

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced Subsidiary GCE

LAW

2570

Sources of Law

Monday

12 JUNE 2006

Morning

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.**

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

Answer one question.

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

Exercise on Legislation and Delegated Legislation

SOURCE A

Statute law consists of...

An extract has been removed due to third party copyright restrictions

Details:

An adapted extract about law making in the UK. Adapted from
http://www.direct.gov.uk/en/GtgI1/GuideToGovernment/Parliament/DG_4003226

as the 'First Reading'

Adapted from www.direct.gov.uk

SOURCE B

Despite the controls over...

An extract has been removed due to third party copyright restrictions

Details:

Adapted from the English Legal System by Catherine Elliot and Frances Quinn

.....too lacks real power

Adapted from 'English Legal System', Catherine Elliot and Frances Quinn, Longman

Answer **all** parts.

- (a) **Source A** refers to how a Bill becomes an Act of Parliament. Briefly describe the process by which Acts of Parliament are passed. [15]
- (b) **Source A** at lines 3–6 refers to different types of delegated legislation. Identify and explain which **type** of delegated legislation would be most appropriate to introduce law relating to:
- (i) the use of skateboards in a local park;
 - (ii) the implementation of regulations outlined in an enabling Act relating to the construction of a new motorway;
 - (iii) emergency measures to be taken in time of war. [15]
- (c) Using **Source B** and your knowledge of controls of delegated legislation:
- (i) Describe the controls exercised over delegated legislation by **both** Parliament **and** the courts. [15]
 - (ii) Discuss the effectiveness of these controls. [15]

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

Exercise on Statutory Interpretation

SOURCE

Smith v Hughes (1960)

An extract has been removed due to third party copyright restrictions

Details:

An extract from Smith v Hughes (1960)

The Street Offences Act....

.....been rather more controversial

Answer **all** parts.

- (a) The Source, at lines 14–17, refers to extrinsic or external aids. Explain the use of **three** extrinsic or external aids available to the judge to assist in the process of statutory interpretation. [15]
- (b) In the following situations use the Source and your knowledge of statutory interpretation, to explain whether or not the following defendants would be guilty of an offence under Section 1(1) Street Offences Act 1959 where: *'It shall be an offence for a common prostitute to loiter or solicit in a street or public place for the purpose of prostitution.'*
- (i) Harriet was waving and banging on the window of her flat to attract the attention of a friend walking by on the street below. As she lives above a busy high street, her actions caught the attention of a number of people, including a police officer called out to investigate complaints under Section 1(1) of the Street Offences Act;
- (ii) Stella is charged with soliciting from the balcony of her flat;
- (iii) Susan is charged with soliciting in the local high street. [15]
- (c) With reference to the Source and other cases, explain the mischief rule and discuss the advantages and disadvantages of using it. [30]

Copyright Acknowledgement:

Source B: The English Legal System, Elliot & Quinn. Pearson Education Limited.

OCR has made every effort to trace copyright holders of items used in this Question Paper, but if we have inadvertently overlooked any, we apologise.