



GCE AS

B150U10-1



TUESDAY, 24 MAY 2022 – MORNING

LAW – AS component 1

The Nature of Law and the English Legal System

1 hour 30 minutes

B150U101
01

ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **four** questions in total:

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.

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 how judges can avoid an awkward precedent. [6]
2. Explain the role of Hansard in the interpretation of statutes. [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).

‘Provisions in subordinate legislation must be intra vires. This means they must be within the scope of the enabling power. To the extent that they are ultra vires (outside the scope) they are invalid, even if the remainder of the instrument is valid.’

Source: http://www.legislation.gov.uk/pdfs/StatutoryInstrumentPractice_5th_Edition.pdf

- (a) Explain the types of delegated legislation.

[6]

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

Protection of the Environment Act 2017

Section 93(3):

- (a) the appropriate Minister may, by such regulations as are necessary, provide that local authorities should increase their plastic recycling by 45% by 2023.
- (b) enforcement authorities may issue penalty notices up to £1,000 for non-compliance with any regulations made under this section.
- (c) Regulations made under this section shall be subject to the affirmative resolution method and consultation of relevant local authorities.

The Environment Minister has subsequently published The Plastic Pollution Monitoring Regulations 2018, which stipulate that every resident of the UK has to be supplied with plastic recycling facilities, to be collected by their local authority on a weekly basis.

Joseph has recently been fined £5,000 by his local council for not recycling his plastic in the correct bag. When he appealed against this to his local council, they claimed the fine had to be paid citing the regulations, yet his MP knew nothing of the new rules.

- (b) Using your knowledge of delegated legislation, advise Joseph as to whether the actions of the council are lawful.

[18]

Or,

Question 4

Read the text below and answer part (a).

‘Law reform is about generating much broader benefits for society and the economy.....and formulating laws which improve the daily lives of citizens.’

Source: Law Commission Annual Report – 2018-2019

- (a) Explain the purpose of the Law Commission. [6]

Read the scenario below and answer part (b).

A report recently published in the media claims that 23% of 18 to 24-year-olds crash their car within two years of passing their test.

Luke is a 19-year-old student who has recently passed his driving test and feels strongly that a change in the law could reduce this statistic. He proposes that it should be law that new drivers should display a P plate for two years and that for the first two years, new drivers should not be permitted to carry more than one passenger between the hours of 8pm and 6am.

- (b) Advise Luke on the ways in which he could try to promote reform of the law on the use of P plates for learner drivers in England and Wales. [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 magistrates in the criminal courts of England and Wales. [6]
- (b) Analyse and evaluate the extent to which trial by jury is reliable. [18]

Or,

Question 6

- (a) Explain conditional fee arrangements as a source of legal funding in personal injury cases. [6]
- (b) Analyse and evaluate the extent to which there is still a lack of funding to meet legal needs. [18]

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