

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:–

B.A.

Laws C39: Introduction to Law

COURSE CODE : LAWSC039

UNIT VALUE : 1.00

DATE : 14–MAY–04

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

INTRODUCTION TO LAW

Answer **FOUR** questions.

1. The Government intends to establish a new Judicial Appointments Commission to be responsible for the selection of judges in England and Wales. The majority of respondents to the Consultation document outlining possible roles of the Commission would prefer it to have appointing rather than merely recommending powers. Why is reform of the judicial selection process thought to be necessary and do you agree that such a Commission with appointing powers is the best solution?

2. Tribunals “are not ordinary courts, but neither are they appendages of Government Departments.”

Discuss this statement and give your views as to the advantages and disadvantages of tribunals as adjudicatory bodies.

3. “The work undertaken by barristers and solicitors, respectively, was never as radically different as many assumed and now further changes in working practices should ensure that by the end of the decade the Bar will disappear”.

Discuss this statement, and consider whether, if the prediction should prove correct, such a development would be in the public interest.

4. How can a judge distinguish between the *ratio decidendi* of a case and *obiter dicta* and why is it important to be seen to do so?

5. “It is the job of the police to uphold the law and to treat all citizens fairly. Therefore if they use illegal or unfair methods to obtain evidence against a person, the courts should refuse to admit that evidence at that person’s trial for an offence.”

Discuss.

6. “It is absurd to place so much faith in the jury as an arbiter of guilt or innocence. Juries are not representative of the community, they have no training for the job, they do not give reasons for their decisions, and their reasoning cannot be investigated. These disadvantages far outweigh any benefits they might offer in comparison with alternative types of decision-maker.”

Discuss.

TURN OVER

7. To what extent have Lord Woolf's 1999 reforms succeeded in overcoming the problems of cost, complexity and delay in the civil justice system?
8. "It is one of the marks of a civilised society that it provides support for its citizens in gaining access to their rights within the rule of law." (1995 Green Paper - Targeting Need)

Evaluate the changes to the legal aid system introduced by the Access to Justice Act 1999 in light of the above statement.

9. Police constables Dixon and Krupky are in the course of responding to a call about the organised theft of a large number of pentium chips from a shop in Tottenham Court Road. Arriving at the scene at 3.00 a.m. they spot Alice and Chip emerging from a dimly lit street. Krupky thinks he recognises Alice as someone he arrested last month on charges of burglary. The officers stop Alice and Chip, demanding their names and an explanation for their presence at this late hour. Chip gives his name, Alice remains silent. Not satisfied with Chip's explanation that Alice was walking him home from his shift as a doctor at a hospital nearby, the officers ask both Alice and Chip to empty their pockets and backpacks and remove their shoes and socks. Chip empties his pockets, but refuses to do any more. Alice does nothing and attempts to leave. Krupky and Dixon restrain Alice forcibly from leaving. Chip attempts to assist Alice by removing Dixon's hands from her. During the scuffle Krupky grabs Alice's pocket and a small amount of cocaine falls out. Alice is arrested and charged with an offence under the Misuse of Drugs Act 1971 and Chip is arrested for obstruction and assault upon police officers in the execution of their duty. Both are taken to the local police station and held incommunicado overnight.

Advise Alice and Chip.

END OF PAPER