



General Certificate of Education
Advanced Subsidiary Examination
January 2009

Law

LAW01

Unit 1 Law Making and the Legal System

Monday 12 January 2009 1.30 pm to 3.00 pm

For this paper you must have:

- a 12-page answer book.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black 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 LAW01.
- Answer **three** questions.
- Answer **one** question from **Section A**, **one** question from **Section B** and a **third** question from either **Section A** or **Section B**.
- Do all rough work in your answer book. Cross through any work that you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 95.
Five of these marks will be awarded on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

SECTION A: LAW MAKING

Answer **at least one** question from this section.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Each question carries 30 marks.

- 1** Judges are guided in the process of statutory interpretation by both intrinsic (internal) and extrinsic (external) aids, and by rules of language. They are also guided by various rules or approaches to interpretation that they themselves have developed.
- (a) Describe what is meant by any **two** of the following:
- intrinsic aids
 - extrinsic aids
 - rules of language. *(10 marks)*
- (b) Outline the literal rule **and** mischief rule of statutory interpretation. *(10 marks)*
- (c) Discuss the advantages of **each** of the two rules of interpretation described in your answer to question **1**(b). *(10 marks)*
- 2** (a) Describe any **one** influence operating on Parliament before or during the legislative process. *(10 marks)*
- (b) Outline the process followed in the making of an Act of Parliament. *(10 marks)*
- (c) Discuss the disadvantages of law making in Parliament. *(10 marks)*
- 3** (a) Outline the key features of the doctrine of judicial precedent. *(10 marks)*
- (b) Describe any **two** ways in which judges can avoid following an earlier precedent. *(10 marks)*
- (c) Discuss the disadvantages of the doctrine of judicial precedent. *(10 marks)*
- 4** (a) Outline the different forms of delegated legislation. *(10 marks)*
- (b) Describe **either** Parliamentary **or** judicial controls on delegated legislation. *(10 marks)*
- (c) Discuss the disadvantages of delegated legislation as a form of law making. *(10 marks)*

SECTION B: THE LEGAL SYSTEM

Answer **at least one** question from this section.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Each question carries 30 marks.

- 5** (a) Explain how a barrister is trained and qualifies in order to practise. *(10 marks)*
- (b) Outline the work of solicitors both in and out of court. *(10 marks)*
- (c) Briefly discuss the advantages and disadvantages of private funding of civil court claims **and** of 'no win, no fee' claims. *(10 marks)*
- 6** (a) Briefly explain how inferior **and** superior judges are selected and appointed. *(10 marks)*
- (b) Explain how inferior **and** superior judges can be dismissed from office. *(10 marks)*
- (c) Consider why it is difficult to dismiss a judge from office. *(10 marks)*
- 7** (a) Katie has been charged with assault occasioning actual bodily harm (ABH), an either way criminal offence. Briefly describe the role that magistrates **and** jurors might play in her case. *(10 marks)*
- (b) Explain how lay magistrates are selected, chosen and appointed. *(10 marks)*
- (c) Discuss the advantages of using lay magistrates **and** jurors in the criminal justice process. *(10 marks)*
- 8** There are various forms of dispute resolution, other than taking a case to the civil courts. They include Tribunals, Arbitration, Negotiation, Conciliation and Mediation.
- (a) Including reference to the types of cases dealt with, describe dispute resolution by Tribunals. *(10 marks)*
- (b) Including reference to the types of cases dealt with, describe dispute resolution by **two** of the following:
- Mediation
 - Conciliation
 - Negotiation. *(10 marks)*
- (c) Discuss the advantages of dispute resolution by means other than the civil courts. *(10 marks)*

END OF QUESTIONS

There are no questions printed on this page