

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS**  
**Advanced Subsidiary GCE**

**LAW**

**2570**

Sources of Law

Friday

**13 JANUARY 2006**

Afternoon

1 hour

Additional materials:  
8-page Answer Booklet

**TIME** 1 hour

**INSTRUCTIONS TO CANDIDATES**

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **one** question.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the number of the question you answer on the front of your answer booklet.

**INFORMATION FOR CANDIDATES**

- The number of marks is given in brackets [ ] at the end of each question or part question.
- The total number of marks for this paper is 60.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

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**This question paper consists of 6 printed pages and 2 blank pages.**

Answer one question.

- 1 Read the Source material below and answer parts (a) to (c) which follow.

Exercise on European Legislation

SOURCE A

**An extract has been removed due to third party copyright restrictions**

Details:

An extract titled 'Race Directive 2003' about race discrimination in the UK and the Race Relations Act from 1976. Adapted from [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

SOURCE B

**An extract has been removed due to third party copyright restrictions**

Details:

An extract adapted from [www.cipd.co.uk](http://www.cipd.co.uk) about making a claim of direct discrimination under the Race Relations Act.

Answer **all** parts.

- (a) **Source A**, at lines 1–2, refers to the European Commission and the European Parliament. Describe the law-making functions of the European Commission and the European Parliament. [15]
- (b) Advise the following people whether they have a genuine cause of action under the 2003 Race Regulations, relating to Genuine Occupation Requirements, as outlined in **Source B**:
- (i) Baljinder, a Sikh, applied for a job as a waiter in an Italian restaurant. He was turned down for the job on the basis that he did not fit the cultural image of the restaurant;
  - (ii) Urma applied for a job as a caretaker in a Jewish School. She was turned down for the job on the basis that she did not practise the Jewish religion;
  - (iii) Fola, a qualified accountant, was turned down for a job with an accountancy firm on the basis that she did not speak Urdu. [15]
- (c) With reference to **Source A**,
- (i) Explain how directives, such as the Race Directive 2003, become law in Member States. [15]
  - (ii) Discuss the problems that can arise when a directive has not been implemented in time. [15]

- 2 Read the Source material below and answer parts (a) to (c) which follow.

Exercise on Judicial Precedent

SOURCE

**An article has been removed due to third party copyright restrictions**

Details:

An article titled 'Exercise on Judicial Precedent' about the House of Lords and instances they have used the Practice Statement to refuse to follow an earlier decision

Answer **all** parts.

- (a) With reference to the Source, at lines 23–26, and other cases, describe how the method of distinguishing can be used to avoid having to apply a previous decision. [15]
- (b) In the case of *Herrington v British Railways Board* (1972) the House of Lords decided to overrule the decision that they had made years earlier in the case of *Addie v Dumbreck* (1929).

Consider how the doctrine of precedent would apply had the cases of *Herrington v British Railways Board* and *Addie v Dumbreck* been heard in the following situations and on the following dates instead of when they were actually heard:

- (i) *Addie v Dumbreck* was decided by the House of Lords in 1950.  
*Herrington v British Railways Board* comes before the House of Lords in 1951;
- (ii) *Addie v Dumbreck* was decided by the House of Lords in 1950.  
*Herrington v British Railways Board* comes before the House of Lords in 1967;
- (iii) *Addie v Dumbreck* was decided by the Court of Appeal (Civil Division) in 1950.  
*Herrington v British Railways Board* comes before the Court of Appeal (Civil Division) in 2006. [15]
- (c) The Source refers to the need for certainty in the law at lines 17 and 19–22. Using the Source and your knowledge of cases, discuss the House of Lords' use of the Practice Statement. [30]





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