

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For the following qualifications :-

LL.B.

LL.B. Intermediate: Introduction to Law

COURSE CODE : LAWSINT6
DATE : 16-MAY-02
TIME : 10.00
TIME ALLOWED : 3 hours 15 minutes

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INTRODUCTION TO LAW

Answer **FOUR** questions.

1. Do judges decide what statutes mean? If so, how? Should they do so in a democracy?
2. “The difficulty in ascertaining the *ratio decidendi* of a case is that it is not necessarily the judge who decided the case who determines what its value and impact as a precedent shall be.”

Discuss.

3. “The Human Rights Act 1998 has created a number of new sources of law, of different kinds and at different levels within our existing hierarchy of legal norms.”

Discuss.

4. What opportunities, or threats, are posed to lawyers’ professionalism and/or lawyers’ ethics by the introduction of Conditional Fee Arrangements?
5. “The reforms to the system of public funding for the provision of legal services should be welcomed as a sensible recognition of the need to prioritise public spending.”

Discuss

6. “Settlement is a capitulation to the conditions of mass society and should neither be encouraged nor praised.” (Fiss 1984)

Discuss this quote with reference to the civil justice reforms introduced following the Woolf Reports.

7. “The police’s job is to catch criminals and the court’s job is to enforce the law. If the evidence proves guilt it makes no sense for the court to let off the offender because the police used improper methods to obtain the evidence. The offender should be convicted and if the police have engaged in unlawful or unfair behaviour they should be dealt with in separate proceedings.”

Discuss.

8. “It is hard to see why such a fuss is made about restricting the right to jury trial. Juries are used in a very small proportion of cases, and it is not obvious that they are a significantly better tribunal than magistrates or a ‘mixed’ court of judge and assessors.”

Discuss.

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9. "Even if the questionable concept of a fundamental balance between the need to bring offenders to justice and the need to respect the rights and liberties of those suspected or accused of crime were accepted, it is clear that police powers created by recent legislation far outweigh civil liberties on the scales of that balance. Only the judiciary and the recently incorporated convention rights are able to redress that imbalance."

Discuss.

10. Arthur and Basil, two unemployed youths, are loitering in a shopping mall when two security guards, Craig and Danny, who are employed by the owner of the mall, Green Lake plc, accost them and brusquely inquire what they are doing. Arthur and Basil resent the rude manner of the guards and refuse to answer their question. The guards then assume that Arthur and Basil have no lawful business on the premises and, more likely than not, are there to shoplift, or to beg from other shoppers or to snatch handbags or mobile phones. The guards are also under instruction to be on the lookout for the sale of drugs, especially among teenagers, of which there have been a number of recent reports, and to be especially alert for the theft of mobile phones, which the Lord Chief Justice has recently indicated would henceforth be regarded as a serious crime, punishable by several years imprisonment.

Uncertain of their powers, Craig and Danny decide to wait and observe Arthur and Basil. They see a teenage girl come up to Basil and exchange a small object for some money. Suspecting that Arthur and Basil may be trafficking in drugs, or that the object may be a stolen mobile phone, the two guards attempt to arrest Basil and the girl, Edwina, who both forcibly resist. Arthur, seeking to assist Basil, also joins in the fray. Craig and Danny, realising they are outnumbered, call for police assistance on their radio sets.

Police constables Ffion and George, who are patrolling nearby, come to the guards' assistance and after physically subduing Arthur, Basil, and Edwina, the teenage girl, they ask the guards for their reason for seeking to arrest Basil and Edwina. The constables then search Arthur, Basil and Edwina, but find no drugs or offensive weapons. They do find documentary evidence that Arthur and Basil may have committed social security fraud.

Without seeking any explanation from Basil, Edwina or Arthur, the police constables, relying on the evidence of the two security guards, then arrest Basil and Edwina for suspected possession of controlled drugs, and Arthur for obstruction and assault upon police constables in the execution of their duty. When Basil protests and truthfully explains that Edwina is his younger sister and that the package he had exchanged with her was a sandwich lunch which he had bought her from one of the shops in the mall, the two constables do not believe him and explain that in any case they are removing all three of them from the mall because the owner does not like loiterers on his premises. When Arthur and Basil resist their physical removal from the mall, on the grounds that they are seeking employment at the shops in the mall, the police constables arrest them again for obstruction.

Advise Arthur, Basil and Edwina.

END OF PAPER