

OCR

Oxford Cambridge and RSA

Tuesday 24 May 2016 – Morning

GCSE LAW

B141/01 The Nature of Law: Criminal Courts and Criminal Processes

Candidates answer on the Question Paper.

OCR supplied materials:

None

Other materials required:

None

Duration: 1 hour



| | | | |
|-----------------------|--|----------------------|--|
| Candidate forename | | Candidate surname | |
|-----------------------|--|----------------------|--|

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|---------------|--|--|--|--|--|------------------|--|--|--|--|
| Centre number | | | | | | Candidate number | | | | |
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. HB pencil may be used for graphs and diagrams only.
- Answer **all** the questions.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- Write your answer to each question in the space provided. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **60**.
- Your quality of written communication is assessed on the question marked with an asterisk (*).
- This document consists of **12** pages. Any blank pages are indicated.

Answer **all** the questions.

- 1 (a) The English legal system is divided into different types of law to deal with different situations. For example: the criminal law.

Identify **three** other different types of law.

1

2

3

[3]

- (b) In a civilised society it is important to have laws.

For example: to maintain law and order.

Explain **one** other reason why we need laws in the English legal system.

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..... [3]

2 (a) The Court of Appeal (Civil Division) is normally bound by its own previous decisions. However, there are three main exceptions to this rule.

Identify the **three** main exceptions to this rule.

1

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[3]

(b) Read the following passage.

Fill in the most appropriate terms from the list below:

- incorrect
- flexible
- hospital
- misunderstood
- prison
- strict.

The Court of Appeal (Criminal Division) is bound by the same exceptions as the Civil Division. However, because the ultimate punishment for committing a crime is, the Criminal Division has to be more

Therefore, it is also able to overrule one of its own previous decisions if it feels the law was

[3]

- (c) (i) In 1966, the Lord Chancellor issued a Practice Statement allowing the House of Lords (now the Supreme Court) to avoid following their own previous decisions.

Give **three** reasons why the Lord Chancellor decided to do this.

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[3]

- (ii) The decisions of judges are an important source of law.

Explain what is meant by:

original precedent

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binding precedent

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[6]

(d) Discuss how the European Court of Justice is important in the English legal system.

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- 3 (a) The police are allowed to arrest a suspect under the **Police and Criminal Evidence Act 1984**.

Identify the **three** main points in time when the police can arrest a suspect.

1

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[3]

- (b) (i) The police have the right to stop and search a member of the public in a street or similar place.

Describe how the police use their powers in these circumstances under the **Police and Criminal Evidence Act 1984**.

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- (ii) After being questioned in a street or similar place the police may wish to arrest the member of the public.

Discuss how the public's rights are safeguarded during an arrest under the **Police and Criminal Evidence Act 1984**.

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- (c) Select the correct public safeguard for a suspect while at a police station to match the most appropriate reason. Write the appropriate **number** next to each **letter** in the grid below.

| | |
|----------|--|
| A | |
| B | |
| C | |

| Public safeguard | |
|-------------------------|---|
| A | The right to have someone informed when arrested. |
| B | The right to access legal advice. |
| C | The right to have the interview tape-recorded. |

| Reason | |
|---------------|--|
| 1 | To ensure that the suspect cannot be accused of saying something by the police that the suspect denies saying. |
| 2 | To prevent a parent or spouse from thinking the suspect has disappeared. |
| 3 | To ensure that the suspect is not kept in unsatisfactory conditions. |
| 4 | To ensure that the suspect has access to a solicitor. |

[3]

- 4 (a) (i) When sentencing an offender the magistrate or judge must take into consideration the main aims or purposes of sentencing. For example: the punishment of the offender.

Identify whether the following statements are **true** or **false** by putting a **tick** in the correct box.

| Statement | | True | False |
|-----------|---|------|-------|
| A | If Sarah robbed a stranger of his wallet at knife-point to pay for an expensive mobile telephone, the judge would use punishment as their main purpose of sentencing. | | |
| B | If Pablo, the father of a young child, stole baby food from a supermarket, the judge would use punishment as their main purpose of sentencing. | | |
| C | If Ahmed beats up a stranger because the stranger is an asylum seeker, the judge would use punishment as their main purpose of sentencing. | | |

[3]

- (ii) Give a definition of the following aims or purposes of sentencing:

rehabilitation

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deterrence

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reparation

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[3]

- (b) As well as having an important role in criminal matters, magistrates also deal with a smaller number of civil matters.

Explain the role of magistrates in civil matters.

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- (c)* Explain **two** reasons why a member of the public could ask to be excused from jury service.

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(d) Discuss how juries are selected before the trial date.

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END OF QUESTION PAPER

ADDITIONAL ANSWER SPACE

If additional space is required, you should use the following lined page(s). The question number(s) must be clearly shown in the margin(s).

A large rectangular area with a vertical line on the left side and horizontal dotted lines across the page, providing space for writing answers.



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