



General Certificate of Education
Advanced Subsidiary Examination
June 2011

Law

LAW01

Unit 1 Law Making and the Legal System

Friday 20 May 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 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 **03**, **06**, **09**, **12**, **15**, **18**, **21** and **24**, **two** 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 **0 1**, **0 2** and **0 3**.

- 0 1** Describe any **one** influence operating on Parliament in the law-making process. *(10 marks)*
- 0 2** Describe the law-making procedure in Parliament. *(10 marks)*
- 0 3** Briefly discuss advantages **and** disadvantages of the parliamentary law-making procedure. *(10 marks + 2 marks for AO3)*
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Topic: Delegated Legislation

Answer questions **0 4**, **0 5** and **0 6**.

- 0 4** Outline **two** different forms of delegated legislation. *(10 marks)*
- 0 5** Describe parliamentary controls on delegated legislation. *(10 marks)*
- 0 6** Discuss **either** advantages **or** disadvantages of delegated legislation as a form of law making. *(10 marks + 2 marks for AO3)*

Topic: Statutory InterpretationAnswer questions

0	7
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,

0	8
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 and

0	9
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0	7
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In the context of statutory interpretation, briefly describe what is meant by **two** of the following:

- rules of language
- external (extrinsic) aids
- internal (intrinsic) aids.

(10 marks)

0	8
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Describe **either** the literal rule **or** the mischief rule.*(10 marks)*

0	9
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Briefly discuss advantages **and** disadvantages of the rule that you have described in your answer to question

0	8
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.*(10 marks + 2 marks for AO3)*

Topic: Judicial PrecedentAnswer questions

1	0
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,

1	1
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 and

1	2
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1	0
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With reference to judicial precedent, briefly explain the meaning of *ratio decidendi* **and** *obiter dicta*.*(10 marks)*

1	1
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Explain how judges **either** in the Supreme Court **or** in the Court of Appeal can avoid following precedent.*(10 marks)*

1	2
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Discuss advantages of the use 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 **1 3**, **1 4** and **1 5**.

1 3

Josh has been badly injured in a road accident and intends to claim compensation for his injuries.

- Identify the civil courts (including relevant tracks and any appeal courts) in which his claim for compensation could be heard.

AND

- Briefly describe the process of negotiation which could be used as an alternative method of settling his claim. *(10 marks)*

1 4

Describe **either** the process of arbitration **or** the use of tribunals as a method of dispute resolution. *(10 marks)*

1 5

Discuss advantages and disadvantages of **either** the process of arbitration **or** the use of tribunals. *(10 marks + 2 marks for AO3)*

Topic: The Criminal Courts and lay people

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

1 6

Describe how jurors qualify and are selected for service in a criminal trial. *(10 marks)*

1 7

Explain the work of lay magistrates in the criminal justice process. *(10 marks)*

1 8

Discuss **either** advantages **or** disadvantages of using lay persons (lay magistrates and jurors) in the criminal justice process. *(10 marks + 2 marks for AO3)*

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

1	9
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2	0
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 and

2	1
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1	9
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Legal advice can be obtained from a variety of sources other than solicitors and barristers. These include Citizens Advice Bureaux, Law Centres, trade unions, insurance companies, claims companies and the internet.

Briefly describe any **three** sources of legal advice (other than solicitors and barristers) **and** outline the types of cases they can give advice on. *(10 marks)*

2	0
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EITHER

Explain how a solicitor trains and qualifies.

OR

Explain how a barrister trains and qualifies. *(10 marks)*

2	1
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Compare and contrast the work of solicitors and barristers. *(10 marks + 2 marks for AO3)*

Topic: The JudiciaryAnswer questions

2	2
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,

2	3
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 and

2	4
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2	2
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Explain how judges are selected **and** appointed. *(10 marks)*

2	3
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Describe the work of a judge in a Crown Court trial. *(10 marks)*

2	4
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Discuss the importance of judicial independence. *(10 marks + 2 marks for AO3)*

END OF QUESTIONS

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