

General Certificate of Education
June 2008
Advanced Subsidiary Examination



LAW
Unit 1 Law Making

LAW1 R

Friday 23 May 2008 1.30 pm to 2.30 pm

For this paper you must have:

- an 8-page answer book.

Time allowed: 1 hour

Instructions

- Use black ink or black 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 R.
- Answer **two** questions.
- 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 authority.

Information

- The maximum mark for this paper is 65.
Five of these marks will be awarded for using good English, organising information clearly and using specialist vocabulary where appropriate.
- The marks for questions are shown in brackets.

Answer **two** questions.

Use continuous prose. Give reasoned answers. Where appropriate, make reference to authority.

- 1 (a) Outline what is meant by delegated legislation and briefly explain, with examples, **two** forms of delegated legislation. *(15 marks)*
- (b) Outline and comment on the parliamentary and judicial controls over delegated legislation. *(15 marks)*
- 2 (a) Briefly describe **three** types of European Union law. *(15 marks)*
- (b) Briefly discuss the role(s) of the European Court of Justice (ECJ) **and** briefly explain the relationship between the ECJ and the English courts. *(15 marks)*
- 3 (a) Briefly describe the following:
- **two** rules of (approaches to) statutory interpretation
 - intrinsic (internal) aids available to judges when interpreting an Act of Parliament
 - extrinsic (external) aids available to judges when interpreting an Act of Parliament.
- (20 marks)*
- (b) Briefly discuss the **advantages** of the **two** rules (approaches) described in your answer to question 3(a). *(10 marks)*
- 4 (a) Describe in outline the key features of the doctrine of precedent **and** briefly explain how a judge can avoid following a precedent. *(20 marks)*
- (b) Discuss **one** advantage and **one** disadvantage of the doctrine of judicial precedent. *(10 marks)*
- 5 (a) Describe the formal process of statute creation. *(15 marks)*
- (b) Identify and comment on the advantages and disadvantages of the formal process of statute creation. *(15 marks)*

END OF QUESTIONS