bill. Amendments may also be made during the Committee Stage.
Section reference: 2.1.1.6
a. The First Reading.
***b.** The Second Reading.
c. The Third Reading.
d. The Committee Stage.

Type: multiple choice question
Title: Chapter 02 - Question 06
06) Which ONE of the following does s. 19 of the Human Rights Act 1998 require of Ministers in charge of Bills?
Feedback: Bills do not have to be compatible with Convention rights in all circumstances.
Section reference: 2.1.1.7
a. That they ensure that the Bill is compatible with Convention rights.
b. That they make a statement of the Bill's compatibility with the Convention in all circumstances.
***c.** That they make a statement of the Bill's compatibility with the Convention, unless this is not possible but the government still wishes to proceed.
d. That they ensure that Bills do not discriminate on grounds of race, gender, religion or sexual orientation.

Type: multiple choice question
Title: Chapter 02 - Question 07
07) Which ONE of the following statements concerning Royal Assent is true?
Feedback: Since the Royal Assent Act 1967, all that is required is a formal reading of the short title of the Act in both Houses of Parliament.
Section reference: 2.1.1.6
a. Under some circumstances, Bills can become law without Royal Assent.
b. The monarch has to give Royal Assent to any Bill.
***c.** The monarch does not have to give Royal Assent to Parliament in person.
d. Unless specified otherwise, the Act comes into force at the precise time at which Royal Assent is given.

Type: multiple response question
Title: Chapter 02 - Question 08
08) Which of the following bodies have delegated legislative power? Please select all that apply.
Feedback: Judges may review the legality of legislation, but may not legislate themselves. The police have no power to make the law. Local authorities may make by-laws under the Local Government Act 1972 (but these cannot come into force until affirmed by the appropriate Minister). Ministers of the Crown may make statutory instruments (regulations, rules and orders).
Section reference: 2.1.2.1
a. Judges.
b. The police.
***c.** Local authorities.
***d.** Ministers of the Crown.

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Type: fill-in-blank
Title: Chapter 02 - Question 09
09) Most statutory instruments are made under the _____ resolution procedure. Under this procedure, Parliament does not need to act unless it disapproves of the statutory instrument.
Feedback: The negative resolution procedure is used for around two-thirds of all statutory instruments.
Section reference: 2.1.2.1
a. Negative

Type: multiple response question
Title: Chapter 02 - Question 10
10) Which of the following are primary sources of European law? Please select all that apply.
Feedback: The Treaty of Rome and the Treaty of Lisbon are primary sources of European law, while Regulations and Decisions of the European Commission are secondary sources.
Section reference: 2.2.1.3
***a.** The Treaty of Rome.
b. European Regulations.
c. Decisions issued by the European Commission.
***d.** The Treaty of Lisbon.

Type: multiple choice question
Title: Chapter 02 - Question 11
11) Which ONE of the following statements is true?
Feedback: The national courts enforce directly effective provisions of European law.
Section reference: 2.2.1.3
a. Directly effective provisions of European law can only be used in the Court of Justice of the EU.
***b.** All directly applicable provisions of European law are directly effective.
c. All directly effective provisions of European law are directly applicable.
d. All directly effective provisions of European law can be used to sue individuals.

Type: multiple response question
Title: Chapter 02 - Question 12
12) Which of the following statements about Directives are true? Please select all that apply.
Feedback: Directives need to be implemented by each member State. They only have vertical—but not horizontal—direct effect only if they satisfy the *Van Gend* criteria and the latest date for implementation has passed. Individuals may bring a claim for *Francovich* damages if they have suffered from defective implementation.
Section reference: 2.2.1.3
a. Directives are directly applicable.
***b.** Directives do not have horizontal direct effect.
c. Directives always have vertical direct effect.
***d.** If an individual has suffered because the State has failed to implement a Directive, he or she may bring an action against the State.

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Type: multiple choice question
Title: Chapter 02 - Question 13
13) In which ONE of the following cities does the Court of Justice of the EU sit?
Feedback: The Court of Justice of the EU does, indeed, sit in Luxembourg. Strasbourg is home to the European Court of Human Rights.
The International Criminal Court sits in The Hague. The European Commission is primarily based in Brussels.
Section reference: 2.2.1.2
a. Strasbourg.
***b.** Luxembourg.
c. The Hague.
d. Brussels.

Type: multiple response question
Title: Chapter 02 - Question 14
14) Which of the following cases illustrate the principle of 'vertical direct effect'? Please select all that apply.
Feedback: *Defrenne* illustrates horizontal direct effect. *Factortame* illustrates the supremacy of European law. *Marshall* and *Foster* are good examples of vertical direct effect.
Section reference: 2.2.1.3
***a.** *Marshall v Southampton and South West Hampshire Area Health Authority (No. 2)* [1993] ECR I-4367 (ECJ)
***b.** *Foster v British Gas plc* [1990] ECR I-3133 (ECJ)
c. *Defrenne v Sabena (No. 2)* [1976] ECR 455 (ECJ)
d. *R v Secretary of State for Transport, ex p Factortame Ltd (No. 2)* [1990] 2 AC 85 (HL)

Type: multiple choice question
Title: Chapter 02 - Question 15
15) Which ONE of the following is the main law-making body of the European Union?
Feedback: The Council of the European Union is, indeed, the main law-making body of the European Union.
Section reference: 2.2.1.2
***a.** The Council of the European Union.
b. The European Parliament.
c. The European Commission.
d. The Council of Europe.

Type: multiple choice question
Title: Chapter 02 - Question 16
16) By which ONE of the following ways was European law incorporated into UK law?
Feedback: European law was incorporated into UK law by the European Communities Act 1972, s 2(1).
Section reference: 2.2.1.3
***a.** By s 2(1) of the European Communities Act 1972.
b. By s 2(4) of the European Communities Act 1972.
c. By s 3(1) of the Human Rights Act 1998.
d. By the Treaty of Rome.

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Type: multiple choice question
Title: Chapter 02 - Question 17
17) Which ONE of the following is the principle derived from *Factortame (No. 2)*?
Feedback: This is sometimes referred to as Lord Bridge's 'invisible clause'.
Section reference: 2.2.1.5
a. Spanish fishermen are allowed to register fishing boats in the UK and to fish in UK waters.
b. The Merchant Shipping Act 1988 was overturned by the Court of Justice (CJEU).
***c.** Parliament intends all future legislation to be compliant with European law unless it specifically states otherwise.
d. UK law takes precedence over European law.

Type: true-false
Title: Chapter 02 - Question 18
19) 'Opinions of the European Commission are not legally binding but are highly persuasive.' Is this statement true or false?
Feedback: Article 249 EU states that '… opinions shall have no binding force'.
Section reference: 2.2.1.4
***a.** T
b. F

Type: fill-in-blank
Title: Chapter 02 - Question 19
19) The European Convention on Human Rights is a creation of the _____.
Feedback: It is important not to confuse the Council of Europe with the other European institutions.
Section reference: 2.2.2.1
a. Council of Europe

Type: true-false
Title: Chapter 02 - Question 20
20) 'Decisions of the EU under Article 288 TFEU are not directly applicable and are not capable of having direct effect.' Is this statement true or false?
Feedback: Article 288 TFEU states that a decision '…shall be binding in its entirety upon those to whom it is addressed'. As such they are not directly applicable but may be capable of having direct effect
Section reference: 2.2.1.3
a. T
***b.** F

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