

Practice Qualifying Test tool – Answer sheet

Contents

Situational Judgement Test.....	1
Critical Analysis Test.....	4

Situational Judgement Test

Question 1

You are conducting a hearing. The witness who is giving evidence has a very strong regional accent, not local to the area where the hearing is taking place. You notice that others in the hearing room, including the parties, appear to be having some difficulty in understanding the evidence.

	Answers	Most Appropriate (tick)	Least Appropriate (tick)
A	Interrupt the evidence, tell the witness politely that his accent is difficult to understand, ask him to speak more slowly and tell him you will check with him that you have correctly noted his responses.	✓	
B	Interrupt the evidence and ask everyone in the hearing room to raise their hand if they are finding the witness hard to understand.		
C	Interrupt the evidence, invite the advocates into your chambers, and discuss the issue with them.		
D	Do nothing, on the basis that it is for the advocate to present their case, not for you to help them out.		✓
E	Summarise the points after the witness has stopped speaking.		

Question 2

You are dealing with a hearing where you need to balance the public interest in holding a public hearing with protecting the identity of a vulnerable party. Whilst you are dealing with the matter, a journalist asks whether he can make representations before you make your decision.

	Answers	Most Appropriate (tick)	Least Appropriate (tick)
A	Request the journalist to sit down and remain silent.		
B	Adjourn the hearing for the journalist to seek legal advice and representation.		
C	Listen to what the journalist wants to say before consulting the parties.	✓	
D	Ask the parties' representatives whether they agree the journalist can make representations.		
E	Ask the journalist to leave.		✓

Question 3

You are conducting a hearing in a room where the layout means you and the parties face each other across a table. The room is small, so the clerk is located opposite you, behind the parties. The claimant has provided some medical evidence related to issues he has with anxiety; your review of the paperwork suggests that the claimant might be exaggerating his anxiety, but you are not certain of this. As soon as the claimant enters the room and realises where the clerk will be sitting, he objects and states that someone sitting behind him will cause him stress.

	Answers	Most Appropriate (tick)	Least Appropriate (tick)
A	Ask the claimant if you could start the hearing and see if he forgets about the clerk sitting behind him.		
B	Offer to check if there are any other rooms where the hearing could be moved to, explaining this may cause a delay for all concerned.		
C	Offer to adjourn the case so it can be re-listed in a different room.		
D	Ask the claimant if he could identify where in the room the clerk could sit that would make him feel less anxious.	✓	
E	Advise the claimant that he will need to focus all his attention on the proceedings so will soon forget about the clerk.		✓

Question 4

You call the parties into court in relation to an application which has been listed for three hours. Both parties are self-representing. One of the parties makes an application to adjourn the hearing. You hear from both parties and refuse the application. Before you can explain the reason for your decision, the party who applied for the adjournment leaves the court room, telling you that you are biased and that they do not want to participate further in the hearing.

	Answers	Most Appropriate (tick)	Least Appropriate (tick)
A	Proceed with the hearing in the party's absence.		
B	Telephone security and ask them to intercept the party and to ask them to return to the court room.		
C	Proceed with the hearing in their absence, but only after giving full reasons for your decision to refuse the adjournment request.	✓	
D	Adjourn the hearing to enable the party who has left to attend on another occasion, after they have had an opportunity to reflect on the decision.		
E	Leave the hearing part-heard and relist it to allow you to get the party back and explain your decision.		✓

Question 5

You arrive at court to find you have a very congested list. Your first case is an application of 30 minutes duration. You review the papers and find that you have detailed written arguments from both parties' representatives. You consider that 30 minutes is a wholly inadequate time estimate. You call the parties and their representatives into court.

	Answers	Most Appropriate (tick)	Least Appropriate (tick)
A	Refuse to hear the parties and dismiss the application because the time estimate is self-evidently insufficient.		✓
B	Refuse to hear the parties and adjourn the application to another day.		
C	Start to hear the application and see what progress can be made. If other cases are moved back, you can always work over lunch to accommodate them.		

D	Seek submissions from the legal representatives to establish whether it might be possible for you to determine the matter within the time estimate.	✓	
E	Stand down the case to see if a colleague has time to do it in their list.		

Critical Analysis Test

LORD JUSTICE LAWS
LECTURE III: THE COMMON LAW AND EUROPE
HAMLYN LECTURES 2013
27 NOVEMBER 2013

Correct answers in **bold type**.

1. According to Lord Justice Laws, common law's catholicity is under threat from...
 - a. The decisions of the Strasbourg court.
 - b. The effects of European Law
 - c. The perceived effects of EU law and human rights law**
 - d. Law of human rights

(para 3,21)
2. Based on Lord Justice Laws lecture, what best describes catholicity of the common law.
 - a. Restraint of the common law
 - b. Openness to incorporating concepts from different sources**
 - c. Freedom of thought, conscience and religion
 - d. Historic autonomy and power of judgment of the courts

(para 4)
3. What is particular to a "constitutional" statute?
 - a. It cannot in practice be repealed
 - b. It may not be impliedly repealed**
 - c. It is given force by the European Communities Act
 - d. It is expressed in very general terms

(para 16)
4. According to Lord Justice Laws, what is one of the benefits of the common law?
 - a. It is able to adapt and take in different viewpoints over time, both from within and from external sources**
 - b. It shows a state has its own sovereignty
 - c. That common law is eroded by further development from other sources

- d. Interpretation of common law is complex and requires careful consideration to reach the correct result

(para 3,4,5)

- 5. Lord Justice Laws views on the primacy of Strasbourg case law differ to Lord Bingham in which way...

- a. **There is no single correct interpretation of the European convention on human rights**

- b. Sticking close to Strasbourg allows us to develop UK human Rights Law autonomously

- c. A national court needs a strong reason to dilute or weaken the effect of Strasbourg case law.

- d. Close adherence to Strasbourg case law undermines the sovereignty of parliament

(para 24,25)