

**GCSE, GCE, VCE and GNVQ Examining Bodies**

Examining body	Pearson Edexcel		
Centre number		Candidate number	
Subject/module title	LAW Paper 1		
Paper reference	YLA0101		
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).

1

For examiner's use	
Question number	Mark
1	
3	
6	
10	
Total	

Question number

1	The debate between legal positivists and <del>but</del> natural lawyers has been going on since early times. Whether law should coincide with morality? <del>morality</del> is the key question here. <del>whether</del> <del>Return</del> According to legal positivists law should be applied if it is clear clear with its condition and proper meaning and no matter how strict it is. <del>when</del> On the other <del>had</del> hand of the natural lawyers
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questions it, ~~it~~ ~~that~~ according to them law should coincide with morality. The further argument are discussed below.

The ~~at~~ main difference between law and morality is that law ~~can~~ be formed by law making body like Parliament. ~~It~~ It can ~~exist~~ ~~exist~~ or cannot exist depends on the Parliament. On the other hand morality forms slowly in the society and cannot be changed instantly. It takes <sup>time</sup> along ~~to~~ to form. ~~on~~ The morality resides within the ~~society~~ society due to different faiths and beliefs like religion cultures whereas, ~~law~~ is ~~created~~ ~~by~~ ~~the~~ ~~violation~~ of law leads to punishment and penalty. ~~like~~ whereas violation of morality has no charge ~~at~~ or penalty. ~~is~~ ~~no~~.

legal

What is legally right is not necessarily moral and what ~~is~~ ~~not~~ ~~what~~ is moral is not necessarily legal. ~~But~~ ~~the~~ During the early times in English society premarital sex ~~was~~ was immoral but nowadays ~~it~~ is moral to do such activities. Law and morality sometimes <sup>no connections</sup> have ~~nothing~~ to coincide with each other. For example wearing seat belts while driving ~~law~~ is a law but it is not immoral to ~~break~~ break that ~~is~~ ~~not~~ law. Serving alcohol to minors (under 18 age) is

illegal for certified firms ~~to~~ but  
its not illegal to ~~do~~ in doing that  
at private party. However there are  
some points where law and morality  
coincide with each other in harmony  
for example theft and murder  
both the acts are wrong legally ~~and~~  
and morally.

In ~~the~~ <sup>few</sup> natural social schools lawyers  
~~del~~ debate about the ~~to~~ ~~refact~~ that  
if law is not made by ~~considering~~  
morality then it should not  
be obeyed and these lawyers are really  
strong strong to their beliefs.

Then many legal positivists also  
argued that laws which ~~are~~ <sup>have</sup> clear  
meaning and strong logic over  
consequences should be followed  
no matter how strict it is. ~~the~~

In some cases the soci law and society  
are changed because of the morality  
of the societies. For example.  
~~some~~ the law of homosexuality and  
prostitutions have ~~at~~ different ~~at~~ impact  
on society. Half of them ~~as~~ agree with  
the law and half ~~of~~ them and  
~~also~~ strongly against it and while the  
other half ~~of~~ the society ~~accepts~~  
the law ~~for~~ ~~disobeying~~ the rebels for

it all due to different opinions  
of morality.

When the government in UK was asked  
the community ~~interior~~ <sup>and institution</sup> the laws  
on homosexuality, should be changed  
or not, a commission was set up. It  
was known as the 'Wolfenden'  
report. It ~~approved~~ <sup>was believed</sup> the fact  
that law should not have a ~~thin~~  
limitation in interfering public & in the  
private life of the member of the  
society. The Lord Patrick ~~Herbert~~ The Judge  
Devlin Lord Patrick Arthur Devlin argued  
the Wolfenden's report and Lord  
~~Herbert~~ ~~Devlin~~ A Professor Albert Herbert  
Adolphus Lionel ~~Herbert~~ <sup>approved</sup> ~~argued~~ the fact.  
Thus the Hart-Devlin debate formed.

There should be the Wolfenden's  
Committee & it ~~stated~~ <sup>was argued</sup> that  
as long as the society  
have their own view of morality and  
while believing it no harm is made,  
then law shouldn't intervene with  
the ~~work~~ moral rights of the society.  
However Lord Devlin argued that  
there should be a belief of good and  
evil between the society to keep  
them together.

Devlin's view's was ~~so~~ supported

In few cases, in case of Slaw v DPP,  
where where Mr. Slaw published  
the 'Ladies Directory' which it contains  
the photographs of prostitutes with featuring  
their sexual practices. & Slaw was  
convicted by the House of Lords (HL)  
(Supreme Court) for ~~conspiring~~ conspiring to  
ruin public ~~the~~ image. In many cases  
Hart's view ~~is~~ was also supported,  
for (R v DPP) (R v Brown).

In some cases ~~the~~ a case where  
Hart's view was supported, in Gillick v  
Westchester Health Authority 1986 Mrs  
Gillick sued the clinic for providing  
contraceptive advice and treatment  
to girls ~~and~~ under the age of  
16 years. The Court ~~gave~~ released  
the ~~dear~~ the accusation as it  
is a ~~not~~ nothing but a health/health  
matter.

AS BEFORE - TOO MUCH  
HART / D NOT  
ENOUGH (L - POSITIVE)

~~The law and~~ Both the natural and  
lawyers and legal positivists have  
their own strength of logical  
explanation. But not ~~of~~ from where  
the accurate ~~the~~ explanation to solve  
the matter. However laws are changed  
~~as~~ ~~as~~ ~~as~~ few times due to moral  
rights for belief, the Sexual Act 1967 and  
2003 and Abortion Act 1963.

Good discussion with some ~~good~~  
knowledge

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3. The word equity means 'fairness'. However, it has specific <sup>set of</sup> principles and which coincide with common law. The idea of equity basically developed from idea of 'natural justice' and 'fairness'. It ~~is~~ is not a branch of English law. It has ~~there~~ however it has its own set of principles which differ itself from common law. The ~~former~~ clarity of equity can ~~only~~ only be found if we look ~~into~~ into its historical development.

In the early ages ~~all~~ different parts of UK were governed by 3 different laws. But after the conquest of conquest of Normans, William the conqueror gained the English throne in 1066. later he sent out his representative across the country to solve disputes and check on the local local admin. administration of different laws in different parts of UK. These ~~are~~ 'itinerant justices' later returned to Westminster and ~~with~~ with important sets of law from different administration and compiled a body of ultimate laws and spread it across the country. later on he compiled sets of laws known as common law and this common law court was established.

There were few problems with common law, and in the light of these problems equity ~~soon emerged to fight~~ ~~was up and~~ pacify its extremity. In common law there court if a litigant wanted to ~~case~~ sue someone then they first had to collect a writ. It is a written documents which states the case and that is required remedy. However after the rule 'no writ no remedy' applied in (provisions of Oxford), litigants could apply their problem with in the equity until 13th century then it was stopped. After the rule of 'no writ no remedy' applied in (Provision of Oxford 1258) litigants had to ~~merge their prob~~ adjust their problem according to the remedies stated available in the writ. Thus many litigants went empty handed. This restate started to result in criticism of common law. Thus people started to ask justice from the king 'the fountain of justice'. The king used to give justice according to what he ~~was~~ thought was morally right. At the end of 13th century there ~~was~~ were so many petitions that the king led to ~~to~~ ~~open~~ keep a certain official to handle these petition and he was known as lord chancellor.



all these Problems

Leave  
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In the ~~dark~~ During ~~all~~ the dark times of  
Common Law Court, the equity emerged to light  
up and pacify its extremity. For Equity  
acted as a personary ~~as~~ as a conscience  
of an individual. ~~to the~~ The Lord Chancellor  
was the King's conscience and continued  
to give justice to the petition incurred  
in the King's Court. In ~~1474~~ 1474 'Lord  
Chancellor gave judgement by  
his own decree and started the  
Court of Equity.

Equity was so flexible, cheap and  
popular and

Equity was very popular because of its  
flexibility and advanced procedures!

- Mareva Injunction : Court of Appeal (CA)  
introduced the ~~Mareva~~ Mareva injunction in  
Mareva Miravia SA vs Bullcarriers SA it ~~was~~ is  
a court order to freeze the defendant's  
asset and stop him ~~in~~ to do some  
activities. Lord Denning said that  
it was a great ~~piece~~ piece of piece of  
judicial art in his time.

Anton Piller : ~~is~~ <sup>is</sup> a court order ~~to~~ it orders  
the defendant to let the claimant search  
search for the defendant's claimant's property  
in the defendant's premises to stop ~~it~~ the  
defendant from destroying or hiding any

Vital evidence.

~~Specific~~ Specifications - compels a party to finish his part of the contract.

Rectification - alters the words of a document if it was ~~shown~~ mispresented.

Equity, started to become as rigid and slow like common law (The Anco's writer

Recession - a party must follow the words of a ~~part~~ contract that was clarified through it.

Equity, started later ~~became~~ slowly became as rigid and problematic like common law. The famous writer Charles Dickens wrote stated <sup>his</sup> in the book, Bleak House, Equity became as bad, if not worse as the common law process. The ~~law~~ legal steps ~~became~~ became so expensive and sluggish. Litigants were charged fees in every legal step of a case. Sometimes it ~~can be~~ could be seen that it tooks years for a case to come to trial and even more years to come to a decision. In 1874 the 17th century an Farniment Journalist Sheldon had also stated 'common law Equity carries ~~to~~ with the length of as the lord chancellor's foot. To defend these

Types of Criticism Lord Nottingham  
also introduced ~~the~~ <sup>some</sup> ~~few~~ advanced procedure towards cases. Later  
of Judges of Courts started to give  
reasons for their judgement.

In the case of OXFORD (1958) collision  
between Common law and Equity arised,  
~~the~~ though the equity was prevailed.  
Many litigents faced problems while seeking redress in <sup>of</sup> ~~the~~ <sup>chancery</sup>

The Judicature Act of 1779 <sup>stated</sup>  
that Common law and equity ~~should~~  
~~should~~ <sup>will</sup> ~~be~~ <sup>be</sup> <sup>operated</sup> under one  
Court but of course with own principles.  
Both will operate to give justice decision  
in the Court.

Even though Equity was <sup>well</sup> known  
as because of its flexibility, fairness,  
cheapness, speed and <sup>mainly</sup> equality. ~~However~~  
it ~~was~~ changed in the <sup>later on</sup> ~~end of~~ ~~the~~  
and became expensive, stiff and ~~more~~  
favourable for wealthy. However Equity  
still ~~is~~ hold an important role in  
the English law because of its  
justice, redemption and ~~to~~ morally  
Judgment.

Law or equity rather than question

Q. The Exclusive right of the Parliament to make laws and the job of the Judges to interpret it. ~~one~~ However while interpreting these laws, Judges ~~are always~~ always face difficulties, and ~~they~~ thus to face ~~these~~ these difficulties. Judges are assisted by some rules, & speculations and aids. These rules, speculations and aids are referred to Statutory interpretation.

~~However~~ There are three different of concepts of interpretation and they are

1. Literal rule  
2. Golden rule  
3. Miscrip rule.

The 'literal rule' is the actual, ordinary and literal words of ~~the Parliament~~ <sup>the Parliament</sup> ~~the Judge~~. They are Parliament. & Judges have to interpret is exactly according to the rule of the statute. ~~and~~ They have to apply it directly without searching for a meaning for it.

Advantages of literal rule

- ~~words~~ no longer of the rules being rewritten by the Judge.

but ~~or~~ & interpret.

- Judges cannot ~~etc~~ ~~give~~ the exact

rather the meaning producing the closing  
meaning the parliament had intended.

### Disadvantages

- Judges ~~emphasize~~ exclusively emphasize  
the words of the <sup>Act of Parliament</sup> without even  
~~emphasize~~ & ~~find~~ searching any  
meaning for it ~~with~~ where  
even the Parliament's intention over  
otherwise.

according to case

- R v Harris ~~stated~~ that Judges ~~to~~ liked  
rule's is absurdity is ~~ext~~ extreme. For  
example illegally stabbing someone  
with a knife or cut our ~~wound~~ wound  
them will be penalized ~~at~~ however however  
in case where victim is being bitten  
at by so the head of his nose by  
& V's teeth will not be recorded.

The common law stated that law  
literal law is absurd and inconvenient.

~~Golden rule~~ says that  
the Judge can apply

Mischief = Golden rule - is applied if  
a literal rule cannot  
be interpreted due to its absurdity  
and inconsistency however if ~~it~~ <sup>it</sup> can be  
the second rule is as  
absurd as the first rule but  
the literal rule must only be applied.

Mischief rule - Advantages

It ~~has~~ gives meaning to

Mischief rule:

It is the most flexible rule if it  
is laid down to be ~~so~~ <sup>in</sup> ~~case~~ <sup>the</sup> ~~case~~ <sup>case</sup> ~~it~~ <sup>it</sup> ~~don~~ <sup>don</sup>  
case

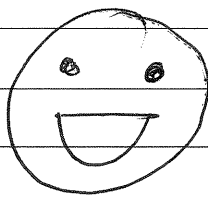
Why the statute was interpreted?  
What exactly the mischief the Parliament was  
trying to solve by the statute?

What remedy

Lacks detail + evaluation

Examining body	Person E Level	Center number	
Candidate name		Candidate number	
Paper reference	KLA0101	Sheet number	1

Question  
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9.	<del>The EU <sup>law's</sup> <del>law's</del> supremacy is over</del> national
10.	There is a complex decision making between the EU law
10.	There is a complex discussion between EU law and national domestic law. After the Enactment of EU law and the ECA 1972 it states that EU laws have supremacy over national law of UK and member States.
	The Parliament of Sovereignty was approved by A.V Dicey and he had 3 <del>notes</del> decisions
	<del>Partic Act of Parliament can</del> that Parliament can
	Well I messed up The Timing!! 





Well

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blank