

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

LL.B.

LL.B. Intermediate: Introduction to Law

COURSE CODE : LAWSINT6

DATE : 16-MAY-03

TIME : 10.00

TIME ALLOWED : 3 Hours 15 Minutes

INTRODUCTION TO LAW

Answer **FOUR** questions.

1. “The doctrine of precedent combines consistency and certainty with flexibility and adaptability. It is the judicial reconciliation of these apparently opposed qualities that resolves this paradox.”

Discuss.

2. “The judicial function of interpreting statutes is both inevitable and desirable, provided judges maintain the distinction between interpreting and legislating.”

Discuss.

3. To what extent are the changes to legal aid introduced by the Access to Justice Act 1999 likely to improve access to justice?

4. Would a greater degree of compulsion be desirable as a means of promoting interest in court-annexed mediation schemes?

5. “A good lawyer should do anything and everything to advance the cause of her client provided only that it is not technically illegal or a breach of a rule of professional conduct.”

Discuss.

6. “Allowing employed lawyers rights of audience was a serious mistake.”

Discuss.

7. “A defendant should not be convicted of a crime on evidence which the police have used unlawful or unfair means to obtain.”

Discuss, making reference to relevant case-law.

8. What would be lost and what would be gained if juries and lay magistrates were replaced by professional judges in all criminal proceedings?

TURN OVER

9. Andrew and Brian are students at the University of Bloomsbury and members of the University's First XV rugby team. After a crushing victory over the team from the Strand University, they spend an evening celebrating in the student union bar. Late that evening, on their way home to their hall of residence in Camley, they are somewhat rowdy and boisterous, singing bawdy rugby songs. They are also smoking thin, highly aromatic cigarettes, which they roll themselves. Because of the Home Secretary's declared policy of not arresting and charging persons found with small quantities of marijuana, the smoking of marijuana cigarettes has become common among young people, particularly students.

Police Constables Charles and Diana observe the two students' behaviour and accost them. The constables politely instruct Andrew and Brian to moderate the volume of their singing and ask them for their names and addresses. Andrew and Brian are annoyed by the interruption to their continued celebrations and tell the constables to leave them alone, using foul language. The police constables are offended by the students' response to their request and decide to teach them a lesson. Observing that Andrew and Brian are smoking what appear to the constables to be marijuana cigarettes, the constables attempt to search them, but the two students refuse to be searched and forcibly resist the attempts by Charles and Diana to effect the search. While Charles is struggling to restrain the two students' bruising rugby tackles, Diana calls for police assistance. A nearby police van responds immediately and Andrew and Brian find themselves confronted by four burly constables. After a violent scrummage, the two students are arrested and taken to the local police station where they are held overnight and charged with assaulting police constables in the execution of their duty.

Advise Andrew and Brian.

END OF PAPER