



GCE AS/A level

1252/01

LAW – LA2

**UNDERSTANDING LEGAL REASONING,
PERSONNEL AND METHODS**

A.M. WEDNESDAY, 30 May 2012

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. European law is a source of law within the EU. It can apply both vertically and horizontally. Different elements are directly applicable and have direct effect on the law of England and Wales

(a) Explain what is meant by direct applicability in European law. [14]

(b) Using your knowledge of statutory interpretation, consider whether an offence has been committed in the situations set out below. [11]

Petrol Conservation Fictitious Act 2009

Section 1. “Private motor cars, motorcycles and other vehicles the registration plate number of which ends with an odd number may only be driven on public roads on Mondays, Wednesdays and Fridays. Private motor cars, motorcycles and other vehicles, the registration plate number of which ends with an even number, may only be driven on public roads on Tuesdays, Thursdays and Saturdays.”

Section 2. “ Persons contravening this act are liable to a fine and confiscation of their vehicle.

Alfred was riding his motorcycle registration number CV9 PVD from Coventry when he was arrested at 3.00 a.m. on 24th of April (a Thursday). Bertie was driving his specially constructed electric car registration number AV8 CBY on a Wednesday. Cliff was driving his company car registration number B432 LWY on a Monday.

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

**The Magistracy
Justices of the Peace Appointed by Gender 2006/7-2010/11**

| Year | Number of JPs | | |
|---------|---------------|-------|-------|
| | Men | Women | Total |
| 2006/07 | 1,225 | 1,187 | 2,412 |
| 2007/08 | 927 | 972 | 1,899 |
| 2008/09 | 814 | 959 | 1,773 |
| 2009/10 | 759 | 873 | 1,632 |
| 2010/11 | 464 | 548 | 1,012 |

[Source: Ministry of Justice – Magistrates Recruitment and Appointments Bench]

(a) By reference to the data, explain the process involved in the appointment of Lay Magistrates. [14]

(b) Evaluate the training of Lay Magistrates. [11]

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

“Their Lordships regard the use of precedent as an indispensable foundation upon which to decide what is the law and its application to individual cases. It provides at least some degree of certainty upon which individuals can rely in the conduct of their affairs, as well as the basis for orderly development of legal rules.

Their Lordships nevertheless recognise that too rigid adherence to precedent may lead to injustice in a particular case and also unduly restrict the proper development of the law. They propose, therefore, to modify their present practice and, while treating former decisions of this House as normally binding, to depart from a previous decision when it appears right to do so.”

[Source: *Lord Gardiner, the Lord Chancellor Practice Statement 1966*]

- (a) Explain why it was necessary for the House of Lords to issue the above statement. [14]
- (b) Using your knowledge of the doctrine of precedent, consider whether and on what grounds the Court of Appeal should depart from precedent. [11]

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

Statistics on delegated legislation
Session 2006-07

Statutory instruments laid before the House
Instruments subject to different forms of parliamentary procedure

| <u>Procedure applicable to Instruments</u> | <u>Laid before the House</u> |
|---|--|
| Instruments subject to affirmative procedure:- | Made 12 Draft 193 Northern Ireland 19 |
| Instruments subject to negative procedure:- | Made 1090 Draft 0 Northern Ireland 45 Number presented against 19 |
| Instruments subject in part to affirmative and in part to negative procedure | 0 |
| Instruments not subject to parliamentary proceedings laid before Parliament:- | Made 2 Special Procedure Orders 0 Bills or Acts of the Northern Ireland Assembly 0 |
| | TOTAL 1380 |

[Source: www.parliament.uk]

- (a) By reference to the data, explain how Parliament controls delegated legislation. [14]
- (b) Evaluate the importance of delegated legislation. [11]