



GCE AS/A level

1252/01

LAW – LA2

UNDERSTANDING LEGAL REASONING, PERSONNEL AND METHODS

P.M. WEDNESDAY, 19 January 2011

1½ hours

1252
01/0001

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.

Appointments to the High Court

00351 High Court 2008																	
Stage of Exercise	Gender		%		Ethnic Background		%		Disabled		%		Professional Background		%		
Eligible Pool	Men		79	BME*		5	Disabled			Solicitor		40					
	Women		21				Not Disabled / Incomplete			Barrister		60					
Shortlisting	Men	39	87	White	45	100	Disabled	1	2								
	Women	6	13	BME*	0	0	Not Disabled / Incomplete	44	98	Solicitor	1	2					
	Incomplete	0	0	Any Other	0	0				Barrister	39	87					
				Incomplete	0	0				Salaried Judicial Post Holder – former Barrister	2	4					
										Salaried Judicial Post Holder – former Solicitor	2	4					
										Salaried Judicial Post Holder – no single legal background	1	2					
Selections made	Men	17	77	White	22	100	Disabled	1	5	Solicitor	0	0					
	Women	5	23	BME*	0	0	Not Disabled / Incomplete	21	95	Barrister	20	91					
	Incomplete	0	0	Any Other	0	0				Salaried Judicial Post Holder – former Barrister	1	5					
				Incomplete	0	0				Salaried Judicial Post Holder – former Solicitor	1	5					
										Salaried Judicial Post Holder – no single legal background	0	0					
										Other/Unknown	0	0					

Key *BME – Black and minority ethnic

Source: *Judicial Statistics (2009) Extract*

(a) Explain the appointment of High Court Judges. [14]

(b) To what extent are High Court judges representative of society? [11]

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

“Pressure groups are an important element in promoting the reform of English and Welsh law. They are organisations of people who all believe in the same cause. Whether it is a sectional group, campaigning for personal gain, or a cause group, working towards a specific cause, they all possess strongly held views and wish to influence some aspect of society. They use many methods to influence including the use of traditional media such as newspapers but more commonly nowadays through the use of electronic media such as the internet. Other than these, the most common methods they tend to use involve carrying out petitions, distributing leaflets whilst some pressure groups employ professional lobbyists to speak to MPs on the group’s behalf.”

Source: unattributed

- (a) Explain, with examples, the role of pressure groups in promoting law reform. [14]
- (b) Evaluate the role of the Law Commission in the law reform process in England and Wales. [11]

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

“Cases do not necessarily stay as good law for ever. Case law constantly evolves and cases may be overruled at a later date. In order to determine whether it is possible for a lawyer to rely on a case as authority the knowledge of the history of the case will be important. For the purposes of binding precedent a case can have direct as well as an indirect history. The direct history of a case refers to other court decisions on the same case. Indirect history of a case refers to how the case has been affected by other cases. A number of events may apply to a case in its history, for example, whether the case is applied; considered; doubted; distinguished; explained; not followed; overruled. Electronic sources of law such as Westlaw or Lawtel or LexisNexis will provide the history of a case. The current law case citatory will also provide similar information.”

Source: The English Legal System, Legal Skills Guide website (Routledge and Cavendish)

- (a) Explain with appropriate examples, how judges avoid awkward precedents. [14]
- (b) Evaluate the advantages and disadvantages of the doctrine of precedent in English and Welsh law. [11]

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

House of Commons Written Answer June 2010

Lisa Nandy: To ask the Secretary of State for Business, Innovation and Skills whether he plans to seek any amendment to the EU Agency Workers Directive. [1659]

Mr Davey: The agency workers directive was proposed by the European Commission in 2002, it was finally adopted by the European Council of Ministers in June 2008 and by the European Parliament in October 2008.

The final version of the directive was published in December 2008 and has to be implemented by all member states into national law by December 2011. Therefore we do not intend to seek any amendment as the directive has already been finalised.

The directive does foresee a review by the European Commission in December 2013 in consultation with member states and social partners at European level to review the application of the directive. This may result in proposals for amendments. This is normal practice for similar directives.

Source: Parliament website (June 14 2010)

- (a) Explain the role of European directives in English and Welsh law. [14]
- (b) Evaluate the primary and secondary sources of European law. [11]