

AS LAW

Unit 1 Law Making and the Legal System

Tuesday 17 May 2016 Afternoon Time allowed: 1 hour 30 minutes

Materials

For this paper you must have:

- an AQA 12-page answer book.

Instructions

- Use black ink or black ball-point pen.
- Write the information required on the front of your answer book. The **Paper Reference** is LAW01.
- Choose **one** topic from **Section A**, **one** topic from **Section B** and a **third** topic from either **Section A** or **Section B**. Answer **all** questions on the topics you have chosen.
- Do all rough work in your answer book. Cross through any work 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 96.
- In Questions **03**, **06**, **09**, **12**, **15**, **18**, **21** and **24**, **two** marks will be awarded for Assessment Objective Three (AO3), and so you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.

Choose **one** topic from **Section A**, **one** topic from **Section B** and a **third** topic from either **Section A** or **Section B**. Answer **all** questions on the topics you have chosen.

Section A Law Making

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

Each topic carries 32 marks.

Topic: Parliamentary Law Making

Answer questions **0 1**, **0 2** and **0 3**.

- 0 1** Describe the Law Commission **or** pressure groups as an influence operating on Parliament in the law-making process. [10 marks]
- 0 2** Describe the process in the House of Commons in the making of an Act of Parliament. [10 marks]
- 0 3** Discuss disadvantages of the parliamentary law-making procedure. [10 marks + 2 marks for AO3]
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Topic: Delegated Legislation

Answer questions **0 4**, **0 5** and **0 6**.

- 0 4** Briefly describe **two** different forms of delegated legislation. [10 marks]
- 0 5** Describe parliamentary controls on delegated legislation. [10 marks]
- 0 6** Briefly discuss advantages **and** disadvantages of delegated legislation. [10 marks + 2 marks for AO3]

Topic: Statutory InterpretationAnswer questions

0	7
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0	8
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 and

0	9
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0	7
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 Outline internal (intrinsic) **and** external (extrinsic) aids to statutory interpretation. [10 marks]

0	8
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 Explain the mischief rule and how it has been used by judges in cases. [10 marks]

0	9
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 Briefly discuss advantages **and** disadvantages of the mischief rule. [10 marks + 2 marks for AO3]

Topic: Judicial PrecedentAnswer questions

1	0
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,

1	1
---	---

 and

1	2
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1	0
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 In the context of judicial precedent:

- outline what is meant by the term ratio decidendi **and**
- briefly describe the use of law reports.

[10 marks]

1	1
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 Outline **both** of the following ways judges can avoid binding precedent:

- the use of the 1966 Practice Statement by the Supreme Court **and**
- distinguishing a precedent.

[10 marks]

1	2
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 Discuss advantages of judicial precedent. [10 marks + 2 marks for AO3]

Section B The Legal System

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

Each topic carries 32 marks.

Topic: The Civil Courts and other forms of dispute resolution

Answer questions **1 3**, **1 4** and **1 5**.

1 3 Civil claims for compensation can be dealt with in court, or out of court by negotiation.

Referring to the different financial limits, outline the civil **trial** courts that can hear cases involving claims for compensation.

Briefly explain out of court settlement by negotiation.

[10 marks]

1 4 Arbitration is one way in which civil disputes can be resolved without going to court. Describe how arbitration is used to resolve civil disputes.

[10 marks]

1 5 Briefly discuss advantages **and** disadvantages of dispute resolution by arbitration.

[10 marks + 2 marks for AO3]

Topic: Criminal courts and lay persons

Answer questions **1 6**, **1 7** and **1 8**.

1 6 Outline **both** of the following:

- the courts (trial **and** appeal) that can hear adult criminal cases
- the types of cases dealt with by these courts.

[10 marks]

1 7 Outline the qualifications required for appointment as a lay magistrate. Briefly explain the training of a lay magistrate following appointment.

[10 marks]

1 8 Discuss disadvantages of the use of lay persons (juries and lay magistrates) in the criminal justice process.

[10 marks + 2 marks for AO3]

Topic: The Legal Profession and other sources of advice, and funding

Answer questions **1 9**, **2 0** and **2 1**.

- 1 9** Legal advice can be obtained from a variety of sources including Citizens Advice Bureaux, Law Centres, trade unions, insurance companies and the internet.
- Briefly describe any **two** of these sources of advice **and** outline the types of cases they can give advice on. **[10 marks]**
- 2 0** Explain the qualification **and** training requirements to become a solicitor. **[10 marks]**
- 2 1** Briefly discuss advantages **and** disadvantages of using 'lawyers' (solicitors and barristers) to resolve legal disputes. **[10 marks + 2 marks for AO3]**
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Topic: The Judiciary

Answer questions **2 2**, **2 3** and **2 4**.

- 2 2** Describe the work of a judge in a civil case. **[10 marks]**
- 2 3** Explain how a judge can be dismissed from office. **[10 marks]**
- 2 4** Discuss why it is, **and** why it should be, difficult to dismiss a judge. **[10 marks + 2 marks for AO3]**

END OF QUESTIONS

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