

Candidate Name

Candidate Number

Centre Name

Centre Number

Paper 1: Foundations of English Law

Sample paper

(1 hour 30 minutes)

It is necessary to respond on the answer sheet provided alongside this question paper. Additionally, you must have a dark blue or black pen.

INSTRUCTIONS:

- You must write your name, candidate number, centre name and centre number on the answer sheet in the designated space.
- 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 authority. Full case citations are not required. A partial reference to the title and/or a brief description of facts will be sufficient.
- It is important to follow the instructions provided on the answer sheet.
- Do not use correction fluid.
- Avoid writing on any bar codes.

INFORMATION:

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

Answer TWO questions ONLY

1. (a) Which of the various sources of English law should be considered to be the most important in the modern English legal system? [10 marks]

(b) To what extent should public morality be considered a source of law? Refer to the views of Hart and Devlin in your answer. [15 marks]

2. A and B are married with two children. A wrongfully hits B, and the couple part. The police arrest A for assault. 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. [25 marks]

NB You are NOT required to consider the likely success of any actions against A.

3. (a) Evaluate the impact of public international law regarding human rights on parliamentary supremacy in the UK. [15 marks]

(b) If the UK was to adopt a new Bill of Rights giving the opportunity for judicial review, how would this impact on Parliamentary supremacy? [10 marks]

4.(a) Outline how and why the courts go about interpreting the will of Parliament in determining cases. [10 marks]

(b) It is sometimes suggested that, in the principle of binding precedent, the real value of a judgement is determined by the way it is used in subsequent cases. Explain this with reference to the concepts of *ratio decidendi* and *obiter dicta*. [15 marks]

5.Explain Hart's concept of rules of recognition with particular reference to the way new legislation is created in the UK. [25 Marks]