

ADVANCED SUBSIDIARY GCE UNIT

2570

LAW

Sources of Law

MONDAY 15 JANUARY 2007

Afternoon

Time: 1 hour

Additional materials: Answer Booklet (8 pages)



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 document consists of **6** printed pages and **2** blank pages.

Answer one question.

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

Exercise on Statutory Interpretation

SOURCE A

Royal College of Nursing v DHSS [1981]

The wording of the...

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Details:

An extract from 'The English Legal System' by J. Martin. ISBN: 978-0340941560

.....could carry out terminations.

Adapted from The English Legal System, 4th Edition, J. Martin

SOURCE B

The courts can, when they are trying to find Parliamentary intention, sometimes use intrinsic and extrinsic aids. Intrinsic aids are things inside the Act, for example the preamble, the long and short title. Extrinsic aids are things outside the Act, for example, case law, Law Commission reports, previous Acts of Parliament, Hansard and dictionaries.

Answer **all** parts.

- (a) **Source A** at line 10 refers to the literal rule.

Explain the literal rule using **Source A** and cases to illustrate your answer. [15]

- (b) Using **Source B**, identify and explain the most suitable extrinsic aid that could be used in the following situations.

(i) The House of Lords is considering an ambiguous word. The meaning of this word was discussed by Parliament during the passage of the Bill.

(ii) The House of Lords is trying to cover a gap in the law left by an Act. This Act was based on the Law Commission's recommendations.

(iii) The House of Lords is trying to find the plain, ordinary, literal meaning of a word. The word is not defined in the Act.

[15]

- (c) (i) **Source A** refers to the mischief rule.

Using **Source A** and other cases, explain how this rule is applied. [15]

(ii) Discuss the strengths and weaknesses of the mischief rule. [15]

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

Exercise on EC Law

SOURCE

Bulmer v Bollinger [1974]

Bollinger sought to prevent...

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Details:

An extract called 'Bulmer v Bollinger' from www.stbrn.ac.uk

.....law, making it supreme.

Adapted from www.stbrn.ac.uk

Answer **all** parts.

- (a) The **Source** at line 13 refers to the EC Treaty. Briefly explain how the EC Treaty is part of UK law. [15]
- (b) In the following situations, consider whether there is a need to make an Article 234 referral to the ECJ.
- (i) Jacques, a French worker, has been denied entry to the UK. The House of Lords is considering his case. The case concerns free movement of workers under the EC Treaty.
 - (ii) Pam is paid less than male employees for doing the same work. She has brought an equal treatment claim against her employer. An Employment Appeals Tribunal is deciding the case. A reference to the ECJ in *Macarthy's Ltd v Smith (1980)* concerned a similar issue.
 - (iii) Carla has brought a claim in an Employment Tribunal against her employer because they refuse to give her any holiday entitlement, as required under EC law. [15]
- (c) (i) Lord Denning in the **Source** discusses the effect of membership of the European Union on English law.
Describe the effect of European membership on English law using cases to illustrate your answer. [15]
- (ii) Discuss the benefits of European membership to English law. [15]

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