

General Certificate of Education
June 2003
Advanced Subsidiary Examination



LAW
Unit 1 Law Making

LAW1

Monday 9 June 2003 Morning Session

In addition to this paper you will require:
an 8-page answer book.

Time allowed: 1 hour

Instructions

- Use blue or black ink or ball-point pen.
- Write the information required on the front of your answer book. The *Examining Body* for this paper is AQA. The *Paper Reference* is LAW1.
- Answer **two** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
- Mark allocations are shown in brackets.
- You will be awarded up to 5 marks for the quality of your written communication. You will be assessed on your ability to use an appropriate form and style of writing, to organise relevant information clearly and coherently, and to use specialist vocabulary, where appropriate. The level of accuracy of your spelling, punctuation and grammar will also be taken into account.

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Answer **two** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

- 1 (a) In the context of statutory interpretation, outline, using cases, any **three** of the following:
- the **literal** rule;
 - the **golden** rule;
 - the **mischief** rule;
 - the **purposive** approach. *(20 marks)*
- (b) Discuss the advantages and disadvantages of any **two** of the rules (approaches) identified in (a) above. *(10 marks)*
- 2 (a) Give an outline description of any **three** influences operating on Parliament before and during the legislative process, and explain the formal process of statute creation. *(20 marks)*
- (b) Discuss the advantages and disadvantages of the legislative process. *(10 marks)*
- 3 (a) Explain, giving examples, what is meant by delegated legislation. *(15 marks)*
- (b) Both Parliament and judges are able to control delegated legislation. Outline how these controls work and discuss the advantages and disadvantages of these methods of control. *(15 marks)*
- 4 (a) Describe the essential features of the doctrine of judicial precedent. *(15 marks)*
- (b) Outline how judges might avoid following precedent and discuss why they might wish to do so. *(15 marks)*
- 5 (a) Describe the functions of the main institutions of the European Union (EU). *(15 marks)*
- (b) Discuss what effect, if any, UK membership of the EU has had on the doctrine of parliamentary supremacy. *(15 marks)*

END OF QUESTIONS