



GCE AS/A level

1252/01

LAW – LA2

**UNDERSTANDING LEGAL REASONING,
PERSONNEL AND METHODS**

P.M. WEDNESDAY, 25 May 2011

1½ hours

ADDITIONAL MATERIALS:

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Candidates are required to answer **two** questions.

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 **two** questions.

1. Study the text below and answer the questions based on it.

Magistrates in Post (2009)

Region	Gender			Age			
	Total	Male	Female	Under 40	40-49	50-59	60+
Wales	2,014	1,041	973	72	258	643	1,041
England and Wales	29,270	14,472	14,798	1,165	4,287	9,451	14,367
%		49.4%	50.6%	4.0%	14.6%	32.3%	49.1%

Region	Ethnicity							Disabled	
	White	Mixed	Black	Asian	Chinese	Other	Unknown	Yes	No
Wales	1,954	8	34	11	-	6	-	106	1,908
England and Wales	27,050	140	1,135	742	49	146	8	1,485	27,785
%	92.4%	0.5%	3.9%	2.5%	0.2%	0.5%	0.0%	5.1%	94.9%

Source: Judicial Statistics (2010) Extract

- (a) Explain the appointment process of lay magistrates. [14]
- (b) Evaluate the advantages and disadvantages of the lay magistracy in the administration of justice in England and Wales. [11]

2. Study the text below and answer the questions based on it.

“The function of independent judges charged to interpret and apply the law is universally recognised as a cardinal feature of the modern democratic state, a cornerstone of the rule of law itself and it is therefore wrong to stigmatise judicial decision making as in some way undemocratic.”

Source: Lord Bingham

- (a) Explain the doctrine of judicial precedent. [14]
- (b) Read the following scenario and consider the application of the doctrine of precedent in this case, with particular reference to whether the High Court has to follow the previous Court of Appeal’s decision.

In the case of *Re Worley* (1940), the Court of Appeal held that a trust for the benefit of one’s relations could be a charitable trust so long as the relations in question could be considered as “poor relations”. Charitable status is important because charitable trusts pay less tax. The Inland Revenue wishes to claim that such trusts should no longer be regarded as charitable, and in 2010 a case was brought before the High Court concerning a trust established by Lord Arrington. Lord Arrington is a multi-millionaire who had established a trust for a long lost relative. The relative in question has assets worth in excess of £500,000 but in comparison with Lord Arrington is not very well off. [11]

3. Study the text below and answer the questions based on it.

“Community legislation is a critical source of law in Europe. To be better understood and correctly implemented, it is essential to ensure that it is well drafted. It must be regarded as an essential part of English and Welsh Law. No-one can seriously doubt that the law of the EU and the case law of the ECHR are now established parts of English and Welsh law.”

Source: Unattributed

- (a) Explain the importance of the European Community legislation in English and Welsh law. [14]
- (b) Assess the impact of declarations of incompatibility in judgments regarding human rights matters in England and Wales. [11]

4. Study the text below and answer the questions based on it.

“If the words of an Act are clear then you must follow them even though they lead to a manifest absurdity. The court has nothing to do with the question whether the legislature has committed an absurdity.”

[Lord Esher in *R v Judge of the City of London Court* (1982)]

- (a) Explain the different approaches to the interpretation of statutes in England and Wales. [14]
- (b) Using your knowledge of statutory interpretation, consider whether an offence has been committed in the situation set out below. [11]

Great concern was expressed in 2010 about animal products of endangered species being introduced into the United Kingdom. In Parliament the Minister for Overseas Aid in a debate which led to the passing of the Protected Species Act 2010 said: “the whole purpose of this legislation is to protect endangered species by banning in the United Kingdom the illegal importation of animal products without there being a valid licence.”

Protected Species (Fictitious) Act 2010

Section 1. A licence may be issued by the relevant authorities in England and Wales for the import of any endangered wildlife product.

Section 2. It is an offence for any person to knowingly be in possession in the United Kingdom of any wildlife product that has been imported into the United Kingdom unless he has a valid possession licence.

Toby, a renowned figure in Kenya for his work in promoting the cause of protecting endangered species, arrives for a tour of Wales to rally support for this campaign. The symbol of his campaign is a rhinoceros tusk that was carved over 100 years ago. A rhinoceros is a protected species under the legislation. Toby arrives in Wales with the tusk and leaves it in storage at Cardiff airport. When he returns to pick it up he is arrested and charged because he has no licence under the Act. Advise Toby.