



UNIVERSITY OF CAMBRIDGE INTERNATIONAL EXAMINATIONS
General Certificate of Education
Advanced Subsidiary Level and Advanced Level

LAW

9084/11

Paper 1 Structure and Operation of the English Legal System

May/June 2011

1 hour 30 minutes

Additional Materials: Answer Booklet/Paper

READ THESE INSTRUCTIONS FIRST

If you have been given an Answer Booklet, follow the instructions on the front cover of the Booklet.

Write your Centre number, candidate number and name on all the work you hand in.

Write in dark blue or black pen.

Do not use staples, paper clips, highlighters, glue or correction fluid.

Answer **three** questions.

At the end of the examination, fasten all your work securely together.

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

This document consists of **2** printed pages.



Answer **three** questions.

- 1 'It is important that the exercise by government of discretionary powers should be subject to judicial control.'

Discuss the main types of delegated legislation and consider whether the existing controls over such laws are sufficient. [25]

- 2 'The needs of law enforcement are likely to be best met if the courts insist upon observance of standards of fairness which commend themselves to the average sense of the community from which juries are drawn.'

– Barry J in *R v Lee & Others* (1950)

Explain the way in which a jury is selected for a criminal trial. Discuss critically the jury's role in the administration of justice. [25]

- 3 Of the 108 High Court judges in 2008, only ten were women, one judge was from an ethnic minority background and one judge was a former solicitor.

What shortcomings do you see in the present system of appointment to the judiciary? Can you suggest any improvements which might be made? [25]

- 4 'A flexible, non-technical approach made sense, not only as a matter of language, but also in policy terms. The mischiefs attacked by the aggravated versions of public order offences were racism and xenophobia.'

– *R v Rogers* (2007)

How does the judgement of the House of Lords in this case reveal the varying approaches to statutory interpretation? Is any one approach to be preferred to another? [25]

**xenophobia* can be defined as a strong or irrational fear or dislike of people from other countries.

- 5 Discuss critically the means by which Parliament, judges and other agencies contribute to the process of law reform. [25]

- 6 'Equity has little relevance to modern law.'

Consider the extent to which you would agree with this statement. [25]

Permission to reproduce items where third-party owned material protected by copyright is included has been sought and cleared where possible. Every reasonable effort has been made by the publisher (UCLES) to trace copyright holders, but if any items requiring clearance have unwittingly been included, the publisher will be pleased to make amends at the earliest possible opportunity.

University of Cambridge International Examinations is part of the Cambridge Assessment Group. Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.