346

KEY TO MULTIPLE-CHOICE QUESTIONS (MCQS)

▶ Answers to the MCQs on the English judicial system

1. d • 2. b • 3. d • 4. c • 5. c • 6. c • 7. b • 8. b • 9. a • 10. d	
► Answers to the MCQs on the sources of English Law 11. c • 12. d • 13. c • 14. b • 15. c • 16. a, c • 17. c, d • 18. a, d • 19. b, d • 20. c	[pp. 56-57]
► Answers to the MCQs on case technique in English Law 21. a • 22. b, c • 23. c • 24. b, d • 25. d • 26. b • 27. d • 28. b, c • 29. a, • 30. a	[pp. 70-71]
▶ Answers to the MCQs on English Constitutional and Administrative Law 31. d • 32. b • 33. b, c • 34. c, d • 35. a, b, c, d • 36. a • 37. a • 38. d • 39. a, d • 41. c • 42. c • 43. b, c, d • 44. d • 45. a, b, c, d • 46. a, c, d • 47. a, c, d • 48. a, c • 4	c, d • 40. a, b,
► Answers to the MCQs on English Criminal Law 51. a, c • 52. b • 53. a, b • 54. c • 55. d • 56. c • 57. d • 58. a • 59. d • 60. c	[pp. 175-176]
► Answers to the MCQs on English Adjectival Law 61. d • 62. c, d • 63. a, d • 64. b • 65. a, c	[p. 189]
▶ Answers to the MCQs on English Contract Law and Law of Torts	[pp. 239-49]
66. a, c • 67. c • 68. b, c, d • 69. b, c, • 70. a, b, c • 71. b • 72. c • 73. b • 74. c • 75. c • 77. d • 78. b • 79. a, c • 80. a, d • 81. a • 82. a, c • 83. c • 84. c • 85. a, d • 86. c • 87. c • 90. c • 91. d • 92. a, b • 93. a, d • 94. d • 95. a, b, d • 96. b, c • 97. b, d • 98. d •	d • 88. c • 89. b,

106. b • 107. c • 108. b • 109. a • 110. d • 111. b • 112. c • 113. c • 114. d • 115. b

 $\,\blacktriangleright\,$ Answers to the MCQs on English Labour Law

▶ Answers to the MCQs on English Business Law

d • 101. a • 102. a • 103. a, c • 104. b • 105. a, c

[pp. 305-306]

[pp. 288-289]

[pp. 36-37]

116. c, d • 117. b, d • 118. a, c • 119. d • 120. c • 121. b, d • 122. a, d • 123. b, d

▶ Answers to the MCQs on English Family Law

[p. 318]

124. c • 125. a • 126. b • 127. a • 128. d

TABLE OF CONTENTS

Acknowledgements	3
Introduction	5
PART I: DELINEATIONS OF ENGLISH LAW	
Chapter 1: The English Judicial System	9
A. The English and Welsh court system	10
- The Supreme Court of the United Kingdom	
- The Court of Appeal of England and Wales	
- The High Court of Justice of England and Wales	
- The County Court The Crown Court	
- Magistrates' courts	
- Coroners' courts	
B. Trials and tribulations of tribunals in the English legal system	21
- The growth of the tribunal system: how, where and why?	
- Are tribunals held in poor esteem?	23
- Of the <i>Ombudsman</i> or "Parliamentary Commissioner for Administration"	24
C. Lawyers and the judiciary in England and Wales	24
- The new organizational framework of the legal professions	
- The "pecking order" within the English and Welsh judiciary	26
D. Magistracy and juries in England and Wales	28
- The magistracy	
- The British jury	32
E. English judicial system vocabulary items translated into French	34
Chapter 2: The Sources of English Law	39
A. The uncertain contours of the Common Law	39
- Producing judicial legislation	
- Can custom really be considered as a constituent of English Law set apart from the Common Law?	
B. The centrality of parliamentary legislation	44
- A two-storeyed system of legislation	45
- The protean nature of British legislation	46
C. The impact of European Law should not be underestimated	47
- Working out a transitory dispensation for a return to "true British Law"	47
- Can the <i>Human Rights Act 1998</i> escape the fate of the <i>European Communities Act 1972?</i>	
- The impact of EU Law upon devolution: a thorny political and legal Issue in case of Brexit	
D. Sources of English law vocabulary items translated into French	55

Chapter 3: Case Technique in English law	59
A. The doctrine of <i>stare decisis*</i> - Distinguishing precedents.	
B. Unraveling the threads of the <i>ratio decidendi</i> * - The "alphabet soup" of the Law Reports	
C. Does case law today carry as much weight in English Law as it used to? - Untoward, new developments for case law in England and Wales	
D. Case technique vocabulary items translated into French	69
PART II: KEY-AREAS OF ENGLISH LAW	
Chapter 1: English Constitutional & Administrative Law	74
A. Dispelling a few myths	74
- What is the actual nature of the British Constitution? The variegated sources of British Constitutional Law	
B. The central tenets underlying the British Constitution	90
- The meaning of the legislative supremacy of Parliament	90
- Is there really no legal limitation on Parliament?	
- The rule of law	
- The sovereignty of Parliament versus the rule of law	
- The question of the separation of powers within the British Constitution - Is the rule of law in jeopardy in Britain today?	
C. The ongoing labour of updating the British Constitution to the needs of the times	108
- The usual way of functioning of the British Constitution	
- Parliament is above all the body which authorizes expenditure	
- Can Parliament be considered as a constitutional watchdog?	
D. The growth of Administrative Law through "judicial review"	118
E. English Constitutional and Administrative Law vocabulary	
items translated into French	123
icens translated into Frenchismannian	120
Chapter 2: English Criminal Law	129
A. Preliminary issues and general principles	129
- Function of the Criminal Law	
- The principle of legality	132
- The external element of a crime (actus reus*)	134
- The fault element (mens rea*)	
- Complicity and inchoate offences	
- Criminal defences	145
B. Particular offences	149
- Homicide in English Law	
- Non-fatal offences against the person and sexual offences	
- Offences against property	159

C. Penology and penalties	163
- The old penology	164
- The new penology	
- The challenge of rising middle-class crime	
- Punishment in England and Wales	168
D. English Criminal Law vocabulary items translated into French	173
Chapter 3: English Adjectival law	178
A. From "justice on the merits" to "proportionate justice"	179
 Criminal justice (is) given the edge on civil justice as a result of the Woolf-led reforms Alternative dispute resolution is too bitter a pill to be swallowed 	180
by the English and Welsh judiciary	181
B. Procedural provisions and evidential arrangements in England and Wales	
 The Civil Procedure Rules 1998 are first and foremost meant to rein in the misuse of experts The Criminal Procedure Rules and the Human Rights Act 1998: strange bedfellows 	
C. English Adjectival Law vocabulary items translated into French	188
Chapter 4: English Contract Law and Law of Torts	191
A. Offer and acceptance, intention to be legally bound, consideration,	
doctrine of privity, and estoppel	196
- Offer and acceptance	
- Intention to be legally bound	200
- Consideration	
- The doctrine of privity of contract: a feature of the English Law of Contract	
- Estoppel	207
B. Some factors that may vitiate a contract –mistake, duress, undue influence,	
and misrepresentation	210
- Contracts that are outlawed by statute or by the Common Law	210
- Contracts which are void by statute or at (Common) Law	212
- Mistake	
- Duress	
- Undue Influence	
- Another factor that may vitiate a contract -misrepresentation	217
C. Terms of a contract –express & implied terms, exclusion clauses	222
- Ascertaining what a term is	
- Express and implied terms	
- Standard clauses, limitation and exclusion clauses	
D. Functuration dischause of contrast Common Lemma describely associately	220
D. Frustration, discharge of contract, Common Law and equitable remedies	
- Tests, scope of the doctrine and effects of frustration	
- Discharge by performance, by agreement or breach	
- Contractual and quasi-contractual remedies	
E. English Contract Law and Law of torts vocabulary items translated into French	237
Chapter 5: English Business Law	251
A. The three-tiered sources of English Business Law	253
- Statute Law is today the main source of Law in English Company LawLaw	
- Norms and standards through secondary legislation	
- The articles of association	

B.	Typology of companies and formation of a company	
	- Private and public companies	
	- Forming a company in English Law	263
C.	Who represents the English company, its agents or its corporate bodies?	266
	- The issue of the capacity of the legal personality	266
	- Power of the company's agents	
	- The relationship between management and shareholders	
	- Structure and composition of the board of directors The duties and responsibilities of directors	
_		
D.	Monitoring companies and supervising the development of Business Law	
	- Towards a heightened control of companies and companies' management Towards a heightened control of auditors	
E.	English Business Law vocabulary items translated into French	
Cł	napter 6: English Labour Law	291
A.	The subject-matter of English Labour Law	
	- Early history and development	
B.	The division between "collective" and "individual" Labour LawLaw	
	- Collective Labour Law	
	- Individual Labour Law	
	The resolution of Labour Law disputes	
D.	English Labour Law vocabulary items translated into French	304
Cł	napter 7: English Family law	307
A.	England and Wales: a jurisdiction of choice for female petitioners in the 21st centur	y?309
	- On the road towards financial equality	
	- Reforming divorce law in England and Wales: was there overreach?	312
B.	Striving to create a legal framework to curb anti-social behaviour	
	by children and adolescents	313
	- Treating family breakdown financially and judicially	314
	 The welfare-centered approach seems to have produced better results than punitive justice in reducing juvenile offending. 	315
C.	English Family Law vocabulary items translated into French	317
LI	ST OF CASES	321
LI	ST OF STATUTES	326
BI	BLIOGRAPHY	328
LE	EXICON	330
LA	ATIN WORDS & PHRASES	337
Αl	LPHABETICAL ORDER OF ENGLISH LEGAL VOCABULARY TEMS TRANSLATED INTO FRENCH	
Κl	EY TO MULTIPLE-CHOICE QUESTIONS (MCQS)	346