



GCE AS/A level

481/01

LAW – LW1

**THE LEGAL SYSTEM OF ENGLAND AND
WALES**

P.M. FRIDAY, 23 May 2008

45 minutes

ADDITIONAL MATERIALS:

In addition to this examination paper, you will need an 8 page answer book.

INSTRUCTIONS TO CANDIDATES

Candidates are required to answer **one** question only.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.

Answer either question one or question two.

1. Examine the table carefully before answering the questions based on it.

Year	Small claims		Fast track		Multi-track		Total
1999	57,977	(61%)	20,660	(21%)	17,169	(18%)	95,806
2000	85,472	(58%)	32,117	(22%)	29,009	(20%)	146,598
2001	83,878	(63%)	29,425	(22%)	20,775	(15%)	134,078
2002	75,148	(56%)	36,446	(27%)	22,287	(17%)	133,811
2003	72,078	(49%)	48,754	(33%)	26,572	(18%)	147,404
<i>Source: Department for Constitutional Affairs Statistical Branch (Caseman)</i>							

- (a) Identify the trends in the allocation of cases. [3]
- (b) Explain the allocation of cases to the different tracks. [7]
- (c) How successful have the reforms to the Civil Justice System been in promoting access to justice in England and Wales? [15]

2. Read the following extract carefully and answer the questions based on it.

“The role of juries within ‘the English legal system’ has been much debated over the last two centuries. The topic provokes ‘comments which are frequently little short of hysterical’. On the one hand, Lord Devlin, a former Lord of Appeal in Ordinary, has prescribed it as ‘the lamp that shows freedom lives’. On the other hand it has been the subject of severe criticism by police, academics and politicians.

The essence of the jury trial in England and Wales is the idea that 12 people are drawn at random and without training, asked to assess the factual circumstances that surround a particular case. Their verdict of ‘not guilty’ or ‘guilty’, given if necessary on a majority basis of 10 to two, is their view of the facts....

Although the jury can usefully be compared with lay magistrates and tribunal wing-people, in that they are all non-lawyers who nevertheless make legally binding decisions within ‘the English legal system’, jurors stand out as being unique even within this group. Jurors have no qualification in terms of knowledge or skill which distinguishes them from others within England and Wales. Moreover they are not merely untrained: since they sit as jurors for only a short time they do not even acquire that knowledge that comes with experience.”

Source: Cownie, Bradney and Burton, The English Legal System in Context (3rd Ed, 2003) OUP

- (a) What is meant by jury trial? [3]
- (b) Identify and describe the different forms of jury trial. [7]
- (c) Discuss the advantages and disadvantages of jury trial. [15]