



General Certificate of Education  
Advanced Subsidiary Examination  
January 2013

## Law

## LAW01

### Unit 1 Law Making and the Legal System

Tuesday 15 January 2013 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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, **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.

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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.

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### Section A Law Making

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Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Each topic carries 32 marks.

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#### Topic: Parliamentary Law Making

Answer questions 

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 Briefly explain **both** of the following:
- what is meant by the doctrine of Parliamentary supremacy (sovereignty)
  - the purpose and use of Green and White papers. *(10 marks)*
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 Outline the law-making process in Parliament. *(10 marks)*
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 Discuss disadvantages of Parliamentary law making. *(10 marks + 2 marks for AO3)*
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#### Topic: Delegated Legislation

Answer questions 

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 Describe how statutory instruments, as a form of delegated legislation, are made and used. *(10 marks)*
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 Describe judicial controls on delegated legislation. *(10 marks)*
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 Briefly discuss advantages **and** disadvantages of delegated legislation as a form of law making. *(10 marks + 2 marks for AO3)*

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**Topic: Statutory Interpretation**Answer questions 

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- Outline
- both**
- of the following:
- internal (intrinsic) aids to interpretation
  - **one** of the rules of language. (10 marks)
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- Describe the mischief rule.
- (10 marks)
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- Briefly discuss advantages
- and**
- disadvantages of the mischief rule.
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- (10 marks + 2 marks for AO3)
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**Topic: Judicial Precedent**Answer questions 

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- Briefly explain the 'hierarchy of the courts'
- and**
- ratio decidendi*
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- (10 marks)
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- Briefly explain how, and when, judges can avoid having to follow a precedent:
- by overruling a precedent, **and**
  - by distinguishing a precedent. (10 marks)
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- Discuss advantages of judicial precedent.
- (10 marks + 2 marks for AO3)
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**Turn over for the next section****Turn over ►**

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## Section B The Legal System

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Use continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Each topic carries 32 marks.

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### Topic: The Civil Courts and other forms of dispute resolution

Answer questions 

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Sarah has been seriously injured in an accident and intends to claim compensation for her injuries. Outline **both** of the following:

- the civil courts (including appeal courts) in which her claim for compensation may be heard
- the process of negotiation as an alternative method of dealing with her claim.

*(10 marks)*

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Describe arbitration as a form of dispute resolution.

*(10 marks)*

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Briefly discuss advantages **and** disadvantages of arbitration.

*(10 marks + 2 marks for AO3)*

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### Topic: The Criminal Courts and lay people

Answer questions 

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Outline **both** of the following:

- the trial **and** appeal courts that can hear adult criminal cases
- the types of cases dealt with by these courts.

*(10 marks)*

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Outline the qualifications for appointment as a lay magistrate. Briefly explain the training undertaken by a lay magistrate following appointment.

*(10 marks)*

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Discuss advantages of using lay persons (juries **and** lay magistrates) in the criminal justice process.

*(10 marks + 2 marks for AO3)*

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**Topic: The Legal Profession and other sources of advice, and funding**

Answer questions 

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 Describe how a person trains and qualifies to become a solicitor. *(10 marks)*
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 Briefly explain where, and from whom, a person arrested for a serious criminal offence could obtain legal advice and representation **and** outline how this advice and representation could be paid for. *(10 marks)*
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 Discuss disadvantages of the methods of funding advice **and** representation in criminal cases. *(10 marks + 2 marks for AO3)*
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**Topic: The Judiciary**

Answer questions 

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 Describe the work of a judge in a Crown Court criminal trial. *(10 marks)*
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 Explain how a judge can be dismissed from office. *(10 marks)*
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 Discuss why it is, **and** should be, difficult to dismiss a judge from office. *(10 marks + 2 marks for AO3)*

**END OF QUESTIONS**

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