

**ADVANCED SUBSIDIARY GCE UNIT
LAW**

Sources of Law

MONDAY 11 JUNE 2007

2570

Morning

Time: 1 hour

Additional materials: Answer Booklet (8 pages)



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INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and candidate number in the spaces provided on the answer booklet.
- Answer **one** question.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- If you use additional sheets of paper, fasten these securely to the answer booklet.
- Write the number of the question you answer on the front of your answer booklet.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **60**.
- **All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.**

This document consists of **6** printed pages and **2** blank pages.

Answer one question.

1 Read the source material below and answer parts 1(a) to 1(c) which follow.

Exercise on Legislation and Delegated Legislation

Source A

Parliament consists of three distinct elements: the House of Commons, the House of Lords and the Queen. Before any Bill can become an Act of Parliament, it must proceed through and be approved by both Houses of Parliament and must receive Royal Assent.

Source B

In order to reduce.....

An extract has been removed due to third party copyright restrictions

Details:

An extract from the BBC news website about delegated legislation and their use to reduce pressure on parliamentary time.

.....process of judicial review.

Adapted from www.news.bbc.co.uk

Answer **all** parts.

(a) Source A at lines 2–3 refers to making an Act of Parliament.

Describe how an Act of Parliament is created. [15]

(b) Identify and explain the most suitable type of delegated legislation to implement law in the following situations.

(i) A national emergency such as an outbreak of war involving the U.K. [5]

(ii) Where an enabling Act authorises the issuing of regulations concerning police powers. [5]

(iii) The local imposition of penalties for dogs fouling footpaths. [5]

(c) With reference to **Source B**:

(i) describe the controls on delegated legislation; [15]

(ii) discuss the effectiveness of the controls of delegated legislation. [15]

2 Read the source material below and answer parts 2(a) to 2(c) which follow.

Exercise on Judicial Precedent

SOURCE

Lord Denning carried on.....

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Details:

An extract from 'The English Legal Process' by Terence Ingham. ISBN: 978-0199268696

.....the House of Lords.

Adapted from The English Legal Process, Terence Ingham

Answer **all** parts.

- (a) Using the **Source** and other cases, describe the powers of the Court of Appeal. [15]
- (b) Consider each of the following situations and explain whether or not the Court of Appeal can depart from the previous decision.
- (i) A case concerning a death resulting from medical negligence was heard by the Court of Appeal (Civil Division). A year later, a similar issue is being heard by the Court of Appeal (Criminal Division). [5]
 - (ii) A case concerning breach of contract was decided by the Court of Appeal (Civil Division). Days later a similar issue is heard by the same court but the judges now feel the decision should be different. [5]
 - (iii) A case concerning murder was decided by the House of Lords. The Court of Appeal (Criminal Division) believes the decision of the House of Lords is out of date. [5]
- (c) (i) The **Source** at line 13 refers to *stare decisis*.
Describe the concept of *stare decisis* using the source and cases to illustrate your answer. [15]
- (ii) Discuss whether or not the powers of the Court of Appeal within the doctrine of precedent, should be extended. [15]

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