General Certificate of Education June 2008 Advanced Subsidiary Examination



LAW Unit 1 Law Making

Friday 23 May 2008 1.30 pm to 2.30 pm

For this paper you must have:

• an 8-page answer book.

Time allowed: 1 hour

## **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 LAW1 R.

LAW1R

- Answer **two** questions.
- Do all rough work in the answer book. Cross through any work you do not want to be marked.
- Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

## Information

- The maximum mark for this paper is 65. Five of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets.

## Answer **two** questions.

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

- 1 (a) Outline what is meant by delegated legislation and briefly explain, with examples, **two** forms of delegated legislation. (15 marks)
  - (b) Outline and comment on the parliamentary and judicial controls over delegated legislation. (15 marks)
- 2 (a) Briefly describe three types of European Union law. (15 marks)
  - (b) Briefly discuss the role(s) of the European Court of Justice (ECJ) **and** briefly explain the relationship between the ECJ and the English courts. (15 marks)
- 3 (a) Briefly describe the following:
  - two rules of (approaches to) statutory interpretation
  - intrinsic (internal) aids available to judges when interpreting an Act of Parliament
  - extrinsic (external) aids available to judges when interpreting an Act of Parliament.

(20 marks)

- (b) Briefly discuss the **advantages** of the **two** rules (approaches) described in your answer to question 3(a). (10 marks)
- 4 (a) Describe in outline the key features of the doctrine of precedent **and** briefly explain how a judge can avoid following a precedent. (20 marks)
  - (b) Discuss **one** advantage and **one** disadvantage of the doctrine of judicial precedent. (10 marks)
- 5 (a) Describe the formal process of statute creation. (15 marks)
  - (b) Identify and comment on the advantages and disadvantages of the formal process of statute creation. (15 marks)

## **END OF QUESTIONS**