



General Certificate of Education
Advanced Subsidiary Examination
June 2009

Law

LAW01

Unit 1 Law Making and the Legal System

Specimen paper for examinations in June 2010 onwards

This question paper uses the new numbering system and new AQA answer book

For this paper you must have:

- an AQA 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.
- 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 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 96.

In Questions

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, two marks will be awarded for 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

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When interpreting an Act of Parliament, judges can use a range of rules (approaches) and can also rely on internal or external aids to interpretation.

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 Briefly describe the literal rule **and** the internal aids used by judges when interpreting Acts of Parliament. (10 marks)
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 Briefly describe the golden rule **and** the external aids used by judges when interpreting Acts of Parliament. (10 marks)
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 Discuss the disadvantages of any **two** of the rules of (approaches to) statutory interpretation. (10 marks + 2 marks for AO3)
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Topic: Delegated Legislation

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 With reference to the doctrine of judicial precedent, explain what is meant by the terms '*ratio decidendi*' and '*obiter dicta*'. (10 marks)
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 Using cases **and/or** examples, explain how the House of Lords **and** the Court of Appeal can avoid following a precedent. (10 marks)
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 Discuss the advantages of judicial precedent. (10 marks + 2 marks for AO3)

Topic: Statutory Interpretation**Answer**

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 Statutory instruments are one form of delegated legislation. Explain, using examples, what is meant by statutory instruments. *(10 marks)*
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 Explain **either** parliamentary **or** judicial controls on delegated legislation. *(10 marks)*
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 Discuss the disadvantages of delegated legislation as a form of law making. *(10 marks + 2 marks for AO3)*
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Topic: Judicial Precedent**Answer**

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 Briefly explain what is meant by the doctrine of parliamentary supremacy. Outline **one** limitation on this doctrine. *(10 marks)*
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 Outline the roles of the House of Commons, the House of Lords and the Crown in parliamentary law making. *(10 marks)*
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 Discuss the advantages of the process of parliamentary law making. *(10 marks + 2 marks for AO3)*

Turn over for the next section

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 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 **1 3**, **1 4** and **1 5**

- 1 3** Describe the role of a judge in a civil court claim for damages. (10 marks)
- 1 4** Briefly explain how judges are trained for their work in court. (10 marks)
- 1 5** Discuss the importance of judicial independence. (10 marks + 2 marks for AO3)
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Topic: The Criminal Courts and lay people

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

- 1 6** Explain how a solicitor is trained and qualifies for entry to the profession. (10 marks)
- 1 7** Sylvia has been injured in an accident. Outline where she could get advice for a possible claim for compensation **and** how a civil court claim could be paid for. (10 marks)
- 1 8** Briefly discuss the advantages **and** disadvantages of the different methods of funding a civil court claim. (10 marks + 2 marks for AO3)

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

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 Identify the different criminal courts, including appeal courts, that can hear criminal cases involving adults. Outline the types of criminal offences that are dealt with by these courts. *(10 marks)*

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 Describe how jurors qualify and are selected to serve on a jury. *(10 marks)*

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 Briefly discuss the disadvantages of using **lay persons** to decide criminal trials. *(10 marks + 2 marks for AO3)*

Topic: The Judiciary**Answer**

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 Ajay has been injured in an accident. He has suffered serious injuries and wants to claim compensation. Identify the courts, including any appeal courts, in which his claim for compensation could be heard. Outline **either** mediation **or** negotiation as another method of dealing with a personal injury case. *(10 marks)*

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 Describe **either** arbitration **or** the use of a tribunal as a means of civil dispute resolution. *(10 marks)*

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 Briefly discuss the advantages **and** disadvantages of negotiation **and** of a civil court trial as forms of civil dispute resolution. *(10 marks + 2 marks for AO3)***END OF QUESTIONS**

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