AS LAW

Unit 1  Law Making and the Legal System

Tuesday 17 May 2016       Afternoon       Time allowed: 1 hour 30 minutes

Materials
For this paper you must have:
• an AQA 12-page answer book.

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 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 01, 02 and 03.

**01** Describe the Law Commission or pressure groups as an influence operating on Parliament in the law-making process. [10 marks]

**02** Describe the process in the House of Commons in the making of an Act of Parliament. [10 marks]

**03** Discuss disadvantages of the parliamentary law-making procedure. [10 marks + 2 marks for AO3]

**Topic: Delegated Legislation**

Answer questions 04, 05 and 06.

**04** Briefly describe two different forms of delegated legislation. [10 marks]

**05** Describe parliamentary controls on delegated legislation. [10 marks]

**06** Briefly discuss advantages and disadvantages of delegated legislation. [10 marks + 2 marks for AO3]
Topic: Statutory Interpretation

Answer questions 07, 08 and 09.

07 Outline internal (intrinsic) and external (extrinsic) aids to statutory interpretation. [10 marks]

08 Explain the mischief rule and how it has been used by judges in cases. [10 marks]

09 Briefly discuss advantages and disadvantages of the mischief rule. [10 marks + 2 marks for AO3]

Topic: Judicial Precedent

Answer questions 10, 11 and 12.

10 In the context of judicial precedent:
   • outline what is meant by the term ratio decidendi and
   • briefly describe the use of law reports. [10 marks]

11 Outline both of the following ways judges can avoid binding precedent:
   • the use of the 1966 Practice Statement by the Supreme Court and
   • distinguishing a precedent. [10 marks]

12 Discuss advantages of judicial precedent. [10 marks + 2 marks for AO3]
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 13, 14 and 15.

13 Civil claims for compensation can be dealt with in court, or out of court by negotiation.

Referring to the different financial limits, outline the civil trial courts that can hear cases involving claims for compensation.

Briefly explain out of court settlement by negotiation.

[10 marks]

14 Arbitration is one way in which civil disputes can be resolved without going to court.

Describe how arbitration is used to resolve civil disputes.

[10 marks]

15 Briefly discuss advantages and disadvantages of dispute resolution by arbitration.

[10 marks + 2 marks for AO3]

Topic: Criminal courts and lay persons
Answer questions 16, 17 and 18.

16 Outline both of the following:
- the courts (trial and appeal) that can hear adult criminal cases
- the types of cases dealt with by these courts.

[10 marks]

17 Outline the qualifications required for appointment as a lay magistrate. Briefly explain the training of a lay magistrate following appointment.

[10 marks]

18 Discuss disadvantages of the use of lay persons (juries and 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 19, 20 and 21.

19 Legal advice can be obtained from a variety of sources including Citizens Advice Bureaux, Law Centres, trade unions, insurance companies and the internet.

Briefly describe any two of these sources of advice and outline the types of cases they can give advice on.

[10 marks]

20 Explain the qualification and training requirements to become a solicitor.

[10 marks]

21 Briefly discuss advantages and disadvantages of using ‘lawyers’ (solicitors and barristers) to resolve legal disputes.

[10 marks + 2 marks for AO3]

Topic: The Judiciary

Answer questions 22, 23 and 24.

22 Describe the work of a judge in a civil case.

[10 marks]

23 Explain how a judge can be dismissed from office.

[10 marks]

24 Discuss why it is, and why it should be, difficult to dismiss a judge.

[10 marks + 2 marks for AO3]

END OF QUESTIONS
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