



General Certificate of Education  
Advanced Subsidiary Examination  
January 2010

## Law

## LAW01

### Unit 1 Law Making and the Legal System

Thursday 14 January 2010 9.00 am to 10.30 am

**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 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 for your ability to:
  - use good English
  - organise information clearly
  - use specialist vocabulary where appropriate.

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**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.

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- 1 (a) With reference to judicial precedent, outline what is meant by the following terms:
- 'hierarchy of the courts'
  - '*ratio decidendi*'
  - 'law reporting'. (10 marks)
- (b) Outline how judges can avoid following precedent by
- distinguishing a previous precedent
  - overruling a previous precedent. (10 marks)
- (c) Discuss **either** the advantages **or** the disadvantages of the doctrine of judicial precedent. (10 marks)
- 2 (a) Briefly describe the Parliamentary procedure for passing an Act of Parliament. (10 marks)
- (b) Describe **either** pressure groups **or** the media as an influence operating on Parliament in the making of laws. (10 marks)
- (c) Discuss the advantages **and** disadvantages of the influence described in your answer to Question 2(b). (10 marks)
- 3 (a) By-laws and Orders in Council are forms of delegated legislation. Explain what is meant by By-laws **and** Orders in Council. (10 marks)
- (b) Delegated legislation is controlled by Parliament itself and by judges. Explain **judicial** controls on delegated legislation. (10 marks)
- (c) Discuss the advantages of delegated legislation as a form of law making. (10 marks)
- 4 In the context of statutory interpretation,
- (a) describe the golden rule **and one** of the rules of language; (10 marks)
- (b) describe the mischief rule; (10 marks)
- (c) discuss the advantages **and** disadvantages of the mischief rule. (10 marks)

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**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.

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- 5 (a) Describe the work of barristers in and out of court. *(10 marks)*
- (b) Outline how legal executives qualify **and** briefly explain the work they do. *(10 marks)*
- (c) Legal advice can be obtained by the public from solicitors and from other sources, such as Citizens Advice Bureaux and law centres. Briefly discuss the advantages **and** disadvantages of obtaining legal advice from solicitors **and** from other sources. *(10 marks)*
- 6 (a) Describe the work of a judge in a Crown Court trial. *(10 marks)*
- (b) Explain how judges can be dismissed from office. *(10 marks)*
- (c) Discuss the importance of judges being independent. *(10 marks)*
- 7 (a) Briefly describe the appointment of lay magistrates. Outline the training of lay magistrates. *(10 marks)*
- (b) Describe the role of a jury in a Crown Court trial. *(10 marks)*
- (c) Discuss the disadvantages **either** of using lay magistrates in the criminal justice process **or** of using jurors in the criminal justice process. *(10 marks)*
- 8 (a) Tilly has suffered injuries in an accident and wants to claim compensation. Her claim may be settled in court or through the process of negotiation.
- Outline the courts (including any appeal courts) in which her case could be heard **and** briefly explain what is meant by negotiation. *(10 marks)*
- (b) Describe **either** arbitration **or** tribunals as a means of civil dispute resolution. *(10 marks)*
- (c) Discuss the advantages **and** disadvantages **either** of arbitration **or** of tribunals as a form of civil dispute resolution. *(10 marks)*

**END OF QUESTIONS**

**There are no questions printed on this page**