



GCE AS/A LEVEL – NEW

2150U10-1



LAW – AS unit 1

The Nature of Law and the Welsh and English Legal Systems

TUESDAY, 14 MAY 2019 – AFTERNOON

1 hour 45 minutes

ADDITIONAL MATERIALS

A WJEC pink 16-page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **three** questions from Section A plus **one** question from Section B.

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.

You are advised to spend approximately:

- 60 minutes on **Section A**
- 45 minutes on **Section B**

Section A

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

Questions 1 and 2 require you to demonstrate knowledge and understanding of legal rules and principles.

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

Answer questions 1 and 2.

1. Explain the Rule of Law doctrine. [10]

2. Explain the techniques used by judges to avoid an awkward precedent. [10]

Questions 3 and 4 require you to demonstrate knowledge and understanding of legal rules and principles, and apply legal rules and principles to given scenarios 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.

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

EITHER

3. Read the scenario below and answer the question that follows.

Mark was recently involved in an accident with a driver who dropped the cigarette he was smoking whilst driving his car. Sadly, Mark's son died in the accident. Unlike using a mobile phone whilst driving, there is no specific offence for smoking whilst driving, though it can be covered by reckless driving. Mark would like to see a specific offence introduced and has asked your advice on the ways in which he could influence this change in the law.

Using your knowledge of the influences on Parliament, advise Mark as to the methods he could use to try to influence Parliament to change the law. [28]

OR

4. Read the fictitious statute and the scenario below, and answer the question that follows.

Following concerns raised in Parliament about the importation of some wildlife products from countries where those species are endangered, Parliament passed the **Protection of Endangered Species (Fictitious) Act 2017**.

Section 1 of the Act makes it an offence for 'any person to knowingly be in possession in the United Kingdom of any wildlife product that has been imported into the United Kingdom unless he has possession of a sales licence.'

Section 2 makes it an offence for any person to 'import or seek to import into the United Kingdom any wildlife product unless he has an import licence.'

Derek owns a shop in which he sells artefacts from abroad. His premises are raided by police officers and several products are seized. The products seized are found to contain fur from an endangered Brazilian monkey, which is a protected species under the Act. Derek is charged under Section 1. Derek has no sales licence but claims that he does not know that the products contained this fur. However the customs officials note that the accompanying papers written in Portuguese refer to the fur. Derek does not read or speak Portuguese. Derek used a trader called Ronaldo, based in London to import the products from Brazil.

Using the rules of statutory interpretation, advise Derek and Ronaldo as to whether any offences have been committed in this situation. [28]

Section B

*Answer **one** question from this section.*

*You will need to answer both part (a) **and** part (b) of your chosen question.*

Part (a) requires you to demonstrate knowledge and understanding of legal rules and principles.

Part (b) requires you to analyse and evaluate legal rules, principles, concepts and issues.

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

5. (a) Explain how magistrates are appointed. [8]
- (b) Analyse and evaluate whether the jury is representative of society in Wales and England. [24]
6. (a) Explain the sources of funding available to access justice in England and Wales. [8]
- (b) Analyse and evaluate the importance of conditional fee agreements. [24]

END OF PAPER