

For examiner's use

Examiner's initials

Examining body	Pearson Edexcel		
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Candidate signature	[REDACTED]		

- 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). 1

[illegible]

Question
number

A hand-drawn graph on lined paper. The graph shows a curve starting at the origin (0,0) and increasing with a decreasing slope, resembling a square root function. The curve passes through approximately (1, 0.5) and (4, 2). The axes are not explicitly labeled, but the grid lines provide a reference for the scale.

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Part - One

3. In ordinary language ~~equity~~ is simply means fairness. However, in law, the term of equity it refer to a specific set of a legal principles, which adds to those provided in common law. Originally inspired by ideas of ~~natural~~ natural Justice ~~of~~ and fairness equity which is no more than particular branch of English law. Further clarity regard this 'equity' it can also be possible if we take a look of it's ~~his~~ historical ~~devepto~~ development.

Earlier, different parts of England were governed by different system of law. After ~~the~~ Norman the conquest, William the Conqueror has gained a ~~a~~ English throne in 1066 and sent out his representatives around the country to sort out his disputes and to check the local administration. These ~~it~~ itinerant Justice returned to ~~the~~ Westminster to discuss and to compile ~~a~~ its consistently body of rules. Later, Common ~~a~~ law had developed ~~a~~ under the Henry I ~~the~~ this 'common law' consistently ~~over~~ all over the country.

Civil action in these courts has to be started by a 'writ' which is simply document seeking out the details of a claim. Earlier, new writs were created to suit new circumstances but by the end of the 13th century it was stopped. The rule no writ no remedy applied. Provision of Oxford's 1258 and were litigants had to fit their circumstance into an one available type of writ and as such many litigants were went empty as they could not find a writ. Common law itself become a rigid, and inflexible and operated unjustly. Problems also escalated as common follow only one remedy; damages which was inadequate as claimant might want that defendant to resist from carrying out some activity.

In the light of these problems ~~problems~~ litigants problems faced, equity had developed to stretch, pacify its extremity. In order to obtain redress in specific case and many litigants were dissatisfied and petitioned ~~the~~ from the King, 'the Font Fountain

of Justice' ~~and~~ and by the end of the 13th century there were many ~~litigants~~ petition were being dealt by the Chancellor at the King's Council.

Equity acted as 'Personam'. it was concerned for the conscience of an ~~in~~ individuals. The Chancellor 'the Keeper of King's conscience' ~~which~~ ~~what~~ ~~with~~ dealt with petition on the basis of what he thought was morally right. ~~1474~~ In 1474 the Chancellor first issued the Judgement in his own name and thus begun the independence of the court of ~~Chancery~~ Chancery from the King's Council. The court of Chancery ~~give~~ ~~the~~ provides the best remedy ~~and~~ petition and also required no ~~for~~ formality. In due of course time, equity came to be known as ~~a~~ absolute Justice which corrected the law in particular cases.

Equity became ~~a~~ very popular because its ^{flexibility} ~~remedies~~, it's appropriated remedies and it's advanced procedures —

Specific performance - Compels ~~to~~ a party to ~~perform~~ perform their part of a ~~contra~~ contract.

Rectification - alters the words of a document which does not express the ^{true} intention of ~~the~~ the parties of it.

Rescission - orders parties of a contract to be put back in their original position of a contract induced by ~~mis~~ ~~a~~ misrepresentation.

Tension gradually developed between common law court and the court of Chancery. This came to a head in Earl's of Oxford cases which ~~decided~~ decided that in cases of conflict between two, then equity still prevails.

By the end of ~~to~~ the 17th and 18th century equity had a developed in case law and recognisable principles and was no less ~~to~~ rigid than Common law. This led to criticism as the outcome of the cases and John Seldon ~~a~~ an eminent 17th Jurist ~~to~~ had declared that

'equity varies of the length of chancellor's foot'. Lord Nottingham started to introduced a more ~~sysmatic~~ systematic approach to the case as ~~the~~ to combat this criticism. ~~The~~ The ~~decit~~ decision of chancellor was morally fair 'their ~~be~~ began to give the reason of their decision. Later which was developed equity as maxims.

Some of ~~these~~ these were —

Dealy defeat equity. Leaf v International Galleries

He who seeks equity must do equity. Chapell v Timesnewspaper

He who seeks equity must do it in clean hand. Cand D Builders v Rees

Difficulties are still experinced by ~~big~~ litigant ~~the~~ he who seek legal and equitable redress in separate court.

The Judicature ACT 1873 and 1875 provides that the law and equity would be administrated by one court, although equity

and common law to be implemented by the same court, the two branches of law are separate body of rules. Section 25 of the Act which states that in case of conflict, equity still prevail. The English historian, Frederic William Maitland noted that 'the two streams have met ~~to~~ and ~~the~~ and run in the channel but their water do not mix'.

Equity begun ~~as sys~~ which system ~~based on~~ on the based of informality, speed, cheapness, the concern to assist the poor collapsed in the 19th century into ~~extraordi~~ ~~extraordinarily~~ extraordinarily prolonged, the ~~stiff~~ ^{system} stiff and costly, ~~fav~~ favouring the ^{SCATTERGUN} ~~wealth~~ wealthy. However, the equity does have several positive contribution to the English law. The availability ~~the~~ discretion of remedies, law of trust and equity redemption show the equity had fulfilled the traditional function ~~the~~ than supplementation of common law.

Some historical discussion but the focus is on equity alone rather than the relationship between ~~at~~ equity. ^{Needs to be able to set}

5. The Council of Europe was established in 1949 it was under ~~b~~ this body on that European Convention on Human Rights was draft and approved by the member states in 1951 including ~~the~~ United Kingdom.

Article. 2 the right to life.

Article. 3 the right to freedom from torture and degrading treatment.

Article. 4 the right to freedom from ~~se~~ slavery and ~~force~~ forced labour

Article. 5 the right of a person.

Article. 6 the right to a fair trial.

Article. 8 the right to respect from ~~pravity~~ private life and family.

Article. 9 the right to freedom of thought, conscience and ~~re~~ religion.

Article. 10 freedom of expression.

Article. 11 freedom of ~~a~~ peaceful assembly and association.

Article. 12 the right to marry and found a family.

Article. 14 the right to enjoy the rights and freedoms under the convention without discrimination

In addition convention & protocol provides, inter alia for the enjoyment of the peaceful possession, the right to education and the right to free election.

Article 3 the prohibition against the torture.

Article 4 the prohibition against the slavery

Article 7 no punishment without law.

Article 9 freedom of thought, conscience and religion.

The remaining convention contains qualify ~~criteria~~ criteria.

For example Article 12 &

& protects the right to marry and found a family but

~~qualifies~~ qualifying with this restricting to marry to marriage according to the domestic ^{law} with relevant state. Limitation can relates to legitimate aims which states may pursue ^{with} which restrict which protection of rights.

* the prevention of disorder or crime.

list of
the
rules,
no
application
to
question

- * the protection of ~~best~~ health and morals.
- * the protection of right and freedom of other,
- * Maintaining the authorities ~~and~~ and impartiality of Judiciary.

The convention being an International treaty which directly no effect on English law, that the British Government also strongly perserved the ~~convel~~ convention rights which resulted, it was not until ~~1965~~ 1965 that the government gave individual right to petition.

Prior to Human Right Act 1975 ~~1975~~ ~~1998~~ European convention on Human Right acted as presauive force ~~in~~ on in domestic court and convention rights were ~~avitable~~ forceable by the application of European Court of Human Right (ECtHR) in Strasbourg, France. Cases could refer to ECtHR where domestic ~~to~~ ~~law~~ law ~~was~~ in doubt and unclear. Domestic courts can used the convention as an aids to interpretation but had no Juriducation as to

~~directly~~ directly enforce ~~to~~ to
get their rights and freedoms
Under convention. Dec v Times
~~newspaper~~ ~~was~~ newspaper.

Before HRA 1998 the citizens of
UK were enjoying their Human
rights under Common law, which
was inadequate that it was unable
to give the same protection
as ~~for~~ Convention. Further, there
was a long running debate that
~~between~~ the protection of UK
citizens were not up to
International standard. Litigant
had to travel to get their
~~en~~ enforced rights which was
costly and lengthy. Malone v
Metropolitan police

Article. 2

AllbuH and other v the Minister of
Defence 2013
Lame v Same 2013

Article. 3

Von colle

Ahmed and other v UK

Ninter v UK 2014

Article 8
McDonald v UK 2015

Article 9
Eweida and other v UK

Article 10
A v BBC 2014

Article 11
ASEL ASELF v UK 2007

Anti-Terrorism measures - R v
Secretary of state for Home
Department 2014 ~~cos~~ High Court
Section 1 of the counter of Terrorism
~~and~~ security Act 2015 provides
mechanism to the police to
stop people going outside of
UK for fight for terrorism
organization overseas.

The HRA 1998 was passed by the
then Labour Government and
~~CA~~ came into force fully in
October 2000 as giving effect certain
provision of ECHR of domestic law.

Section 1 of HRA 1998 declared
that majority of the provision
of ECHR has been incorporated.
Section 2 states that judgement
of the ECtHR was taken into

consideration, although is ~~not~~ was not binding.

Section 3 court are required by section 3 to interpret the rights under convention 'as far as possible'.

It was previously thought that it can only be ~~app~~ applied for unclear provision but in R v A it was stated it can also be used in clear provision as well.

section 4 state that superior ~~can~~ court issue of 'declaration of ~~incompatible~~ incompatibility' which ^{states} ~~means~~ that an act of parliament can conflict with Human rights is incompatible in the given cases and hence not be applicable regard.

R v chief constable of the
~~Greater~~ Greater Manchester.

section 6 of the Act requires public authorities to change ~~in~~ in act of way that is incompatible with convention.
R v chief constable of sussex ex
parte of International trader
Ferry @ Limited.

Section 6(3) requires the public authorities which include the court, ~~and~~ the tribunal and any person may ~~whose~~ whose certain function in public or funded by the government.

~~Section 10(2)~~

Section 7 states that an individual can place a action to ~~at~~ another individual or against government.

Section 10(2) If the Minister of the Crown consider that there are reason to compelling for proceeding under this section, he may order by ~~make~~ such ~~amendment~~ ~~and~~ amendment make legislation ~~and~~ which he necessary to consider to remove ~~the~~ incompatibility.

Section 19 require government minister to ~~be~~ publish a written statement of parliament whether ~~or~~ or not new Act is incompatible with ~~the~~ convention.

~~HRA~~ HRA 1998 ~~is~~ has no higher status in law other than any statute if it is taken to be consistent with the concept of

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10. His 1st principle states that parliamentary is supreme law making body and may act ~~on~~ law on any subject matter. The parliament can grant the independence to dependent state whether dominions or colonies as with the Nigeria Independence Act 1960. The parliament can also create law with ~~no~~ retrospective effect, as with in War Damage Act 1965 this act overruled the decision of the House of Lord in Burmah Oil company v Lord Abroca 1965.

His 2nd principle states ~~that~~ that no parliament may be bound by its predecessor ~~not~~ nor bind its successor which concludes that each parliament must enjoy the ^{same} ultimate power as any parliament before it.

His 3rd principle provides ~~on~~ no other body, particularly the courts may question ~~the~~ an validity

of an act of parliament Cheney v Conn what parliament has given, only parliament can take away. Lord Reid stated in Pickin v British Railways Board that the ~~func~~ function of the court is to interpret and ~~app~~ apply enactment but ~~na na~~ may not question to validity.

Therefore it seem that development of concept such as direct applicability, direct effect, indirect ~~effe~~ effect and the damage of the non-compliance, the ECJ has truly fulfill a dynamic role of ensuring that court of ~~to~~ all the member state which obliged ~~to~~ to give primacy effect. ~~The~~ Finally it can noted that it seem the account of Albert venn Dicey may seem out of place in modern UK but its ~~so~~ ~~sup~~ supremacy ~~of~~ ^{Parliamentary} principles are still generally principle of our constitution. UNDEVELOPED?



Able to describe in law but no
2 applicant looks relevance.

③ parliamentary ~~Supremacy~~ Sovereignty
~~Supremacy~~. This means that
parliament can change Act ~~when~~
~~the~~ whether it pleases.

- * UK courts will decided the
explanation of ECHR article.
- * ECHR can not force the UK
court to change law.
- * ③ leave ECHR if necessary.

The rise in signification ~~num~~
number of disputes adjudicating
upon HRA 1998 which shows
that citizens are feeling good
will the act which also good
for UK image will not be
found any error by foreign courts.
③ Thus, it is clear that HRA
1998 provide the most powerful
protection for individual in
many respect.

Part - Two

10. The following discussion is concerned with the complex issue of inter-relationship of the ~~EU~~ European Union laws and the domestic laws in the UK and other member states. The European Court of Justice the Judicial arm of the EU has consistently held that EU should take precedence over national domestic law and that where there is conflict, national courts should apply the EU law. This stance has understandably caused considerable uneasiness within UK, as within other member states.

The Doctrine of parliamentary Supremacy has historically been ~~an acceptable~~ acceptable as one of the fundamental principle of the British Constitution. In absence of a ~~written~~ written constitution, the cornerstone of the constitution is the concept of parliamentary sovereignty. ~~A~~ Albert Venn Dicey ^{gave} a classic definition of parliamentary sovereignty in 19th century.

~~was given by Dicey in 19th century~~