



GCE AS/A level

1252/01

LAW – LA2

**UNDERSTANDING LEGAL REASONING,
PERSONNEL AND METHODS**

P.M. THURSDAY, 19 January 2012

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.

“Given that judicial activism seems to have reached unprecedented levels in thwarting the wishes of Parliament, it is time, I believe, to go back to first principles. The British constitution, largely unwritten, is based on the separation of powers. Ever since the Glorious Revolution established its supremacy, Parliament has made the law and the judiciary has interpreted it [...] A decade ago, the former Lord Chancellor, Derry Irvine, urged the judiciary to show restraint in deference to the sovereignty of Parliament when exercising its powers of judicial review. The need for such restraint is even greater today.”

Source: Michael Howard MP, Daily Telegraph, 10th August 2005

- (a) Explain the role of judges as law makers. [14]
- (b) Discuss how judges avoid awkward precedents. [11]

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

2010											
Annual diversity statistics as at 31st March 2010											
		Not stated	White	Asian or Asian British	Chinese	Black or Black British	Mixed	Other Ethnic Group	Total Minority Ethnic	Total in post	% Minority Ethnic
Justice of the Supreme Court	Men	0	10	0	0	0	0	0	0	10	0.00%
	Women	0	1	0	0	0	0	0	0	1	0.00%
	Total	0	11	0	0	0	0	0	0	11	0.00%
Heads of Division	Men	0	5	0	0	0	0	0	0	5	0.00%
	Women	0	0	0	0	0	0	0	0	0	0%
	Total	0	5	0	0	0	0	0	0	5	0.00%
Lords Justices of Appeal	Men	13	21	0	0	0	0	0	0	34	0.00%
	Women	0	3	0	0	0	0	0	0	3	0.00%
	Total	13	24	0	0	0	0	0	0	37	0.00%
High Court Judges	Men	18	72	0	0	0	0	2	2	92	2.74%
	Women	5	10	0	0	0	1	0	1	16	9.09%
	Total	23	82	0	0	0	1	2	3	108	3.53%
Circuit Judges	Men	55	513	2	0	0	2	7	11	579	2.10%
	Women	16	80	1	0	2	0	2	5	101	5.88%
	Total	71	593	3	0	2	2	9	16	680	2.63%

Source: Judicial Statistics 2010 (HMSO)

- (a) Explain the role of the Judicial Appointments Commission. [14]
- (b) By reference to the data evaluate the extent to which the senior judiciary is representative of society. [11]

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

The Government was concerned by the number of protesters in Parliament Square many of whom were living in tents. The Government sought to use enabling powers under the Crime and Order (Fictitious) Act 2008 to ban existing future and continuing demonstrations outside of Parliament Square. John Lewis is a passionate protester against war and is seeking to challenge by way of judicial review the enabling order so that he can continue protesting.

(a) Explain what is meant by delegated legislation. [14]

(b) Evaluate the ways in which delegated legislation is controlled. [11]

4. (a) Explain the impact of the Human Rights Act 1998 on the methods employed by judges in interpreting statutes. [14]

(b) Using your knowledge of statutory interpretation, explain how a court might approach the interpretation of this section in the light of the facts set out below. [11]

Reduction of Student Noise (Local Authority) Fictitious Act 2009

Section 1.

“It shall be an offence to organise a party at a student residence after 11.30 p.m. on a weekday night.”

Simon, a student, had completed his first year examinations and during the vacation he organised a discussion group with his friends. A number of friends came round where there was a passionate discussion on political opinions. After the discussion had finished Simon prepared coffee and biscuits. At 11.30 p.m. the meeting came to an end when Timothy who was helping with the washing up dropped a tray of cups which smashed. The noise woke up Sarah who lived next door. She complained to the police who investigated the matter and subsequently charged Simon under Section 1 of the Act.