



**GCE AS/A level**

1252/01

**LAW – LA2**

**UNIT 2: Understanding Legal Reasoning,  
Personnel and Methods**

A.M. THURSDAY, 23 May 2013

1½ hours

### **ADDITIONAL MATERIALS**

In addition to this examination paper, you will need an 8 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 data below and answer the questions based on it.

IMPACT OF ECHR BY STATE TO 1997

State	References to European Court of Human Rights 1960-97	Adverse Judgements of European Court of Human Rights
Belgium	40	24
France	99	42
Germany	33	14
Italy	251	98
Spain	19	8
UK	95	47

- (a) Explain the background to the European Convention of Human Rights and the UK's relationship to the Convention prior to 1998. [14]
- (b) Discuss the significance of the Human Rights Act 1998. [11]

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

“I am pleased to present this report which relates to the implementation of Law Commission proposals. This is the first annual report to be presented following the passing of the Law Commission Act 2009.

The Law Commission Act 2009, which came into force on 12 January 2010, amends the Law Commissions Act 1965 to place a duty on the Lord Chancellor to report to Parliament each year on the extent to which Law Commission proposals have been implemented by the government. This report covers the period 12 January 2010 to 11 January 2011.

The Law Commission Act 2009 also provides the statutory basis for the protocol between the Government and the Law Commission. The protocol was agreed in March 2010 and sets out how the Government and the Law Commission should work together on law reform projects.

The Government is committed to ensuring that the law is modern, simple and accessible and holds the work of the Law Commission in very high regard. This report demonstrates that progress is being made to implement the excellent work of the Law Commission. There is clearly further to go and I am pleased in that regard that the new House of Lords procedure for Law Commission bills has been made permanent. The procedure, which reduces the amount of time which selected Law Commission bills spend on the floor of the House of Lords, has already enabled the implementation of two Law Commission reports (The Rules Against Perpetuities and Excessive Accumulations and Third Parties – Rights Against Insurers) and will I hope lead to the implementation of more over the next few years.”

[Source: *The Lord Chancellor Report on the implementation of Law Commission proposals 2011*]

- (a) Explain the role of the Law Commission. [14]
- (b) Discuss the effectiveness of the Law Commission. [11]

3. Study the following and answer the questions based on it.

“The judgements of the European Court of Justice are an essential source of English and Welsh law and its approach to interpreting Community Law is a vital consideration and will inform statutory interpretation in England and Wales.”

- (a) What are the methods of interpretation used by the European Court of Justice? [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]

The Prevention of Noise Pollution (Fictitious) Act 2012

Section 1 of the Act states: “This Act applies to a gathering on land in the open air in which a crowd of persons or more play amplified music during the night which by reason of its loudness and the time at which it is played is likely to cause serious distress to local inhabitants.”

Section 2 defines a crowd as meaning “more than ten persons”. Maureen is a solicitor and she holds a party in her garden. Eighteen people are invited but thirty-five turn up. Maureen prepares a barbeque in the garden. She has hired music equipment which she installs in her kitchen and with her door open, plays classical music for four hours from 8pm. At midnight twenty-five of the guests leave the party and the rest of the guests, all of Maureen’s neighbours, remain. At 3am a group of holiday makers who have parked their caravan in a lay-by close to Maureen’s house, complain that they are suffering severe mental and physical distress as a result of the music and noise. A Police Constable orders Maureen to shut down the party and she is arrested on the basis that she has committed an offence under section 1 of the Act.

Advise Maureen.

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

“There has been much recent criticism of the mix of the judiciary and the launch yesterday of a House of Lords inquiry into the judicial appointments process led to a range of senior legal figures labelling the upper ranks as “too white, too male, too elitist.” The facts speak for themselves.

Only one woman sits in the Supreme Court; of 107 Judges at the High Court, only 3 are from ethnic minorities and 16 are female; all but one of the Supreme Court Judges went to Oxbridge.”

[Source: Ruth Deech, *The Guardian*, 7<sup>th</sup> July 2011]

- (a) Explain the extent to which the composition of the senior judiciary is balanced and representative of society. [14]
- (b) Evaluate the way in which the Constitutional Reform Act 2005 has impacted upon the independence of the judiciary. [11]