



General Certificate of Education
Advanced Subsidiary Examination
June 2010

Law

LAW01

Unit 1 Law Making and the Legal System

Friday 28 May 2010 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.
- 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

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, 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 01, 02 and 03

- 0 1** Describe **either** pressure groups **or** the Law Commission as an influence operating on Parliament in the making of statute law. *(10 marks)*
- 0 2** In Parliamentary law making, **outline** the following:
• the nature and purpose of Green and White papers
• the legislative procedure in the House of Commons. *(10 marks)*
- 0 3** Discuss the disadvantages of the process of Parliamentary law making. *(10 marks + 2 marks for AO3)*
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Topic: Delegated Legislation Answer 04, 05 and 06

- 0 4** Statutory Instruments and Orders in Council are two forms of delegated legislation. Explain what is meant by Statutory Instruments **and** Orders in Council. *(10 marks)*
- 0 5** Explain why it is necessary for Parliament to delegate some law-making powers. *(10 marks)*
- 0 6** Discuss the disadvantages of delegated legislation as a form of law making. *(10 marks + 2 marks for AO3)*

Topic: Statutory Interpretation
Answer 07, 08 and 09

Judges are guided in the process of statutory interpretation by both internal (intrinsic) and external (extrinsic) aids, and by rules of language. They are also guided by various rules of, or approaches to, interpretation that they themselves have developed.

- 0 7** Briefly describe internal aids **and** external aids to interpretation. (10 marks)
- 0 8** Describe the literal rule **and one** of the rules of language. (10 marks)
- 0 9** Discuss the advantages **and** disadvantages of the operation of the literal rule.
(10 marks + 2 marks for AO3)
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Topic: Judicial Precedent
Answer 10, 11 and 12

- 1 0** Outline what is meant by the terms 'hierarchy of the courts' **and** '*obiter dicta*'. (10 marks)
- 1 1** Outline **two** ways by which judges can avoid following a binding precedent. (10 marks)
- 1 2** Briefly discuss **two** advantages **and two** disadvantages of judicial precedent.
(10 marks + 2 marks for AO3)

Turn over for the next section

Turn over ►

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 13, 14 and 15

There are various methods for resolving civil disputes other than bringing a civil action in court. These methods include negotiation, mediation, conciliation and arbitration.

- 1 3** Outline what is meant by negotiation **and** mediation in the settlement of a civil dispute. *(10 marks)*
- 1 4** Describe arbitration as a means of civil dispute resolution. *(10 marks)*
- 1 5** Discuss the disadvantages of alternative dispute resolution. *(10 marks + 2 marks for AO3)*
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Topic: The Criminal Courts and lay people
Answer 16, 17 and 18

- 1 6** Explain the work of lay magistrates. *(10 marks)*
- 1 7** Describe how jurors qualify and are selected. *(10 marks)*
- 1 8** **EITHER**
Discuss the advantages of using **lay magistrates** in the criminal justice system.
- OR**
Discuss the advantages of using **jurors** in the criminal justice system. *(10 marks + 2 marks for AO3)*

Topic: The Legal Profession and other sources of advice, and funding
Answer 19, 20 and 21

1 | 9

EITHER

Describe the work of a solicitor.

OR

Describe the work of a barrister.

(10 marks)

2 | 0

Keith has been arrested in connection with a serious criminal offence. Outline **where** and **from whom** he could get legal advice and representation, and **how** this would be paid for.

(10 marks)

2 | 1

Discuss the disadvantages of the methods of funding advice **and** representation in criminal cases.

(10 marks + 2 marks for AO3)

Topic: The Judiciary
Answer 22, 23 and 24

2 | 2

Describe the work of a judge in a civil court claim for negligence.

(10 marks)

2 | 3

Outline how inferior **and** superior judges are selected and appointed.

(10 marks)

2 | 4

Discuss the advantages **and** disadvantages of the methods of selection and appointment of judges.

(10 marks + 2 marks for AO3)

END OF QUESTIONS

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