



MAGDALEN COLLEGE SCHOOL

16+ Entrance Exam: **Politics**

Time allowed: 45 minutes

Name:

Current school:

Instructions

- Use **black** ink or ball-point pen.
- Answer **all** questions in the spaces provided – there may be more space than you need.
- No specific prior knowledge is required, although you are welcome to use any applicable own knowledge where appropriate.
- This paper has three sections. Each section is equally weighted; you should spend about 15 minutes on each section

Information

- The total mark for this paper is 30.
- The marks for each question are shown in brackets.

Advice

- Read each question carefully before you start to answer it.
- Keep an eye on the time.
- Write your answers neatly and in good English.
- Try to answer every question.
- Check your answers if you have time at the end.

Total _____ /30 _____ %

Section A [10]

Read the following passage and answer the questions that follow

Before the Human Rights Act was passed by Parliament in 1998 it was not possible for an individual in the UK to challenge a decision of a public authority on the grounds that it violated his or her rights under the European Convention of Human Rights (ECHR), within the courts of the UK. Individuals instead had to take their case directly to the European Court of Human Rights in Strasbourg (ECtHR).

Once the Act came into force on 2 October 2000, individuals could claim a remedy for breaches of their Convention rights in the UK courts. An individual who thinks that his or her Convention rights have not been respected by a decision of a UK court may still bring a claim before the ECtHR, but they must first try their appeal in the UK courts. It is the duty of all such courts, including the UK Supreme Court, to interpret all existing legislation so that it is compatible with the ECHR; so far as it is possible to do so. If the court decides it is not possible to interpret legislation so that it is compatible with the Convention, it will issue a ‘declaration of incompatibility’.

Although a declaration of incompatibility does not place any legal obligation on the government to amend or repeal legislation, it sends a clear message to legislators that they should change the law to make it compatible with the human rights set out in the Convention. In giving effect to rights contained in the ECHR the Court must take account of any decision of the ECtHR in Strasbourg. No national court should “without strong reason dilute or weaken the effect of the Strasbourg case law” (Lord Bingham of Cornhill in *R (Ullah) v Special Adjudicator* [2004] UKHL 26).

1. True or false? [5]

- a. Individuals could not challenge a public authority for breach of rights before 1998 (T) (F)
- b. The Human Rights Act could be used by courts from 1998 onwards (T) (F)
- c. UK courts, if they think legislation breaches the Human Rights Act, can remove that legislation (T) (F)
- d. Only the Supreme Court can make judgements about UK legislation and the Human Rights Act (T) (F)
- e. It is impossible for the UK’s courts to ignore previous judgments made in the European Court of Human Rights. (T) (F)

2. Define ‘declaration of incompatibility’ (para 2) [2]

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3. Why do you think the Human Rights Act is such an important piece of legislation? [3]

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Section B [10]



Published June 2020 in the Times

4. Using the source and any relevant own knowledge, explain the message of the above cartoon.
(N.B. the figure in the cartoon is Boris Johnson)

