



## **General Certificate of Education**

# **Law 5161**

**Unit 1 (LAW1)      Law Making**

# **Report on the Examination**

*2007 examination - January series*

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## Unit 1 (LAW1): Law Making

The overall performance of candidates was pleasing, with quality of answers from some centres being of a very high standard. Equally, it was apparent that candidates achieving low marks were often inadequately prepared, as opposed to providing inaccurate material or being poor at apportioning their time. It was particularly pleasing to see the extent to which candidates devoted appropriate time to answering each question and part question. Generally, with questions 1 and 2, answers to part (b) were of a good standard, with the quality of the part (a) answer often being echoed by the part (b) material. In the past, candidates have spent too much time on part (a) questions and have then produced relatively limited and general part (b) material. A significant number of answers to questions 2 (a) and 4 (a) contained an excess of introductory material, which, whilst not being necessarily irrelevant, was not positively addressing question requirements. It was pleasing to find that most candidates addressed the specific question requirements appropriately. Most instances of candidates departing from question requirements were found in answers to question 4 (a). In answers to question 4 (b), candidates wrote about advantages and disadvantages, as opposed to only disadvantages.

### Question 1

- (a) This was a popular question. Many answers contained valid material dealing with the court hierarchy, *ratio decidendi* and *obiter dicta*, binding and persuasive precedent and law reporting. Answers dealing with a range of factors failed to expand adequately beyond mere identification. Often, content dealing with the hierarchy of the courts could have been developed further. A significant number of scripts failed to relate answers to the questions. Whilst most answers included information about the courts, there was a tendency to identify rather than relate to precedent. It was pleasing to find appropriately developed answer material dealing with law reporting. There were a notable number of answers explaining how precedent can be avoided. Relatively extensive material dealing with distinguishing, reversing and overruling inhibited candidates' ability to focus on the key features of the question.
- (b) Most answers clearly addressed the question demands; the material was developed, and a number of valid advantages and disadvantages were introduced. Many answers were well balanced, dealing with both advantages and disadvantages. It was pleasing to see answers demonstrating both the advantage and disadvantage identifiable in relation to the same example, eg law reporting.

### Question 2

- (a) This was also a very popular question. Many answers gained good marks, with the forms of delegated legislation, examples and explanations developed well. Generally, examples were used well. However, inappropriate examples, or a lack of examples, were found most commonly in relation to statutory instruments. Some answers contained excessive introductory material. There were valuable explanations of what delegated legislation is, but the answer content sometimes drifted from the question demands. A significant number of answers contained relatively extensive coverage of the advantages and disadvantages of delegated legislation, which was not required by the question. This wasted candidates' time. In relation to statutory instruments, the affirmative and negative resolutions were often wrongly included in part (a), whereas in part (b), where the resolutions were relevant, no mention was found. Equally, some candidates repeated the part (a) content in part (b), but in neither part was the material positively related to question demands.

- (b) A high percentage of answers contained material on both parliamentary and judicial controls developed to an appropriate degree. Answers frequently identified a good range of controls, but failed to demonstrate how these operated as a control on the process of delegated legislation. Some candidates demonstrated confusion between what the parliamentary and judicial controls over delegated legislation were, which was disappointing.

### **Question 3**

- (a) This again was a popular question. The most common influences given were the media and pressure groups. Many of these answers developed the material well, and utilised good supporting examples. However, a notable number of answers did not contain examples. The Law Commission and Royal Commissions were also quite popular examples, and often dealt with well. Answers dealing with less obvious examples of influences were the least well developed.
- (b) The majority of candidates provided balanced answers. Again, answers that dealt with what the most popular influences were tended to have specific substance and appropriate development. In a significant number of answers, the content was general, with very limited specific identification of advantages and disadvantages.

### **Question 4**

- (a) This was equally a very popular question. A very high percentage of answers dealt appropriately with two rules and the aids to statutory interpretations. Explanation of the rules and case law usage tended to be clear, accurate and adequately developed. Material on the aids in the majority of answers was specific, and a good range of examples was frequently found. A notable proportion of answers contained an excessively lengthy introduction containing general explanation relating to statutory interpretation. Only a small proportion of candidates failed to comply with the specific question demands, but in some instances more than two rules were dealt with. A minority of answers included material on the rules of language: however, centres need to note that rules of language are not specifically identified in the module specification.
- (b) Whilst most answers dealt with question demands appropriately, many answers were insufficiently developed. Many candidates identified a limited number of disadvantages of each rule, but then failed to develop adequately their explanation as to why it was a disadvantage. Also, there was a significant repetition of part (a) answer material, including case law usage. Only a small minority of candidates failed to address the specific question demands and provided material on both advantages and disadvantages. Candidates should be reminded to note the specific question requirements, and ensure their answer material is confined to them.

### **Question 5**

- (a) This was the least popular question on the paper, and was tackled by only a small number of candidates. The answer content tended to be general, with content actually addressing the question often being limited and demonstrating a limited understanding of the institutions. Many answers contained material relevant to the institution being discussed, but not relevant to the question.
- (b) Answers to this part of the question tended to be superficial. Most answers contained an explanation of parliamentary sovereignty and material on the consequences of entry to the European Union. Often, however, the material was confused and the limitations were not clearly explained. A significant number of the answers considered only one limitation, namely the European dimension.

### **Mark Ranges and Award of Grades**

Grade boundaries and cumulative percentage grades are available on the [Results statistics](#) page of the AQA Website.