



Candidate Name

Candidate Number

Centre Name

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Paper 1: Foundations of English Law

For Examination December 2023

(1 hour 30 minutes)

You must answer on the enclosed answer booklet.

You must answer using black ink.

INSTRUCTIONS

- Answer **two** questions in total.
- You should spend **no more than 45 minutes** on each question.
- Your answers should be supported by references to relevant instruments and/or legal authority. Full case citations are not required. A partial reference to the title and/or a brief description of facts will be sufficient.
- Follow the instructions on the front cover of the answer booklet. If you need additional answer paper, ask the invigilator for a continuation booklet.

INFORMATION

- The total mark for this paper is 50.
- The number of marks for each question or part question is shown in brackets []

Answer ALL parts of TWO questions ONLY . Where a question has two parts, you must answer BOTH parts of that question. For example, if you answer question 1, you must provide answers to both 1(a) and 1(b).

1. (a) What is the relative importance of the various sources of English law to the modern English legal system? (10 marks)
(b) What was the nature of the disagreement between Hart and Devlin as to the law public morality be considered a source of law? (15 marks)
2. Explain what Hart meant by rules of recognition, and how do they apply to the creation of new legislation in the UK. (25 marks)
3. (a) Evaluate whether being a signatory to international conventions on human rights represents a limit on the supremacy of the UK parliament. (15 marks)
(b) If a UK Parliament makes provision for judicial review in a piece of legislation, does that represent a constraint on Parliamentary supremacy? (10 marks)
4. (a) Describe how and why courts need to interpret statutes. (10 marks)
(b) Explain how the *ratio decidendi* and *obiter dicta* of a case are determined by its citation in subsequent cases. (15 marks)
5. After drinking alcohol at a party, A drives home. They lose control of their car, and drive through B's garden wall. The police arrest A for a driving offence. B takes other legal action.

Describe how this basic situation may give rise to actions under different headings of English law, and identify the key differences in the aims, procedure and outcomes of those proceedings. **NOTE You are NOT required to consider the likely success of any actions against A.** (25 marks).