

## AS LAW

### Unit 1 Law Making and the Legal System

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Tuesday 16 May 2017      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 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 

0	3
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1	8
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2	1
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 and 

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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

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 **0 1**, **0 2** and **0 3**.

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**0 1** 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]

**0 2** Explain the parliamentary process (in both the House of Commons **and** the House of Lords) in the making of an Act of Parliament.

[10 marks]

**0 3** Briefly discuss advantages **and** disadvantages of the parliamentary law-making procedure.

[10 marks + 2 for AO3]

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#### Topic: Delegated Legislation

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

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**0 4** Statutory instruments are one form of delegated legislation. Describe how statutory instruments are made **and** used.

[10 marks]

**0 5** Explain the judicial controls on delegated legislation.

[10 marks]

**0 6** Discuss advantages of delegated legislation.

[10 marks + 2 for AO3]

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**Topic: Statutory Interpretation**

Answer questions 

0	7
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 and 

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0	7
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 Briefly explain **each** of the following, including how **both** are used by judges:

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

[10 marks]

0	8
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 Explain the literal rule and its use by judges.

[10 marks]

0	9
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 Briefly discuss advantages **and** disadvantages of the literal rule.

[10 marks + 2 for AO3]

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**Topic: Judicial Precedent**

Answer questions 

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 and 

1	2
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1	0
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 In the context of judicial precedent, outline **each** of the following:

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

[10 marks]

1	1
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 In the system of judicial precedent, explain the powers of the Court of Appeal when considering:

- an earlier precedent of the Supreme Court **and**
- an earlier precedent of the Court of Appeal itself.

[10 marks]

1	2
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 Discuss disadvantages of judicial precedent.

[10 marks + 2 for AO3]

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**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.

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**Topic: Civil Courts and ADR**

Answer questions **1 3**, **1 4** and **1 5**.

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**1 3** In the context of Alternative Dispute Resolution (ADR), outline **each** of the following methods:

- Conciliation, **and**
- Negotiation.

[10 marks]

**1 4** Tribunals form part of the civil justice system alongside ordinary courts. Describe how tribunals are used to resolve civil disputes.

[10 marks]

**1 5** Briefly discuss advantages **and** disadvantages of dispute resolution by tribunals.

[10 marks + 2 for AO3]

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**Topic: Criminal Courts and lay persons**

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

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**1 6** Describe the work of lay magistrates.

[10 marks]

**1 7** Describe the work of a jury in a Crown Court trial.

[10 marks]

**1 8** Briefly discuss advantages **and** disadvantages of lay persons deciding criminal cases.

[10 marks + 2 for AO3]

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

Answer questions 

1	9
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2	0
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 and 

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1	9
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 Explain how barristers are trained and qualify in order to practise. **[10 marks]**

2	0
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 Helen intends to make a claim for negligence. Outline the following:

- Where she could obtain legal advice **and**
- How Helen's claim could be paid for.

**[10 marks]**

2	1
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 Compare and contrast the roles of defence solicitors and defence barristers in a Crown Court criminal case.

**[10 marks + 2 for AO3]**

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**Topic: The Judiciary**

Answer 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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 Describe the work of a judge in a criminal case in the Crown Court. **[10 marks]**

2	3
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 Explain how judges are selected and appointed for office. **[10 marks]**

2	4
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 Briefly discuss advantages **and** disadvantages of the selection and appointment procedure for judges. **[10 marks + 2 for AO3]**

**END OF QUESTIONS**

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