



General Certificate of Education
Advanced Subsidiary Examination
January 2011

Law

LAW01

Unit 1 Law Making and the Legal System

Thursday 13 January 2011 9.00 am to 10.30 am

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 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 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 questions

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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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 There are various influences operating on Parliament as a law maker. Four of these influences are the Law Commission, the media, pressure groups and political influence. Describe the operation of **one** of these influences. *(10 marks)*
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 Discuss advantages **and** disadvantages of the influence on Parliament that you have described in your answer to question

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 above. *(10 marks + 2 marks for AO3)*
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Topic: Delegated Legislation

Answer questions

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 Outline what is meant by statutory instruments **and** by-laws. *(10 marks)*
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 Describe the judicial controls on delegated legislation. *(10 marks)*
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 Discuss the reasons for the use of delegated legislation in the English legal system. *(10 marks + 2 marks for AO3)*

Topic: Statutory InterpretationAnswer questions

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In relation to statutory interpretation, briefly describe the following:

- **either** internal **or** external aids
- **one** rule of language.

(10 marks)

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Outline the purposive approach **and** the golden rule of statutory interpretation.*(10 marks)*

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Discuss advantages **and** disadvantages of **either** the purposive approach **or** the golden rule.*(10 marks + 2 marks for AO3)*

Topic: Judicial PrecedentAnswer questions

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Outline the key features of judicial precedent.

(10 marks)

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Briefly explain how the Supreme Court (formerly the House of Lords) **and** the Court of Appeal can avoid following a precedent.*(10 marks)*

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Discuss disadvantages of the doctrine 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 questions

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 Describe dispute resolution by tribunals, including reference to the types of cases they deal with. *(10 marks)*
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 Briefly explain the process of conciliation **and** the process of negotiation. *(10 marks)*
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 Briefly discuss advantages **and** disadvantages of using the civil courts to settle a dispute. *(10 marks + 2 marks for AO3)*
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Topic: The Criminal Courts and lay people

Answer questions

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 Outline the qualifications required for appointment as a lay magistrate. Briefly explain the training a lay magistrate has to undergo after appointment. *(10 marks)*
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 Describe the role of a jury in a Crown Court trial. *(10 marks)*
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 Discuss disadvantages of using a jury in a criminal trial. *(10 marks + 2 marks for AO3)*

Topic: The Legal Profession and other sources of advice, and fundingAnswer questions

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EITHER

Describe the process of qualifying as a solicitor.

*(10 marks)***OR**

Describe the process of qualifying as a barrister.

(10 marks)

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Sian has been badly injured in a road accident and wants to claim compensation.

Outline where she could get advice about a possible claim **and** outline how she could pay for bringing such a claim.*(10 marks)*

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Briefly discuss advantages **and** disadvantages of **two** possible methods of funding a civil court claim.*(10 marks + 2 marks for AO3)*

Topic: The JudiciaryAnswer questions

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Describe how judges are trained for their work.

(10 marks)

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Explain the role of a judge in a civil case involving a claim for damages.

(10 marks)

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Discuss the importance of judicial independence.

*(10 marks + 2 marks for AO3)***END OF QUESTIONS**

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