WJEC 2014 Online Exam Review

GCE Law LA2 1252-01

All Candidates' performance across questions

Question Title	N	Mean	S D	Max Mark	F F	Attempt %
1	933	14.2	5.8	25	56.9	43.8
2	585	12	5.6	25	48	27.4
3	1604	15	5.5	25	59.8	75.2
4	1035	11.9	5.6	25	47.7	48.5

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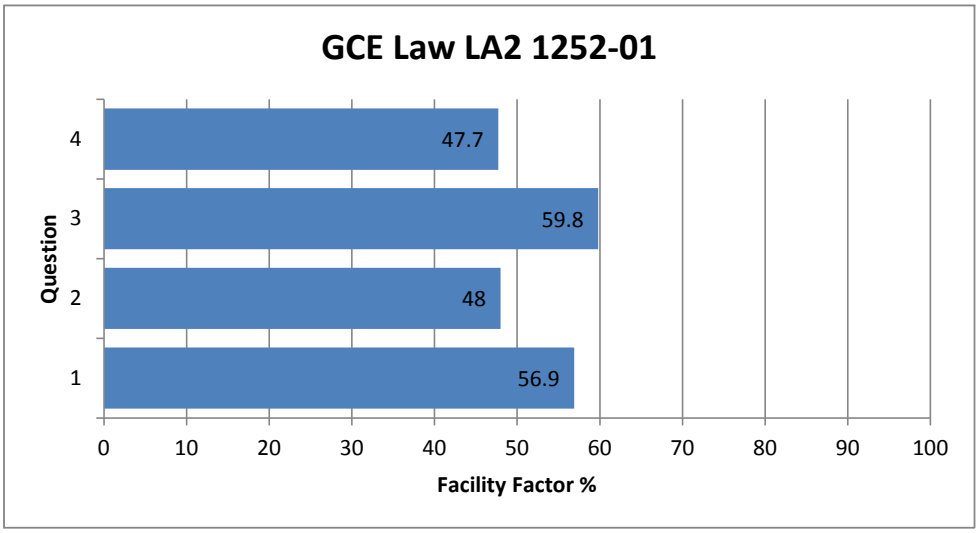

Answer **two** *questions.*

1. Study the chart below and answer the questions based on it.

Name of project	Lead Department	Project key dates
Charity law - Selected issues	Cabinet Office	Project to commence late 2012 Consultation paper late 2013 Final report and draft Bill late 2015
Conservation Covenants	Department for Environment, Food and Rural Affairs	Project to commence early 2012 Consultation paper late 2012 Final report & draft bill late 2014
Contempt	Ministry of Justice	Project to commence autumn 2013 Consultation paper winter 2014 Final report winter 2016
Data sharing between Public bodies	Ministry of Justice	Project to commence late 2012 Consultation paper summer 2013 Scoping report late 2013
Electoral law	Cabinet Office	Scoping report early 2012 Consultation paper summer 2014 Final report & draft Bill early 2017
Electronic Communications code	Department for Culture, Media and Sport	Project to commence autumn 2011 Consultation paper autumn 2012 Final report spring 2013
European contract law	Ministry of Justice & Department for Business, Innovation & Skills	Project commenced 1 April 2011 Advice to be published autumn 2011

Source: Extract from The Law Commission's 11th Programme of Law Reform

(a) Explain how the Law Commission ensures that the law is kept up to date. [14]

(b) Discuss **other** mechanisms and procedures for law reform. [11]

Question number
Rhif y Cwestiwn

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1a)	The law commission make sure law is up to date by having four legal teams. They also look in to different areas of the law and produce recomendations to parliament on how to change the law.
	The law commission is an independant non political body. And it was set up under the 1965 law commission Act which was commended under the 2009 Law commission Act which set up protocol and was effective from 2010.
	It role is to ~~listen to evidence~~, make sure the law is fair modern simple and cost effective. They have to consolidate acts codify the law and reduce the number of seperate Statues. They also have to produce recommendations to parliament on how to change the law.
	There are five full time commissioners on it. One being the Chairman who is currently Lord Justice Lloyd James, they have to be a high court or appeal judge and are appointed for three years. The other four members are trained Judges, barristers, solicters and teaches of law. They are appointed by the Lord Chancellor for up to five years. They are supported by the chief executive who is currently elaine Lorimer, 20 members of State Security and 2 members of parliamentary councelors. They are also supported by a number of research assistants who are usualy recently qualified law gradvates.
	They ~~have~~ four different legal teams who each look at certain

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1b) There are a variety of other methods of law reform which are public inquiries, Royal commission and pressure groups. They are all important in getting reform.

The Royal Commission's are set up after concerns or criticisms in that area of law. They are an independant non political body. A famous Royal commission is the Phillips Royal commission which looked in to the role of the police. It had (t) recommendations implamented in the Police and Evidence Act. Another important Royal commission is the Runciman Royal commission, which looked in to the role of the CCRC. It had most of its recmendations implamented in the criminal Justice and Public order Act, and the criminal Justice Act.

Pressure groups are set up because a group of people want reform on a certain area of law eg- RSPCA, helps the aged. There are two types of pressure groups the first being Selection pressure groups who represent a group of people who are usually professionals es in the law society and the British Medical association. The other type is cacern pressure group who want reform on a certain area of law such as Greenpeace, ASh, Amnesty, Fathers 4 Justice, and Liberty. Justice is a pressure group concerned with getting law

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law reform in general. Pressure groups use a variety of methods such as lobying MP's and signing petitions. The Snow drop petition was a successful pressure group which was set up after the shooting of children and teachers in a school. In 2007 the ban of smoking in public places was introduced. Pressure groups raise important issues to the governments attention eg- league against cruel sports which got the 2007 hunting act passed.

Public inquires are an independant, non political body. They are set up after social concerns and the government decide to set up a one off tempary commity to try and resolve the problem. ~~the~~ J.L. Taylor made a famous inquiry in to the hicsough footbau desaster. Another famous inquiry is the Leverson inquiry after phones were being hacked by the News of the world newspaper. Inquires have been set up after desasters such as BSE, and the sinking of Harold free cheerprise where a ship sank because the door wasn't shut. Woolf report made an inquiry in to the civil courts.

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10 + 1 = 11.

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1b) There are a variety of other methods of law reform which are public inquiries, Royal commission and pressure groups. They are all important in getting reform.

The Royal Commission's are set up after concerns or criticisms in that area of law. They are an independent non political body. A famous Royal commission is the Philips Royal commission which looked in to the role of the police. It had (1) recommendations implamented in the Police and Evidence Act. Another important Royal commission is the Runciman Royal commission, which looked in to the role of the CCRC. It had most of its recmendations implamented in the Criminal Justice and Public order Act, and the criminal Justice Act. (1)

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(3)

9 + 2 = 11

22

3. Study the following and answer the questions based on it.

"The distinction between intrinsic and extrinsic aids to the construction of Statutes is fundamental."

(a) Explain the use of intrinsic and extrinsic aids in the interpretation of Statutes. [14]

(b) Using your knowledge of statutory interpretation, explain how a court might approach the interpretation of section one in the light of the facts set out below. [11]

Police Powers (fictitious) Secret Operations Act 2013 reads as follows:-

Section 1a "No police officer should counsel, incite or procure the commission of a crime."

Section 1b "Where a police officer acting under cover, gives the police information about the intention of others to commit a crime in which he intends that he shall play a part, his participation should be allowed to continue only where he intends to play a minor role."

Bob is a police officer and he has been working under cover for two years and has assumed the identity of a violent criminal in order to infiltrate a criminal gang. He has been helping gang members to plan a sophisticated robbery whilst providing information to the police.

While the planned robbery was taking place, a security guard was shot and killed. Bob drove the getaway car. The police arrest Bob.

3a) Both intrinsic and extrinsic aids play a huge role in helping judges interpret the law.

Intrinsic aids are things that are contained within the Act that is being interpreted. They include, The short title. This is the name of the actual act for example the Criminal & Justice Act 2003. This is then followed by the long title. This provides a short discription of what the ~~ee~~ Act aorally consists of and what it aims to achieve. Marginal notes, punchation and footnotes are usually excorporated throughout the Act and these help to explain ~~p~~ full paragraphs or even a short phrase. They also include the breaking down of the Act into Articles and sections. This makes it easier for the judge to locate the relevant part of the statute in question which is highly important because Acts can be hundreds of pages long and you can't be expected to read through ~~take~~ every page to find what you need. In some Acts there will also be a section of definitions usually placed at the back of the Act and these are made up of words that are seen to be important in ~~e~~ interpreting the Act or words that seem to ~~ambi~~ hard to understand (specialised terms). ~~These ea~~ Intrinsic aids can be used ~~ee~~ in any of the methods of interpretation.

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Extrinsic aids are things that are outside the act but can still be relied upon by judges to aid

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	~~fat~~ interpretation of the A Act. Perhaps the most
	common one to use is the Dictionary. This can be
	used when applying the literal rule to get the ordinary
	and everyday meaning of a word and also in the
	appliance of the Mischief Rule to find out old meanings
	of certain words. This was used in the case of
	Cheeseman when a 19th Century Oxford dictionary
	was refered to to discover the meaning of passenger
	when the act was made. ~~Hansard~~ ~~Hansard~~ Hansard
	can also be used which is a full record of everything
	said in parliament when the Act was being made.
	It can only be relied upon in limited situations
	which include: when the wording of the Act is unclear
	or ambiguous, when the wording in Hansard is
	clear and plain and only the ~~relevent~~ ~~gov~~ government
	Minister proposing the Bill's ~~word~~ speach can be
	relied upon. Textbooks and journals are also used to
	help gain knowledge of a particular area of ~~law~~
	law underquestion. The Human Rights act also can
	be used as all legislation must comply with the
	European Convention on Human Rights. Lastly ~~&~~ the
	presumptions can be considered as being extrinsic aids.
	They include, no law can be retrospective, all
	criminal law must be interpreted narrowly in
	favour of liberty, ~~all~~ no law can't go against
	Human Rights and any criminal acts must
	provide proof of Mens Rea. This was evident in
	Sweet v. Parsely. When a owner of a home
	was prosecuted under the Misuse of Danges
	Drugs Act even ~~she~~ without knowledge of her
	tenants ~~a~~ taking drugs on the premises. She appealled
	to the Court of Appeal and all charges were dropped.
	In conclusion Intrinsic and Extrinsic aids are used
	in almost every case (especially intrinsic aids).
	~~and~~ They offer a very good way for judges to ~~under~~
	understand and properly apply law.

Question number

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3b) ~~There~~ If you use the literal rule to determine this case which involves giving the wording of an act their plain and ordinary meaning then the police officer Bob ~~we~~ could be prosecuted for the armed robbery of the building he and ~~his~~ the gang members robbed. This is because he has seemed to planned the robbery and also taken part in the robbery which in Sec. 1a) which says ~~con~~ "counsel, & incite and procure" seems to cover this then he would be found ~~guilt~~ guilty of an offence.

~~Ea~~ Another rule that it would seem would still arrive at the conclusion that the police officer is infact guilty of the offence would be the Golden rule. For this reason this rule couldn't be used as it can only be implamented when the use of the Golden rule would result in an absurd or unjust outcome. Therefore if the Golden Rule arives at the same conclusion the orijional decision can't have been absurd or unjust. Conversely some may say it should be applied as it would infact be an unjust result as the police officer was only doing his job and if he were to be ~~prosecuted~~ prosecuted consequ-ently it would be impossible for any under cover ~~policeman~~ to do their job correctly and therefore shouldn't be prosecuted.

On the other hand ~~E~~ if the Purposive approach was adopted then you look behind the words of the act and give them a very wide meaning to try and come to a decision that reaches parliaments true intentions when making the statute. In this case section 1a seems to want to allow police officers an element of freedom when working ~~a~~ undercover yet not allow them too much freedom that could result in them being the main planner of the crime. Therefore it could be argued that this approach

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The Mischief rule couldn't be applied as there is no evidence of an ~~to~~ earlier statute that had a problem ~~to~~ to result in a new Act being passed to combat the previous problem.

After & looking at all of the possible approaches and the decisions as a result of the approach chosen it is evident that the outcome can be different depending on the persons opinion on the matter along with the decision on ~~what~~ which method of interpretation to apply. The only method of interpretation which it is not possible to apply is the mischief rule.

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10+1=11
9+1=7

18

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3a	Statutory Interpretation is used by the courts as the key rules are Literal, Golden mischief and purposive approach all these help judges get an outcome as the literal role gives words their plain and ordinary wording as it is a dictionary definion. whereas the Golden rule is an added part to the literal rule as this haps avoid absurd outcomes. The mischief rule is in Heydons case and involves Hansard this is wher everything said in Parliament is written down and contained in green books.	
	However when it comes to intrinsic and extrinsic aid this is very important when interuping cases as extrinsic aids involves looking into dictionaries and historical data this can come to an advantage as it is going to be very accurate as it is trusted data. However it can be a problem as the mgjority was wrote early 1900' therefure it can be outdated this happened in DPP v Cheeseman as the Defendant had been accused of committing the offence of public indecency but to make him be convicted the police had to catch him in the Act however when the police had caught him they were stationary and he had to be "passanger" however this wording had been outdated and he couldn't be convicted as the police were not passangers.	

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Where on the other hand Intrinsic aid when interpretating statues is about the way it is set out as they always start with the short title then it is the heading Insternsic and externsic both link with the mischief rule as they always look into the aim and motive of a case or statute.

When determing a case or statute it is very important to use both intrinsic or extrinsic aswell as the other rules as it going to get a better outcome and a veg accurate in such cases as Adler v George When externsic would have to be used dere the word "in the vacinity of" would have to be looked at in the dictionary this involved a group of women breaking into an airbase and damaging fighter jets and they claimed they weren't in the vacinity.

Overall I would say the use of extrinsic and intrinsic aids are important when interpeting a case but it is also important involving the other rules too to help interpret a case.

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3b	In Statutory interpretation the main
	rules consist of Golden, litoral and
	mischeif all play key roles in determing
	the outcome.
	In this selected case Bob had been
	arrested but if the literal rule
	had been in place on this Bob
	would have been arrested as following
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	though it did not say Bob killed him
	It still turns into Armed robbery and
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	to drive the getaway vechile therefor	
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	On the other hand if the mischief rule this would be used for the aim as the judge would say Bob had no intertun to kill he only be helping to infiltrate the plan ~~on the~~ therefore he shouldn't be convicted however he intended to play a bigger role in which was	

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	to drive the getaway vechile therefor he has broken the Act meaning he should be convicted.	
	Overall I would say Bob is guilty due to him playing a big role in the robbery also the fact that a security guard had been shot and killed meant it could have been a planned killing in the source it suggests that Bob had been helping.	6+1=7 5+0=5 12

03 a) The use of insinsic and exinsic aids greatly helps a judge make a decision on a case as it give extra information about the statute and also alludes to what parliaments intention was in making the statute.

Intrinsic aids are within the statute, such as headings and subheadings, the title of the statute, and the interpretation notes. This directly expands on what is contained within the statute, and therefore gives extra information to the judge on how to apply the law.

Extrinsic aids allows for previous case law, the decisions of the European court of human rights, the human rights Act 1998 and Hansard to be used to apply the law correctly, and in the right context. The use of Hansard was banned until the Pepper v Hart case, as seen in Davis and Johnson. Hansard is a record of what every person says in Parliament. This is incredibly useful

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in the application of law as it actually stood the intention of parliament when the law was being made and will allow a judge to apply it correctly.

Intrinsic and extrinsic aids both allow a judge to take into consideration previous ways in which the statute was use, or cases similar to their own, which makes it easier to apply the statute correctly.

3b) A court may firstly approach the case with the literal rule. This is when the words are taken literally even if the outcome is absurd. In this case, section 7a states 'No police officer should commit a crime' which is what Bob did, and therefore, through the literal rule, he would be found guilty.

The next was the Golden Rule. The courts approach would try to determine what is meant by 'minor role'. It could be argued both ways that as Bob didn't shoot the ~~police officer~~ security guard himself he was minor, but more than likely, the role of driving the 'getaway' car would be seen as major and so he would mostly likely be found guilty. If the wider approach of the Golden Rule were to be taken where an absurdity would result,

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it is possible he would be found 'not guilty' as he was deep undercover and arresting a police officer for keeping his cover could be seen as absurd.

If the Mischief rule were to be used, the Misuse of the Police Powers ~~Secret~~ Operations Act 2013 would be to prevent police offers under cover committing crimes just because they are undercover. ~~[illegible]~~ A court may approach the case with the Mischief rule and decide that Bob was applying information ~~to~~ the police, and only drove the getaway car to keep his cover, and therefore was not actually committing a crime. Then he would be seen as not guilty. Or the courts could interpret his getaway dash as the commital of a crime and that he is in fact guilty.

If the purpose approach was taken by the courts the intention of parliament would be tried to be found. It may rule that the intention of parliament when creating the Act was to stop police officers committing a crime ~~and to~~ but to have leeway when the 'inner ole' if they gives the police information) to keep their cover, and so would be found 'not guilty.'

The Courts may 'with intent' may be applied, and that as

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it was not Bob's intention to commit a crime he would be found not guilty.

As seen in Bob's case, the Literal Approach can lead to absurd results, such as Bob's persecution, however the more open purposive approach allows a Judge more discretion and enables them to try and find parliaments intention leading to a fairer verdict.

03 a) The use of intrinsic and extrinsic aids greatly helps a judge make a decision on a case as it give extra information about the statute and also alludes to what parliament's intention was in making the statute.

Intrinsic aids are within the statute, such as headings and subheadings, the title of the statute, and the interpretation notes. This directly expends on what is contained within the statute, and therefore gives extra information to the judge on how to apply the law.

Extrinsic aids allows for previous case law, the decisions of the European court on human rights, the human rights act 1998 and Hansard to be used to apply the law correctly, and in the right context. The use of Hansard was banned until the Pepper v Hart case, as seen in Davis and Johnson. Hansard is a record of what every person says in Parliament. This is incredibly useful

Good

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the application of law as it will clearly show the intention of parliament when the law was being made and will allow a judge to apply it correctly.

Intrinsic and extrinsic aids both allow a judge to take into consideration previous ways in which the statute was use, or cases similar to their own, which makes it easier to apply the statute correctly. 11 + 1 = 12.

3b) A court may, firstly, approach the case with the literal rule. This (1) is when the words are taken literally even if the outcome is absurd. In this case, section 7a states 'No police officer should assault on a civil which is what Bob did, and therefore, through the literal rule, he would be found guilty. No cases.

One next uses the Golden Rule (2) the narrow approach would try to determine what is meant by 'minor role'. It could be argued both ways that as Bob didn't shoot the ~~police officer~~ security guard himself he was only minor, but more than likely, the role of driving the 'getaway' car would be seen as major and so he would mostly likely be found guilty. If the wider approach of the Golden Rule were to be taken where an absurdity would result,

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it is possible he would be found 'not guilty' as he was deep undercover and arresting a police officer for keeping his cover could be seen as absurd.

If the Mischief rule were to be used, the Mischief of the Police Powers Secret Operations Act 2013 would be to prevent police offers under cover committing crimes just because they are undercover. A court may approach the case with the Mischief rule and decide that Bob was supplying information to the police, and only drove the getaway car to keep his cover, and therefore was not actually committing a crime. Then he would be seen as not guilty. Or the courts could interpret his getaway dash as the committal of a crime and that he is in fact guilty. (3) ID of Mischief.

If the purposive approach was taken by the courts the intention of parliament would be tried to be found. It may rule that the intention of parliament when creating the Act was to stop police officers committing a crime but to have leeway with the 'minor role' if they give police information to keep their cover, and so would be found 'not guilty.' (4)

The Queens rea 'with intent' may be applied, and that as

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it was not Bobs intention to commit a crime, he would be found not guilty.

As seen in Bob's case, the Literal Approach can lead to absurd results, such as Bobs persecution, however the more open purposive approach allows a Judge more discretion and enables them to find parliaments intention, leading to a fairer verdict.

8+2=10

22

Question number
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3a) Statutory interpretation consists of a variety of things such as intrinsic and extrinsic aides. But also the literal, golden and mischeif rule.

Intrinsic aides or otherwise known as internal aides are the act itself. It looks at the headings and subheadings for clues in the act. They use Noscitur a Sociis which is where words are redd in to contex. They also use the phrase Ejusdem generisis which means general words that follow specific ones and taken to be the same kind.

Extrinsic aides are also used in statutory interpretation. Another word for it is external cuids. The main external aeid is hansard which is the daily record of parliamentary debates. Judges are now allowed to use hansard in the court of law after Peper v Hart 1993 confirmed in 3 Rivers v Banu of England 1996 However lord Dening didmitted to using hansard in Davis v Johnston 1976. As he said to ignore hansard way to "grope in the dark for the meaning of an act without switching on the light"

In Statutory interpretation they also use three rules which are literal, golden and Mischeif. The literal rule is is words in their ordanery and natural meaning as illustrated in Whitley v Chappell 1896, Berriman and Fisher v Beu.

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The golden rules states that where the literal rule is absurd then adapt the Mischief rule as in Sigsworth and Sweet v Parsley. And the last of the three rules is the Mischief rule which look at the problem parliament ment to resolve when passing the act as illistrated in Smith v Hughs 1960 and Fliot v Grey 1960.

Under the purposive approach UK law most be compatible with EU law as illistrated in Factortame 1990 and Tachograph 1979. Under the Human Rights Act 1998 UK law must be compatible with the human rights as illistrated in Bulmer v Bolinger and R v Owen 2001

overall statutory interpretation does use intrinsic and extrisic aids but they also use other methods.

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3b) Under the Police Powers secret operation Act 2013 It is illegal for a police offier to take part in a crime. Under section 1b they say where undercover they Must play a minor role.

Bob has played a mayor role in the robbery which is illegal under the Police Powers secret operation Act 2013. The literal rule states that words should be found in their natural and ordenary meaning as iluistrated in Whitley V Chappell Berriman and Fisher V Bell. Under the literal role Bob would be found guilty as he was "helping gang members" to plan a "robbery". ~~Bob~~ Bob also "drove the getaway car" which suggests that he played a mayor role in the robery which is illegal Under section 1b and 1a of the Police powers Secret operation Act 2013.

But because Bob was a experienced undercover police officer it seems unjust to arrest him for doing his job. So where the literal rule is absurd you should adapt the ~~Misc~~ golden rule as iluistrated in Sweet V Parsley and Sigsworth. Bob was helping to plan a "Sophisticated" robbery which Proves he it was not intentional and not his fault that the security guard was shot.

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the act as in Smith v Hughs 1960 and Elliot v Grey 1960. Under the Mischeif rule Bob would be found guilty as under section 1a its illegal to "counsel... procure a crime" which bob did as he was "keeping gang members". The act tries to prevent ~~a~~ police being violent whilst under cover. Also under section 1b it states they must play a 'minor role' which Bob didnt he played a Major role.

If you are stil unsure if Bob is guilty you should go to internal aids which is the act itself it looks at headings and subheadings for clues in the Act. It uses the phrase NOSCITUR a sociss which is words to be red in to context. Under this act it says its illegal for a police officer to "commit a crime". Another part of internal aids is Ejusdem generisis which means general words that follow specific ones mean the same woes of the same kind. Under section 1a) its illegal to commit a crime which bob did as he helped plan it.

The next step is external aides. The main external aid is hansard which is the daiicy record of parliamentary debates. It was first used in Pepper v Hart 1993 and confirmed in 3 Rivers v Bank Of England 1996

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Lord Denning said he used hansard in Davis V Johnstone as he said to ignore hansard was to "grope in the dara for the Meaning of an act Without Switching on the Ughts." & you would look in to hansard to see if Bob is guilty and see what they said in parliament.

If you are stick unsure you go to the purposive approach which is perferred by EU countries when deciding on the law. It goes beyond the mischief rule as it doesn't just look at the gap in the laer but what parliament ment to resolve when passing it. In Mayor & Melons 1951 Denning said "we sit here and look at the gap in the law that parliament ment to resolve". Lord Scaraman criticised Denning and said "parliament could say one thing but mean another it is not our place to decide that". Under the European commity Act 1972 under section 2(4), 3(1) UK law must be competible with EU law. And where conflict the EU will prevail as in Tachograph 1972 and Factortame 1990. So ~~Under the~~ you would go to the EU and see what they say about the case to see if Bob was guilty.

Under the Human Rights Act 1998 Under Section 3 it says

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UK law must be compatible with the Human Rights law. As illustrated in R v Offen 2001 and Bollmer V Bowinger. To decide if Bob is guilty you would go to the Human Rights Act.

Overall Bob would be found guilty under Section 1a and 1b as he played a major role in the crime and he helped plan it.

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Extrinsic aids are also used in statutory interpretation. Another word for it is external aids. The main external aid is hansard which is the daily record of parliamentary debates. Judges are now allowed to use hansard in the court of law after Pepper v Hart 1993 confirmed in 3 Rivers v Banu of England 1996. However Lord Denning admitted to using hansard in Davis v Johnston 1976. As he said to ignore hansard way to "grope in the dark for the meaning of an act without switching on the light"

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The literal rule is is words in their ordinary and natural meaning as illustrated in Whitley v Chappel 1896, Berriman and Fisher v Bell.

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10 + 1 = 11.

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+case.

Excellent

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UK law must be compatible with the human Rights law. As illustrated in R v Offen 2001 and Bollmer V Bollinger. To decide if Bob is guilty you would go to the Human Rights Act.

Overall Bob would be found guilty under Section 1a and 1b as he played a major role in the crime and he helped plan it.

9+2=11

22

4. Examine the data and answer the questions based on it.

Appointment name			**Total in Post**
Justices of the Supreme Court			11
Heads of Division	Lord Chief Justice Master of the Rolls President of the Queen's Bench Division President of the Family Division The Chancellor of the High Court		5
Lords Justices of Appeal			37
High Court Judges	Chancery Family Queen's Bench Division	18 19 71	108
Judge Advocates			8
Deputy Judge Advocates			5
Masters, Registrars, Costs Judges & District Judges (Principal Registry of the Family Division)			48
Deputy Masters, Deputy Registrars, Deputy Costs Judges and Deputy District Judges (PRFD)			74
Circuit Judges			665
Recorders			1,221
District Judges (County Courts)			444
Deputy District Judges (County Courts)			788
District Judges (Magistrates' Courts)			137
Deputy District Judges (Magistrates' Courts)			143
Grand Total			3,694

Source: Judicial Database 2011

(a) By reference to the data, explain the role of Judges in the hierarchy of the Court system in developing precedent. [14]

(b) Discuss the appointment process of Judges. [11]

Q4a) Judges play a major role in making precedent. A judge must be applied and make a fair decision.

In general, in the courts, the role of a judge is to oversee the hearing and in cases with a jury, direct them on points of law. There are many As shown with the data; crown court judges: Circuit judges of which there are 665 and Recorders of which there are 1,221 and District Judges (Magistrates' Courts) for county court judges 788. This proves they have a vital role especially in the lower courts as they hear many more cases than higher court judges.

Judges can create original precedent where a new point of law is discussed, as seen in Donoghue v Stevenson and the and the creation of the neighbour principle. Precedent made by judges can either be binding or persuasive. Binding precedent

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	B found in 'Stare Decisis' court hierarchy or in 'Ratio Decidendi' the reasons for the decision. Only the High Court, Court of Appeal and Supreme Court can create precedent, and following the rule of 'Stare decisis' every court below is bound by that decision, however, no court above is.
	The number of judges in each court decreases the higher up in the court hierarchy as seen in the data, High court Judges: 108, Court of Appeal judges: 37 and Supreme Court judges 11.
	Judges are bound by their previous decisions unless in fere ~~Court of Appeal~~ Supreme Court, where the 1966 Lord Chancellor Practice Statement gave Supreme Court judges the power to depart from a previous decision if it was right to do so. In the ~~Supreme~~ Court of Appeal, the Young v Bristol Aeroplane case stipulated that a judge may go with or against a previous decision upon the conditions that it was per incuriam, 'without legal basis' there were conflicting past decisions of a later inconsistent decision the House of Lords must follow.
	The Heads of Divisions as seen in the data: Lord Chief Justice, Master of the Rolls ~~are~~ show that those judges roles are to oversee their court. former Master of the Rolls Lord Denning was rebuked in Davis v Stenhouse as he went against

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Stare decisis and therefore went against his role as a judge.

Judges ~~[illegible]~~ roles in the heirarchy of the court system are important because as seen with Lord Denning rebuke, there are consequences for not following Stare decisis. As well as this, having only judges in the high court and above able to make precedent be it persuasive in obiter dicta (discussion of legal principle) or binding, protects the laws system and the public from abuse of power of lower court judges, and allows law making to be kept under review, as seen in the dorset, there are only 186 high court, court of appeal and supreme court judges.

4b) Previous to 2005, judges were appointed by the Lord Chancellor, through a process called 'secret soundings'. This meant that often friends of the Lord Chancellor, and therefore only upper class, white males would be chosen as judges.

The Constitutional Reform Act 2005 created the Judicial Appointments Commission (JAC) made up of 15 members: 6 lay 5 judges, 1 solicitor, 1 barrister, 1 tribunal judge and 1 other. The JAC's role was to fairly appoint judges. Inferior judges would have to go through interviews and possibly role play, but most commonly they must write an essay. The JAC put an

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roadshows and advertise jobs for judges, which has been done from 1998. Senior judges have to have 2 interviews, personal attributes and judicial attributes. A judge must have good character, understanding and communication, sound judgement and be fair. The Supreme Court Selection committee was set up for supreme court judges only. The committee consists of the President and Deputy Presidents of the supreme court and 1 Member of the JAC. The powers of the Lord Chancellor were reduced to allow a fairer appointment of judges.

Judges must also go through a 7 week residential and then ~~shadow another judge~~. have odd days of human rights awareness (since 1979) to keep upto date.

After a judge has gone through the 7 week residential, the human rights awareness and shadowed another judge, the only became a judge.

The change in the appointment of judges was a good one, however, the Lord Chancellor must still approve the judge, and the sends the application to the Prime Minister, who sends it to the Queen to be royally approved.

Q4a) Judges play a major role in making precedent. A judge must be applied and make a fair decision.

In general, in the courts, the role of a judge is to oversee the hearing and in cases with a jury, direct them on points of law. There are many As shown with the data, / crown court judges. / Circuit judges of which there are 665 and Recorders of which there are 1,221 and / deputy district judges for county court judges 788. This proves they have a vital role especially in the lower courts as they hear many more cases than higher court judges.

Re-hash of data

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Good

Good use of data to interpret Q.

The number of judges in each court decreases the higher up in the court hierarchy as seen in the data, High Court Judges: 108, Court of Appeal judges: 37 and Supreme Court judges 11.

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Good

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The Constitutional Reform Act 2005 created the Judicial Appointments Commission (JAC) Good made up of 15 members: 6 lay, 5 judges, 1 solicitor, 1 barrister, 1 tribunal judge and 1 other. The JAC's role was to fairly appoint judges. Inferior judges would have to go through interviews and possibly role play, but most controversy they must write an essay. The JAC put an

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7+1=8

22

4a) The doctrine of precedent states that higher courts ~~decisions~~ are binding on the decisions of lower courts, and stems from the principle of stare Decisis, to stand by previous decisions. Based on Court Hierarchy, lower follow precedents of higher courts.

The judicial explanation of the legal principle is called Ratio Decidendi. The legal reason behind the decision. Binding precedent.

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Obiter Dicta in the "judges summing up", things are said 'by the way', which forms part of a persuasive precedent.
For example, in 1898, the House of Lords ruled in London Tramways vs London C.C that it was bound by it's own decisions. advantage certainty disadvantage inflexible
Until 26th July 1966, the Lord Chancellor read out a Practice Statement, announcing that the house would be free to depart from it's own previous precedent "when right to do so". The courts saw that society continued to change.
The 1966 Practice Statement was an event of great importance, and is only used in exceptional cases. For example, Pepper vs Hart 1993, RVR 1991 and Hall v Simons refused to follow Rondel vs Worsely
"Too rigid adherence in Precedent may lead to injustice ... and unduly restrict the proper development in law"
The Civil Court of Appeal follows House of Lords / Supreme Court. But the ruling in Young v Bristol Aeroplane 1944 and Kadhim 2001, did provide the court with some flexibility.
The ruling states that the Court of Appeal judges, as shown in the table above that there are ~~not many in pool at the moment~~

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quite a large number in post at the moment. With there being a total of 108 high court judges, split into chancery, family and Queen's bench division. These are all bound by their own previous decisions, except where the previous decision had been made Per incuriam, as extended in Kadhim 2001.
The Criminal division is bound by the House of Lords or Supreme court. As shown in the table above there are only 11 justices of the Supreme Court, so if the whole criminal division is bound by them, it may not be very accurate as there are only 11 justices to go by.
The Criminal division is also in general bound by it's own decisions. Though in view of the fact that 'life' and liberty' are at stake, more latitude is allowed.

4b) Before the Constitutional Reform Act 2005, traditionally, judges were selected by the Lord Chancellor via 'Secret Soundings'.
In 1994 and 1998, as a result of criticisms, interviews and adverts were brought into place. Like the Cash 4 Wigs Scandal.
Judges are now selected through an independent panel and independent commission called JAC. Judicial Appointments Commission. This was set up by

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the Constitutional Reform Act 2005 Though the panel started it's work in 2006.

On this panel there are 15 people. These are:- 6 lay people, 5 judges, 1 barrister, 1 solicitor, 1 magistrate and 1 tribunal member.

However, to be a judge you need to have 5 qualities. These are:- intellect, integrity, good communication, sense of fairness and efficiency.

The Crime and courts Act 2013, said that judges can now be appointed solely on merit, can apply for vacancies and can have interviews. However, the Lord Chancellor still gets the final decision.

The background of judges and the way they are appointed is explained by The Griffiths' Thesis, in the 'Politics of the judicary'.

Before the Constitutional Reform Act 2005, when the Lord Chancellor could choose who could be a judge was unbalanced. This was because he would either pick a barrister or solicitor, that would be upper class, and would most likely have a wealthy background. This is self perpetuating elite.

Also, becoming a barrister is an expensive process. The 1997

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Labour Research said that 41 judges were female and only 5 were black. Also, 82% attended public school and 88% attended Oxford or Cambridge Universities.

So, the appointment process of judges used to be unbalanced because the Lord Chancellor ~~chooses who can be a judge~~, is white and male, and most likely attended Oxford or Cambridge University, and he could choose who could be a judge.

All judges ~~are~~ did come from the same circle and all have the same backgrounds.

However, today it is more balanced as judges are selected by the Judicial Appointments Commission. Even though, the Lord Chancellor still gets the final decision.

4a) The doctrine of precedent states that higher courts ~~decisions~~ are binding on the decisions of lower courts, and stems from the principle of stare Decisis, to stand by previous decisions. Based on Court Hierarchy, lower follow precedents of higher courts.
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The 1966 Practice Statement was an event of great importance, and is only used in exceptional cases. For example, Pepper vs Hart 1993, R v R 1991 and Hall v Simons refused to follow Rondel vs Worsely Good use of case law.

"Too rigid adherence in Precedent may lead to injustice ... and unduly restrict the proper development in law"

The Civil Court of Appeal follows House of Lords / Supreme Court. But the ruling in Young v Bristol Aeroplane 1944 and Kadhim 2001, did provide the court with some flexibility.

The ruling states that the Court of Appeal judges, as shown in the table above that there are ~~not many in post at the moment~~

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quite a large number in post at the moment. With there being a total of 108 high court judges, split into chancery, family and Queen's bench division. These are all bound by their own previous decisions, except where the previous decision had been made Per Incuriam, as extended in Kadhim 2001.

The Criminal division is bound by the House of Lords or Supreme court. As shown in the table above there are only 11 justices of the Supreme Court, so if the whole criminal division is bound by them, it may not be very accurate as there are only 11 justices to go by.

Ref. to data

The Criminal division is also in general bound by it's own decisions. Though in view of the fact that 'life and liberty' are at stake, more latitude is allowed.

13+1=14.

4b) Before the Constitutional Reform Act 2005, traditionally, judges were selected by the Lord Chancellor via 'secret soundings'.

In 1994 and 1998, as a result of criticisms, interviews and adverts were brought into place. Like the Cash 4 Wigs Scandal.

Judges are now selected through an independent panel and independent commission called JAC. Judicial Appointments Commission. This was set up by

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Good

the Constitutional Reform Act 2005. Though the panel started it's work in 2006.

On this panel there are 15 people. These are:- 6 lay people, 5 judges, 1 barrister, 1 solicitor, 1 magistrate and 1 tribrunal member.

However, to be a judge you need to have 5 qualities. These are:- intellect, integrity, good communication, sense of fairness and efficiency.

The Crime and Courts Act 2013, said that judges can now be appointed solely on merit, can apply for vacancies and can have interviews. However, the Lord Chancellor still gets the final decision.

The background of judges and the way they are appointed is explained by The Griffiths' Thesis, in the 'Politics of the Judicary'.

Before the Constitutional Reform Act 2005, when the Lord Chancellor could choose who could be a judge was unbalanced. This was because he would either pick a barrister or solicitor, that would be upper class, and would most likely have a wealthy background. This is self perpetuating elite.

Also, becoming a barrister is an expensive process. The 1997

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Labour Research said that 41 judges were female and only 5 were black. Also, 82% attended public school and 88% attended Oxford or Cambridge Universities.

So, the appointment process of judges used to be unbalanced because the Lord Chancellor ~~chooses who can be a judge~~, is white and male, and most likely attended Oxford or Cambridge university, and he could choose who could be a judge.

All judges ~~do~~ did come from the same circle and all have the same backgrounds.

However, today it is more balanced as judges are selected by the Judicial Appointments Commission. Even though, the Lord Chancellor still gets the final decision.

8+2=10

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