



General Certificate of Education
Advanced Subsidiary Examination
June 2012

Law

LAW01

Unit 1 Law Making and the Legal System

Thursday 24 May 2012 1.30 pm to 3.00 pm

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

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, **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** Briefly explain what is meant by the doctrine of parliamentary supremacy. Outline **one** limitation on this doctrine. (10 marks)
- 0 2** Outline the following:
- the nature and purpose of Green and White papers
 - the law-making process in the House of Commons. (10 marks)
- 0 3** Discuss disadvantages of the law-making process in Parliament. (10 marks + 2 marks for AO3)
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Topic: Delegated Legislation

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

- 0 4** Statutory instruments, Orders in Council and By-laws are all forms of delegated legislation. Briefly describe any **two** of these forms. (10 marks)
- 0 5** Describe parliamentary controls on delegated legislation. (10 marks)
- 0 6** Discuss why Parliament delegates law-making power. (10 marks + 2 marks for AO3)
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Topic: Statutory InterpretationAnswer questions

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- Outline external (extrinsic) aids to interpretation
- and one**
- of the rules of language.
- (10 marks)*

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 Describe the golden rule of statutory interpretation. *(10 marks)*

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 Briefly discuss advantages **and** disadvantages of the golden rule. *(10 marks + 2 marks for AO3)*

Topic: Judicial PrecedentAnswer questions

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- Outline the main features of judicial precedent.
- (10 marks)*

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 Outline the process of overruling **and** briefly explain how judges in the Supreme Court can avoid following a binding precedent. *(10 marks)*

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 Discuss **either** advantages **or** 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 questions **1 3**, **1 4** and **1 5**.

- 1 3** Describe the operation of tribunals as a method of dispute resolution. *(10 marks)*
- 1 4** Including appeal courts, outline the civil courts that can deal with a claim for negligence **and** briefly describe the process of negotiation. *(10 marks)*
- 1 5** Discuss advantages **and** disadvantages of using civil courts as a method of dispute resolution. *(10 marks + 2 marks for AO3)*
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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. *(10 marks)*
- 1 7** Explain the work of lay magistrates. *(10 marks)*
- 1 8** Discuss disadvantages of using lay persons in the criminal justice process. *(10 marks + 2 marks for AO3)*

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

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EITHERBriefly explain where a person arrested for a serious criminal offence could get legal advice and representation **and** outline how this could be paid for.**OR**Briefly explain where a person badly injured in an accident could get legal advice and representation for a civil claim for damages **and** outline how this could be paid for.*(10 marks)*

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Describe how a barrister is trained and qualifies for entry to the profession. *(10 marks)*

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Discuss advantages **and** disadvantages of using solicitors and barristers to help resolve legal disputes. *(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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Describe the work of a judge **either** in a civil court claim for negligence **or** in a Crown Court trial. *(10 marks)*

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Discuss why it is important for judges to be independent. *(10 marks + 2 marks for AO3)***END OF QUESTIONS**

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