



**GCE AS/A level**

1252/01

**LAW – LA2**

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

P.M. MONDAY, 20 January 2014

1 hour 30 minutes

**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.

Answer **two** questions.

**INFORMATION FOR CANDIDATES**

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded that assessment will take into account the quality of written communication used in your answers.

*Answer two questions.*

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

“The mandatory duty imposed on domestic courts by S2 of the Human Rights Act 1998 is to take into account any judgement of the Strasbourg court and any opinion of the Commission. Thus they are not strictly required to follow Strasbourg rulings as they are bound by S2 (1) of the European Communities Act 1972 and as they are bound by the rulings of superior courts in the domestic curial hierarchy.”

*Source: Lord Bingham in Price v Leeds City (2006)*

- (a) Explain the rules of precedent with particular reference to the hierarchy of courts. [14]
- (b) Discuss the advantages and disadvantages of the doctrine of precedent. [11]

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

On 1 March 2012 the European Council adopted a (fictitious) Directive concerning the protection of young people in particular types of employment. The Directive provided that no person under the age of 16 years old shall be required to work when there was no sunlight and member States were given one year in which to implement the Directive. The British Government was opposed to the Directive on the basis that it would stop young people being able to deliver newspapers in the winter months when it was dark in the early morning.

- (a) Explain what steps can be taken against the United Kingdom to ensure that the Directive is implemented. [14]
- (b) Discuss the impact of European Community Law on the law of England and Wales. [11]

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

“The introduction to the Protocol sets out the joint aims of the Lord Chancellor and Chairman of the Law Commission to create law that is fair, modern, simple and accessible and to increase the momentum of law reform. The Protocol lays down the procedure for deciding on projects to be included in a programme of law reform; and on projects referred to the Commission by Ministers. It also sets out the role and procedures to be followed by both the sponsoring Government Department and the Law Commission during the currency of a law reform project and after a project is completed.”

*Source: The Law Commission Eleventh Programme of Reform (2011)*

- (a) Explain the role of the Law Commission with particular reference to the Law Commission Act 2009. [14]
- (b) Assess the success of the Law Commission in implementing the reform of English and Welsh Law. [11]

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

“In addition to the main rules of interpretation statutes, there are a number of presumptions and aids used by judges which are rebuttable.”

- (a) Explain the presumptions and aids. [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]

**Inshore (fictitious) Fishing Act 2013.**

The long title of the Act describes it as: “An Act to preserve fish stocks from over exploitation of commercial fishing by vessels adapted for this purpose”.

Section 1 provides that “fishing vessels in the course of a business within three miles of the coast requires a fishing licence from the Ministry of Fishing”.

William operates a pleasure cruise vessel which he uses to take tourists on sightseeing trips around the coast. In order to boost his business William decides to offer fishing trips for tourists restricted to five tourists at a time who fish from the vessel within sight of the coast with fishing rods. He is now being prosecuted for breach of the Act.

**END OF PAPER**