

GCSE, GCE, VCE and GNVQ Examining Bodies

Examining body	Edexcel		
Centre number		Candidate number	
Subject/module title	Law Paper-1		
Paper reference	YLA0/01		
Surname			
Other names			
Candidate signature			

- Use blue or black ink or ball-point pen.
- Write the information required in the spaces above.
- Use both sides of the paper.
- Write the question number in the left-hand margin.
- Rule a line across the page after each answer.
- Do all your rough work in this answer book and cross through any work you do not want marked. Do not tear out any part of this book. All work must be handed in.
- Write the numbers of the questions you answer in the order attempted in the left-hand column of the boxes opposite.
- Check that you have written the information required on each additional sheet used and have attached each sheet to this book.

Write here how many additional sheets you have used (if any).

For examiner's use	
Examiner's initials	
Question number	Mark
1	
3	
7	
9	
Total	

Question
number

1	Part - One
	The term legal positivists is basically means the intellectuals, ^{who} they generally researches on the legal and moral issues. among But their work is to not to enact any law due to some problems facing by morality moral, ^{the} citizens. They just state their views so that in future law on

Leave
blank

moral views might change their rules and regulations in terms of the betterment. Legal

Legal positivists try to ~~potney~~ some logics regarding law and morality. Law ~~is~~ should follow their own previous decisions and if needed ~~the~~ it changes within no time but there is no link ~~betw~~ with morality. Law is as serviceable as for good and as for evil.

Law is a ~~re~~ body of ^{official} rules and regulations organized by legal authority. For an example:- Judges, Law can be made ~~on~~ by the Parliament or by the judges. So, law is made ~~du~~ for the betterment of citizens by putting legal rules and bindings to follow, which upholds

Morality is a strong belief of individuals which comes from religion. It's people's view ethics, own perceptions.

Now, we are going to see that is there any relationship between law and morality:-

Law and morality are both interlinked in some cases as (murder), it's a crime which is illegal and also immoral at the same time.

The difference between law and morality:-

Law is a ~~leg~~ comes from a legal constitution (Parliament) whereas, Morality is a strong belief of individuals which comes from religion in a society. Law can be enacted anytime and even can change rules within a certain period of time, it's flexible, morality ~~comes from society~~ comes from a longer period of society's beliefs. So, it takes a lot of time to change a moral view. There is a ~~say~~ that all ^{rules which} laws are not illegal should not be also necessarily immoral and same goes with immoral activities should not be obliged as illegal. For an example:- Car speeding is illegal in terms of driving a car but it is not immoral by driving a car faster. On the other hand drinking alcohol in UK is legal after 18 is legal but for Muslims it is immoral to consume any kind of alcohol. Breaking law leads to sanctions, breaking moral views leads to social condemnation.

There are a lot of people conflicting with what should be followed, should law follow morality or should morality follow law.

Natural ~~be~~ positivists argue that law strongly should follow morality as law is ~~can~~ given by higher God which we all must follow. Immoral activities must be illegal.

1. E. INTELLECTUAL?

St. Augustine said :- "An unjust law is not a law".

On the other hand, legal positivists are trying to protest by giving/stating that, there is no link between law and morality. Law is ~~not~~ not obliged to uphold illeg immoral activities. What rules ^{are} made by law should be followed no matter if it's immoral, as law is also concerned to make the standard of living.

There is a case ~~in~~ ~~1981~~ (R v R) where two ~~men~~ ^{people} ~~for~~ harms themselves and make pleasure by doing it but they were convicted due to ~~as~~ harming another. But they did it intentionally and took permission of one another. They argued ~~not~~ ~~at~~ law should not intervene into private activities.

So, ~~as~~ a question arises ~~is~~ that to what extent law should intervene into private matters/activities.

Sir John Stuart Mill, and Lord Devlin and Professor Hart had ~~an~~ a huge ~~an~~ debate regarding all the conflicting matters of law and morality.

A basic explanation of line of the merits of legal positivism.

So, in # to conclude, this topic is an inevitable issue. thousands of question rises but at the end people should control ~~their~~ in on be concerned of their activities ~~enforce~~ for the devolopement of law.

leave
blank

Lacks

argument

3 Equity defines ~~means~~ ^{fair} ~~proper~~ judgement. Before the Norman conquest Common law is the only rules to follow.

~~Common law~~ ~~the~~ In the twelfth century judges roam around places to places and provide justices under common law. There was a writ system by which the laws ^{were} applied. By which people were bound to accept ~~what was the~~ decision under the writ system. And there was no more writ claims ~~except~~ except damages, so ~~it~~ having damages is not always worthy on fair decision for the people who suffered. The ~~all~~ people ~~as~~ pleas to the king for justice. King took ~~a~~ a decision and ~~g~~ delegated the power of authority to his Chancellor.

The Chancellor kept listening to the litigants and solve their problems by providing equal ~~justice~~ and fair justices. Day by day it actually worked and equity succeeded to provide fair judgement. Then ~~the~~ Court of Chancery decided that if ^a common law and equity conflicts then

The Court of Chancery decided that if a decision ~~of~~ conflicts between Common law and equity, ~~the~~ equity shall prevail.

Due to lack of consistency issues as no one knows ~~how~~ what ~~the~~ the decisions ~~are~~ going to be cause equity doesn't follow any rules, ~~at~~ so, criticism arises due to inconsistency. ~~So~~ That's why Judicature Act was formed to ~~be~~ maintain and strictly follow some rules. Some rules are given below: -

Who claims equity must come with clean hands. It means claimants must be clean and fair enough to claim justice.

Who seek equity must do equity.

Delay defeats equity. It means claimant must come to court on a certain period of time and if ~~the~~ ^{claimant} came after few years later to seek justice on the earlier matter then ~~it is a claim the claim~~ ~~claim~~ will be refused.

There are some other ~~name~~ ~~also~~ rules also, like:- Rescission, Rectification, Injunction.

^{mareva injunction,}
Most recently, Anton-Pillar, on the 19th century.

Equity is Common law's safety "valve". Though by putting restrictions now equity is also becoming rigid just like Common law. But still equity tries to provide free and fair judgement for the people and for the standard of living.

Part - two

7 The Doctrine of Binding Precedent: ~~means:-~~
"Doctrine" means Theory, "Binding" means must be adhered or followed, "Precedent" means previous examples, so altogether it basically means All the ~~de~~ previous decisions or examples must be adhered on to be followed.

A House of Lords before the Practice Statement formed, the courts were bound to its earlier or previous decisions and it ~~can~~ can be said as "stare decisis". It means lower courts must follow the decisions of higher courts and @ even House of Lords is also bound to follow their own previous decisions.

The Practice Statement formed at 1966 due to ~~the~~ rigid system. ~~of~~ Judges were facing difficulties ~~to go~~ by following previous decision given by the following courts.
By giving the following decision may lead to absurdity, that is the reason

why peop judges were bound to form an Act immediately.

There are two different ^{parts} things in a following decision. Ratio decidendi and obiter dicta.

The ~~for~~

The common law doctrine of precedent characteristically preserves legal certainty and consistency in the application of law due to respect the following previous decisions. But there are some timing is a big issue as a scenario held on 18th century and judges providing the same decision till now is not justified regarding the different situation, maybe the case was same but format is different now, so it can lead to injustice to people. That is why the House of Lords brought the Practice Statement.

②

Overruling, Reversing, Distinguishing, Per incuriam these are the kinds of ways by which judges changes their decision.

Overruling is ~~the~~ a case where the two courts ~~are~~ deals with a case and ~~where~~ ^{where} a court overruled ~~the~~ previous decision the following decision of matter. As in a decision made by House of Lords which is bound to follow by Court of Appeal but The Court did not follow the decision

and change it for giving the fair justice is called overruling.

Reversing is ^{for an example} if House of Lords changes his own previous decision ~~then its~~ which was not to be followed then its reversing.

House of Lords were reformed ~~at~~ ⁱⁿ 2005 ~~named~~ by changing its name as UK Supreme Court and it started ~~do~~ at 2009. So, House of Lords is now ~~known~~ known as Supreme Court of UK.

Supreme Court of UK is now bound to follow ~~the prev~~ the previous decision given by the House of Lords. European Court of Justice's decisions are also must be followed by UK Supreme Court.

In a case of House of Lords ~~R v Brown~~ ^a guy who landed on a different country unintentionally R v R where two guys keeps harrasing one another ~~and~~ and took it as a pleasure. By doing it ^{continuously} one died but the ~~thing is~~ ^{defendant} person claimed he did it ~~on his~~ told him me to do it and with his permission he did it and the ~~case~~ previous decisions held ^{as} the law should not interfere in private activities. So ^{if} judges now follows the previous decision of the case then this kind of activities will be continued and it is going

Can explain but not discuss

to affect society, That's why ^{looks legal actually} judges decided to ~~the~~ reverse its own previous decisions.

~~The~~ In another case, there was a severe condition among Siamese twins. ~~body~~ If the doctor ~~tries~~ to ~~of~~ save one then the weaker ~~one~~ will die. On the basis of someone's life the operation occurred and the weaker one died. The case ~~was~~ ~~that~~ leads to a murder case and the doctor was blamed but the court decided to refuse the accusation of murder, in the sense of saving someone's life.

So, we can see that only on a severe situation for which it might lead to injustice the courts ~~don't~~ don't change their own previous decisions on higher or earlier courts decisions.

9 The arguments for the abolition of the jury in England and Wales are far more persuasive than those for its retention.

Jury means a decision made by 9 to 12 ^{reasonable} people in a particular case. Jury provides a fair decision as if a judge's view is not justified or maybe it

there is a personal conflicts between the judge and defendant, ~~he~~ he or she might protest ~~next~~ due to as it might be forced on unfair decision. Juries are reasonable person. It can be anyone as starting from a student to a post-man. But the problem is to select juries. It causes time and money. Sometimes unfair decisions due to lack of knowledge as they are all not the same ~~edu~~ educated on ~~on~~ same personality, way of thinking.

Question
number

Leave
blank

Question
number

Leave
blank

Question
number

Leave
blank

Question
number

Leave
blank

Question
number

Leave
blank