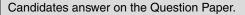


Wednesday 8 June 2016 – Morning

GCSE LAW

B142/02 Civil Courts and Civil Processes. Civil Liberties and Human Rights



OCR supplied materials:

None

Other materials required:

None

Duration: 1 hour



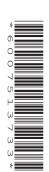
forename	surname	
Centre number	Candidate number	

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.
- This document consists of 16 pages. Any blank pages are indicated.



2 BLANK PAGE

Question 1 begins on page 3

PLEASE DO NOT WRITE ON THIS PAGE

Answer all the questions.

1	Complete the	following sentences.	Use the most appropriate	words from the list below.

•	balance	of	probabilities
---	---------	----	---------------

- claimant
- county court damages
- defendant
- guilty
- liable
- small claims court
- sue

The person who starts a civil case is known as a
A person starting a civil case will a defendant.
The lowest court a civil case can start in is
An appeal from the lowest civil court would be heard in the
The standard of proof in a civil case is the
One possible outcome of a civil case is that the defendant is
An example of the most likely remedy in a civil case is

[7]

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2	Civil cases	are	allocated	to the	appropriate	court	and	track	depending	on	how	much	they	are
	worth.													

Identify the most appropriate court in each of the following situations and explain why.

For (a), (b), (c) and (d) put a tick in the correct box and give a reason for your answer.

(a) Martha has not paid a bill of £7000 owed to her builder and he has taken action against her.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason	
	[2

(b) Jamil has a personal injury claim worth £3000 as a result of a road traffic accident that was not his fault.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason	١	 	 	 	 	
		 	 	 	 	[2]

(c) Harry wants to bring a claim against the local newspaper who published a story that was untrue, accusing him of being a convicted thief.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

	Reason				
					[2
•	•		dical negligence a eration. He has bee	•	-
	High Court	County Court	County Court	High Court	County Court
	Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

I	Reason	
		[2]

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3 Select the correct type of Alternative Dispute Resolution (ADR) which matches the most appropriate description. Write the appropriate **number** next to the **letter** in the grid below.

A	
В	

	Type of ADR
A	Mediation
В	Conciliation

	Description
1	Negotiation with the help of an active third party.
2	The informal resolution of a dispute by the parties with no third party involvement.
3	Negotiation with the help of a neutral third party.
4	A formal process where the parties agree to be bound by the decision of a third party.

[2]

1						
	•••••	•••••		•••••		
					•••••	•••••
						•••••
2						
Ident	tify any three fea	atures of an en	nlovment tribu	nal		
IUCIII	iny arry times rec	atares or arren	ipioyment tribu	na.		
1						
1						
1						
1						
1						
1 2						

The	re are different sources of legal funding available in civil law.
(a)	Define what is meant by privately funded legal representation.
	[1]
(b)	Explain one advantage of privately funded legal representation.
	[2]
cons	assia wants to enter the legal profession. Identify and explain two reasons why she may sider training as a legal executive rather than as a solicitor.
2	
	[4]

8	as the 'overriding objective'. Judges in civil cases are now in charge of how cases are managed.
	Discuss one way in which judges can achieve the overriding objective through case management
	[3]

Question 9 begins on page 10

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- 9 Read the following passage and fill in the **most appropriate** missing words from the list below.
 - awards
 - convictions
 - divisions
 - evidence
 - law
 - leave
 - precedent
 - tracks

The role of judges alters according to whether they are appeal court judges or trial judges
and also, if trial judges, whether they are dealing with criminal or civil cases. Court of Appeal
judges develop the law through and statutory interpretation. In
criminal cases, they can overturn and in civil cases, they can make or
alter In courts of first instance, judges generally rule on all points of
and give legal direction on points of evidence. In criminal trials, judges
deal with applications for bail and if the defendant is found guilty, the judge will sentence them.
In civil trials, the judge will use allocation questionnaires to allocate cases to appropriate
and will hear the case and decide liability. First instance judges can also
consider granting to appeal to higher courts. [6]

10	Explain, giving an example for each one, the meaning of the following terms.			
	Absolute Rights			
	Limited Rights			
	Qualified Rights			
	[6]			
11	Article Four states 'No one shall be held in slavery or servitude.' and 'No one shall be required to perform forced or compulsory labour.'			
	Identify three situations where this right may be restricted.			
	1			
	2			
	3			
	[3]			
]			

12	The Suicide Act 1961 makes it an offence to encourage or assist a suicide in England and Wales. Anyone doing so could face up to 14 years in prison. Campaigners for the right to die argue that the law should be changed so that people can be allowed to die with the help of a doctor. Lord Falconer has proposed a new law to legalise 'assisted dying' which would allow doctors to provide a fatal dose of drugs to patients with less than six months to live. Some religious groups, doctors and disability charities have campaigned against this change in the law.
	Discuss the arguments against a law allowing assisted suicide. In writing your answer, consider which rights and restrictions under the Human Rights Act 1998 may be relevant to your arguments.

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).			
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