



General Certificate of Education
Advanced Subsidiary Examination
June 2014

Law

LAW01

Unit 1 Law Making and the Legal System

Friday 23 May 2014 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 **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.

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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 Describe the law-making process in Parliament. [10 marks]

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 Describe the influence on Parliament of any **one** of the following:

- the Law Commission
- the media
- pressure groups.

[10 marks]

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 Briefly discuss advantages **and** disadvantages of the influence on Parliament that you have described in your answer to question

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. [10 marks + 2 marks for AO3]

Topic: Delegated Legislation

Answer questions

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 Outline **both** of the following forms of delegated legislation:

- by-laws **and**
- Orders in Council.

[10 marks]

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 Explain parliamentary controls on delegated legislation. [10 marks]

0	6
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 Discuss disadvantages of delegated legislation. [10 marks + 2 marks for AO3]

Topic: Statutory InterpretationAnswer questions

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Explain the mischief rule.

[10 marks]

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Outline **both** of the following:

- the purposive approach to statutory interpretation **and**
- the ejusdem generis rule of language.

[10 marks]

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Briefly discuss advantages **and** disadvantages of **either** the mischief rule **or** the purposive approach.**[10 marks + 2 marks for AO3]**

Topic: Judicial PrecedentAnswer questions

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In the context of judicial precedent, briefly explain **both** of the following:

- the hierarchy of the courts **and**
- obiter dicta.

[10 marks]

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Describe how judges can use **both** distinguishing **and** overruling and, consequently, not follow a binding precedent.**[10 marks]**

1	2
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Discuss 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

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 Describe arbitration as a form of alternative dispute resolution. [10 marks]

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 Outline **both** of the following:

- the civil courts, including appeal courts, that can hear a civil claim for compensation **and**
- the process of mediation as an alternative method of dispute resolution.

[10 marks]

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 Briefly discuss advantages **and** disadvantages of using civil courts to deal with a claim of negligence. [10 marks + 2 marks for AO3]

Topic: The Criminal Courts and lay people

Answer questions

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 Describe the process of qualification, selection and appointment of lay magistrates. [10 marks]

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 Explain the role of jurors in a Crown Court trial. [10 marks]

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 Discuss disadvantages of using **either**:

- jurors **or**
- lay magistrates

in the criminal justice process. [10 marks + 2 marks for AO3]

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

Answer questions

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 Alan intends to make a claim for negligence. Outline the following:
- where he could obtain legal advice **and**
 - how Alan's claim could be paid for.
- [10 marks]
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 Outline the training **and** qualification of **both** solicitors **and** legal executives.
- [10 marks]
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 Compare and contrast the roles of defence solicitors **and** defence barristers in a Crown Court criminal case.
- [10 marks + 2 marks for AO3]
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Topic: The Judiciary

Answer questions

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 Describe how judges are trained.
- [10 marks]
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 Explain how judges can be dismissed.
- [10 marks]
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 Discuss why it is important that it should be difficult to dismiss a judge.
- [10 marks + 2 marks for AO3]

END OF QUESTIONS

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