



**GCE AS/A level**

1252/01

**LAW – LA2**

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

P.M. MONDAY, 21 January 2013

1½ hours

#### **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.

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 text below and answer the questions based on it.

Section 2(1) of the European Communities Act 1972 states that:

“All such rights, powers, liabilities, obligations and restrictions from time to time created or arising under the Treaties, and all such remedies and procedures from time to time provided for by or under Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom shall be recognised and available in law, and be enforced allowed and followed accordingly; and the expression ‘enforceable Community right’ and similar expressions shall be read as referring to one to which this subsection applies.”

Section 2 (2) provides a general power for further implementation of Community obligation by means of secondary legislation.

- (a) Explain European law as a source of law. [14]
- (b) Discuss the development of European Law. [11]

2. Study the texts and answer the questions based on it.

“To Index on Censorship ... it has become increasingly clear that English libel law and the use of ‘super-injunctions’ are having a profoundly negative impact on freedom of expression, both in the UK and abroad. Writers such as Simon Singh, and respected current affairs programme Newsnight, have found themselves facing defamation suits, whilst human rights campaigners are often forced to edit and retract articles in the face of potential libel action.

We need to persuade politicians from all the political parties to commit to reform of our unjust libel laws.”

*Source: The Libel Reform Campaign*

- (a) Explain the role of law reform movements and agencies in England and Wales. [14]
- (b) Assess the effectiveness of law reform movements. [11]

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

“In addition to the main rules of interpretation there are a number of secondary aids to the construction of statutes available to a Judge and these are often neglected.”

- (a) What is meant by intrinsic and extrinsic aids, to statutory interpretation? [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]

**Protection of Endangered Species (Fictitious) Act 2012**

Section 1 of the Act makes it an offence for “any person to knowingly be in possession in the United Kingdom of any wildlife product that has been imported into the United Kingdom unless he has possession of a licence.”

Section 2 makes it an offence for any person to “import or seek to import into the United Kingdom any wildlife product unless he has an import licence.”

Steven owns a shop in which he sells natural medicines. His premises are raided by police officers and quantities of traditional Indian remedies are seized. Further to detailed chemical analysis undertaken by the police the remedies are found to contain powders from elephant tusks. Elephants are protected species under the 2012 Act. Steven is charged under Section 1. Steven has no licence but claims that he does not know that the products contained these powders but the customs officials note that accompanying papers written in Punjabi refer to the ingredients. Steven does not read or speak Punjabi.

**Advise Steven.**

## 4. Study the data and answer the questions based on it.

**The Judiciary**

Days sat by judge type showing type of work dealt with, 2010

Type of judge	Court of Appeal		High Court				Crown Court	County Court			Total
	Criminal	Civil	Chancery Division	Queen's Bench Division	Family Division	T & C Court		General List	Public	Private	
Lords Justices	678	2,397	45	242	57	0	0	0	0	0	<b>3,419</b>
High Court judges	1,149	136	2,278	3,750	2,525	351	3,511	36	130	34	<b>13,900</b>
Deputy High Court judges	0	9	1,775	859	373	621	181	156	30	12	<b>4,016</b>
Circuit judges	235	0	704	855	367	148	85,296	12,031	16,862	6,447	<b>122,945</b>
Deputy circuit judges	0	0	4	6	11	0	871	190	372	87	<b>1,541</b>
Recorders	0	0	148	135	53	28	21,110	2,433	1,514	859	<b>26,280</b>
District judges	0	0	786	22	4	0	0	55,976	5,262	24,420	<b>86,470</b>
Deputy district judges	0	0	0	0	0	0	0	22,185	62	1,615	<b>23,862</b>
<b>Total</b>	<b>2,062</b>	<b>2,542</b>	<b>5,740</b>	<b>5,869</b>	<b>3,390</b>	<b>1,148</b>	<b>110,969</b>	<b>93,007</b>	<b>24,232</b>	<b>33,474</b>	<b>282,433</b>

*Source: HM Courts and Tribunal Service and CREST system*

- (a) By reference to the data, explain the work of Judges in the administration and development of the law of precedent in England and Wales. [14]
- (b) Discuss the extent to which the judiciary is representative of society. [11]