



GCE AS – **NEW**

B150U10-1



S18-B150U10-1



LAW – AS component 1

The Nature of Law and the English Legal System

TUESDAY, 15 MAY 2018 – AFTERNOON

1 hour 30 minutes

B150U101
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ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Section A: Answer **three** questions – questions 1 **and** 2 plus **either** question 3 **or** question 4.

Section B: Answer **one** question – **either** question 5 **or** question 6.

Write your answers in the separate answer booklet provided.

Use black ink or black ball-point pen.

INFORMATION FOR CANDIDATES

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

The quality of your extended response will be assessed in answers to the following questions: **3(b)**, **4(b)**, **5(b)** and **6(b)**.

You are advised to spend approximately 55 minutes on Section A, and approximately 35 minutes on Section B.

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Section A

*In Section A, you must answer **three** questions.
Answer **both** questions 1 and 2 plus **either** question 3 or 4.*

Questions 1 and 2 require you to demonstrate knowledge and understanding of the English legal system and legal rules and principles, and the nature of law.

Credit will be given for the use of relevant supporting case law and authority.

*Answer **both** questions 1 and 2.*

1. Explain what is meant by intrinsic aids to statutory interpretation. [6]

2. Explain the stages a Bill must go through in order to become an Act of Parliament. [6]

Answer **either** question 3 or question 4.

You must answer **both** part (a) and part (b) of your chosen question.

Part (a) requires you to demonstrate knowledge and understanding of the English legal system and legal rules and principles, and the nature of law.

Part (b) requires you to apply legal rules and principles and the nature of law to a given scenario in order to present a legal argument using appropriate legal terminology.

Credit will be given for the use of relevant supporting case law and authority.

Either,

Question 3

Read the text below and answer part (a).

“Their Lordships regard the use of precedent as an indispensable foundation upon which to decide what is the law and its application to individual cases. It provides at least some certainty upon which individuals can rely in the conduct of their affairs as well as a basis for the development of legal rules. The Practice Statement says their Lordships nevertheless recognize that rigid adherence to precedence may lead to injustice in a particular case and also unduly restrict the proper development of the law.”

[The Practice Statement 1966]

- (a) Using the text above and your own knowledge, explain the terms *ratio decidendi* and *obiter dicta*. [6]

Read the fictitious statute and the scenario below and answer part (b).

On May 18th 2010 an emergency application was made to the High Court by a hospital in respect of a refusal of treatment by an adult pregnant woman to undergo an emergency Caesarian section. Both she and her husband refused consent to the operation on religious grounds. The hospital is seeking a declaration that the operation can be performed lawfully even without the mother's consent. The issue of the mother's consent to an operation on her own body was left open in a previous case called *Re-X (Adult: Refusal of Treatment)* where it was held in the Court of Appeal that where the unborn child's life is at risk, the hospital can perform the operation without the mother's consent. In this case, however, the husband had wanted the operation to go ahead.

- (b) Using the scenario above and applying the doctrine of judicial precedent, advise the hospital on the possible outcomes. [18]

Or,

Question 4

Read the text below and answer part (a).

The Environment Department has recently become concerned by the increase in un-cleared dog mess across the country. Parents have also started to become quite vocal about the mess and a small group descended upon Parliament to make a complaint and to stage a protest.

- (a) Explain, with examples, what is meant by delegated legislation. [6]

Read the scenario below and answer part (b).

The Environment Department would like to pass a Statutory Instrument imposing a £5000 fine for any dog owners who do not clean up their dog mess.

- (b) Using the scenario above and applying your understanding of delegated legislation, advise the Environment Department on the ways in which their delegated powers could be controlled. [18]

Section B

In Section B, you must answer either question 5 or question 6.

You must answer both part (a) and part (b) of your chosen question.

Part (a) of your chosen question requires you to demonstrate knowledge and understanding of the English legal system and legal rules and principles, and the nature of law.

Part (b) of your chosen question requires you to analyse and evaluate legal rules, principles and concepts, and the nature of law.

Credit will be given for the use of relevant supporting case law and authority.

Either,

Question 5

- (a) Explain the role of the Crown Prosecution Service. [6]
- (b) Analyse and evaluate the success of the Crown Prosecution Service. [18]

Or,

Question 6

- (a) Explain the main methods of Alternative Dispute Resolution (ADR). [6]
- (b) Analyse and evaluate the advantages and disadvantages of the main methods of Alternative Dispute Resolution (ADR). [18]

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