

**Please attempt the questions and then scroll down for the answers.**

1. What is the Central Criminal Court in London better known as?
  - a. The Old Bailey
  - b. The Old Lady of Threadneedle Street
  - c. The Court of Appeal
  
2. Which of the following has the power to make law?
  - a. Parliament
  - b. The police
  - c. The Government
  
3. In which city does the European Union have its administrative centre?
  - a. Rome
  - b. Brussels
  - c. The Hague
  
4. Where is the European Court of Human Rights?
  - a. Luxembourg
  - b. Strasbourg
  - c. Maastricht
  
5. We agree that you will buy my car for £500. Which term describes our arrangement?
  - a. Robbery
  - b. Contract
  - c. Injunction

6. If a rule of European Community (EC) law conflicts with a rule of law made by Parliament in London, which takes priority?
- The rule of EC law
  - The rule made by Parliament
  - It depends what the rule is about
7. To what extent do the courts of England and Wales have the power to strike down laws which breach human rights (eg, a law permitting indefinite detention without trial)?
- All courts can declare laws made by Parliament to be invalid
  - Only certain courts can declare that laws made by Parliament are not compatible with human rights. Such a declaration does not affect the validity of the law itself.
  - Only certain courts can declare laws made by Parliament to be invalid
8. What do the letters M.E.P. stand for?
- Minister for Extraordinary Punishments
  - Multiple Enterprise Partnership
  - Member of the European Parliament
9. I borrow your car without asking you, knowing that if I did ask you you would not consent to me borrowing it. Do I steal your car?
- Yes
  - No, because my borrowing of your car is not dishonest
  - No, because I do not intend to deprive you permanently of your car
10. Your uncle offers you £100 if you pass the examination for this course. When you pass the examination, he refuses to pay you. Can you sue your uncle?
- No, because family members cannot make contracts with each other
  - No, because contracts to reward for the passing of examinations are invalid
  - Possibly, because you have put in effort to secure the reward

1. The correct answer is: a. *The Old Bailey*

*The Old Bailey was named after the street in which it is situated. The street follows the line of the original wall, or “bailey”, of the City of London.*

*The Old Lady of Threadneedle Street is a colloquial name given to the Bank of England.*

*The Old Bailey is a court in which criminal trials are heard. A trial is the name given to the hearing in which the court decides whether the person accused has committed the offence with which they are charged. The Court of Appeal also sits in London, in a building known as The Royal Courts of Justice, on the Strand. The Court of Appeal hears appeals from parties dissatisfied with the outcome of a trial.*

2. The correct answer is: a. *Parliament*

*Parliament comprises the House of Commons – in which sit the directly elected Members of Parliament (MPs) – and the House of Lords – whose members are not directly elected. The laws made by Parliament are known as Acts of Parliament or statutes (and also, collectively, as “legislation”).*

*In summary, this means that while the Government may be responsible for the formulation of policy, that policy does not become law until it has been approved by Parliament. The nature of Parliament is such that the majority of MPs are from the party of Government, so government policy regularly becomes law.*

*Technically, the monarch must give their approval to a law before it takes effect. This is known as the Royal Assent. It has not been refused since 1708.*

3. The correct answer is: b. *Brussels*

*The agreement which established the European Community was signed in Rome in 1957 and is known as the Treaty of Rome.*

*The terms European Union and European Community are often used interchangeably, although there are a number of technical distinctions between them.*

*The Hague is an important place for law. It is the location of the International Court of Justice (ICJ). This is nothing to do with the European Union. Rather, the ICJ hears disputes between states from all over the world.*

4. The correct answer is: b. *Strasbourg*

*The European Court of Human Rights hears cases relating to alleged breaches of the European Convention on Human Rights. This is an international agreement*

*between many states across Europe. The Convention was adopted in 1950. It is nothing to do with the European Union. (This last point is worth noting now – students regularly confuse the two).*

*The European Community does have its own court – the European Court of Justice. This is situated in Luxembourg. One of its key functions is to decide how European Community law should be interpreted in member states of the European Union.*

*Maastricht is in the Netherlands. It is an important name in the history of the European Union. The Treaty on European Union was signed there in 1992. The treaty made changes to the Community-level law-making process, and pledged member states to monetary union. The single currency (the euro) was introduced in January 1999, although the UK opted out of its use.*

*5. The correct answer is:     b.     Contract*

*A contract is a legally binding agreement. This means that if a contract is not carried out properly, the wronged party can sue.*

*Robbery is a criminal offence involving theft accompanied by violence.*

*An injunction is a court order which requires someone to perform a particular activity or which prevents somebody from performing a particular activity.*

*6. The best answer is:         c.         It depends what the rule is about*

*The relationship between “domestic” law and European Community law is quite complex. You may have encountered the various different understandings of that relationship in the media. Broadly speaking, certain types of European Community law, covering certain types of subject matter, take precedence over provisions of “domestic law”. This is legally quite controversial because of the tradition in the UK of Parliamentary Sovereignty – the idea that Parliament has ultimate law-making power. The UK’s membership of the European Community has placed limitations on that sovereignty.*

*7. The best answer is:         b.         Only certain courts can declare that laws made by Parliament are not compatible with human rights. Such a declaration does not affect the validity of the law itself*

*Human Rights in the UK are protected in a variety of ways, including through the statute entitled Human Rights Act 1998. That Act makes some of the rights in the European Convention on Human Rights enforceable in UK courts. Previously, they could only be enforced by the European Court of Human Rights in Strasbourg. The position under the Human Rights Act 1998 is that courts of sufficient status can make a “declaration of incompatibility”. That is a statement that a law does not measure up to relevant human rights standards. However, the*

*law is still law until Parliament itself decides to change it. This reflects the traditions of Parliamentary Sovereignty.*

*You might contrast the position in the UK with that in the United States of America, where the Supreme Court has the power to declare a law invalid.*

**8. The correct answer is: c. Member of the European Parliament**

*Members of the European Parliament (MEPs) are directly elected, although voting systems across the various member states are not uniform. The European Parliament is in Brussels and is one of the major law-making institutions of the European Community. The others are the Council of Ministers; the Commission; and the European Court of Justice.*

**9. The correct answer is: c. No, because I do not intend to deprive you permanently of your car**

*If you “steal”, you commit the offence of theft. The offence of theft is committed by one who (i) dishonestly (ii) appropriates (in many cases appropriation equates to “taking”, but it need not do so) (iii) property (iv) belonging to another (v) with intention permanently to deprive the other of it.*

*There is evidence of dishonesty on the facts – I knew that you would not let me borrow your car if I asked. However, I have “borrowed” your car. The implication is that I intend to return it and thus do not intend to permanently deprive you of it.*

*On these facts, I probably do commit a different offence - of taking a vehicle without consent.*

**10. The correct answer is: c. Possibly, because you have put in effort to secure the reward**

*Contracts are essentially private matters. That means that, broadly speaking, unless your agreement is to do something illegal, or is contrary to public policy, it is capable of being a contract. Reward contracts are reasonably common and there is nothing illegal or contrary to public policy about this one.*

*What makes this agreement a possible contract, as well as the fact that it is neither illegal nor contrary to public policy, is the fact that you have done something in exchange for the reward. There is a difference between a mere promise and a contract. Consider the difference between (i) me saying to you, “I will give you my car”, and you saying “Ok”, and (ii) me saying to you “You can have my car for £100”. The former is a simple, one-way promise, the latter an exchange. The latter is therefore a contract. Similarly, consider the difference between your uncle saying “You can have £100”, and you saying “OK”, and your uncle saying “You can have £100 if you pass your exam, and you going on to pass the exam. In the latter, you have done something in exchange for the £100.*

*It is the case that a contract requires “contractual intention”. This means that the contract must look like a contract to a notional outside observer. Often, agreements made in domestic contexts lack this intention, as family members are presumed not to be disposed to suing each other if their agreements are not fulfilled. However, this is not an absolute rule, and it may be that the circumstances are such as to mean that this is a contract.*