

481/01

LAW – LW1

THE LEGAL SYSTEM OF ENGLAND AND WALES

P.M. FRIDAY, 13 January 2006

(45 minutes)

ADDITIONAL MATERIALS

In addition to this examination paper, you will need an 8 page answer book.

INSTRUCTIONS TO CANDIDATES

- Candidates are required to answer **one** question only.

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 **one** question.

1. Examine the tables carefully before answering the questions based on them.

AVERAGE DAILY COSTS FOR JURY TRIALS IN FRAUD CASES

Item		Daily rate (£)
i	Jury costs	412
ii	Circuit judge	411
iii	High Court judge	604
iv	Judicial assistant	69
v	Other court costs (inc. IT)	3082
vi	Defence solicitors/counsel costs	920
vii	Investigation and prosecution staff costs	1104
viii	Prosecution counsel costs	997
ix	Prosecution lay witness costs	170
x	Prosecution expert witness costs	64
xi	Lay tribunal members	250

Table 1

ALTERNATIVES TO JURY TRIALS

One (High Court) judge only	£7,010
Panel of three judges (one High Court, two Circuit)	£7,832
One judge (High Court) and two lay members	£7,510

Table 2

Source: *Juries in Serious Fraud Trials: A Consultation Document* (1998)

- (a) Identify what mode of trial is the most cost-effective in respect of both tables. [3]
- (b) Discuss the advantages of the various alternatives identified in Table 2 above to jury trial in fraud cases. [7]
- (c) To what extent are juries representative of society? [15]

2. Read the following extract carefully before answering the questions based on it.

“The establishment of an independent prosecution service ... would promote consistency and fairness; would reduce the proportion of cases pursued, despite lack of sufficient evidence; would improve the preparation and presentation of cases in court; would provide an attractive career structure; and would lead to greater efficiency and better accountability for the use of resources.”

Source: *White Paper, An Independent Prosecution Service for England and Wales*,
Cmnd 9074 (1983)

- (a) What are the benefits of the establishment of the Crown Prosecution Service as outlined above? [5]
- (b) What is the role of the Crown Prosecution Service? [5]
- (c) How far would you agree that the Crown Prosecution Service has greatly increased both the impartiality and fairness of the Criminal Justice System? [15]