

General Certificate of Education
June 2006
Advanced Subsidiary Examination



LAW
Unit 1 Law Making

LAW1

Monday 12 June 2006 9.00 am to 10.00 am

For this paper you must have:

- an 8-page answer book

Time allowed: 1 hour

Instructions

- Use blue or black ink or 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 LAW1.
- Answer **two** questions.
- Do all rough work in the answer book. Cross through any work you do not want marked.
- Give reasoned answers. Where appropriate, make reference to authority.

Information

- The maximum mark for this paper is 65.
5 of these marks are for the Quality of Written Communication.
- The marks for questions are shown in brackets.
- You are reminded of the need for good English and clear presentation in your answers. All questions should be answered in continuous prose. Quality of Written Communication will be assessed in all answers.

Answer **two** questions.

Give reasoned answers. Where appropriate, make reference to authority.

- 1 (a) Describe the roles of the House of Commons, House of Lords and the Crown in the formal process of statute creation. (15 marks)
- (b) Briefly describe the advantages and disadvantages associated with this formal process and comment on how well this process works. (15 marks)
- 2 (a) In the context of the doctrine of precedent, explain what is meant by, and outline the importance of, **both** the court hierarchy **and** the terms *ratio decidendi* and *obiter dicta*. (15 marks)
- (b) Briefly describe how judges can avoid following precedent **and** briefly discuss **two advantages** of their being able to do so. (15 marks)
- 3 (a) Describe, with examples, the different forms of delegated legislation. (15 marks)
- (b) Identify and discuss the advantages and disadvantages of delegated legislation as a form of law making. (15 marks)
- 4 (a) Describe **three** forms of European Union (EU) law. (15 marks)
- (b) Briefly explain the roles of the European Court of Justice (ECJ), and briefly discuss the relationship between the ECJ and the English courts. (15 marks)
- 5 Judges use a variety of **aids**, intrinsic (internal) and extrinsic (external), and **rules** (approaches) when interpreting Acts of Parliament.
- (a) Briefly describe the **aids** to interpretation used by judges. (10 marks)
- (b) Describe **two** of the **rules** of (approaches to) statutory interpretation and discuss their advantages and disadvantages. (20 marks)

END OF QUESTIONS