

Monday 11 June 2012 – Morning

GCSE LAW

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

Candidates answer on the Question Paper.

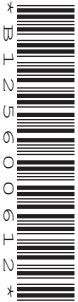
OCR supplied materials:

None

Other materials required:

None

Duration: 1 hour



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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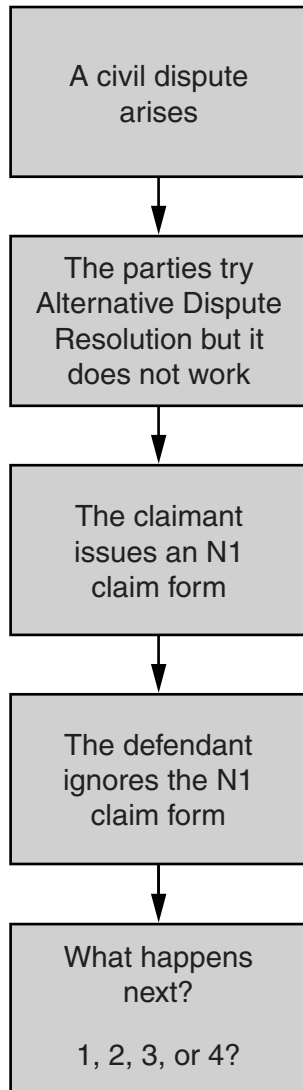
INSTRUCTIONS TO CANDIDATES

- 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. Additional paper may be used if necessary but you must clearly show your candidate number, centre number and question number(s).
- 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 **24** pages. Any blank pages are indicated.

1 Use your understanding of civil process to indicate what should happen next in this sequence by ticking against the correct answer below.



1	The defendant risks a judgment in default
Tick:	

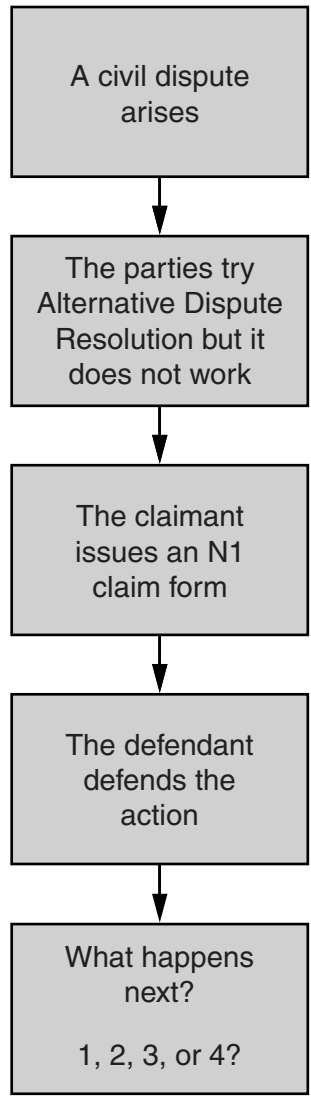
2	The defendant will be arrested
Tick:	

3	No further action will be taken against the defendant
Tick:	

4	The claimant can appeal to the High Court
Tick:	

[1]

2 Use your understanding of civil process to indicate what should happen next in this sequence by ticking against the correct answer below.



1

The defendant will choose which court the claim will be heard in

Tick:

2

The claimant will allocate the case to whichever court suits them

Tick:

3

The defendant will allocate the case to whichever court suits them

Tick:

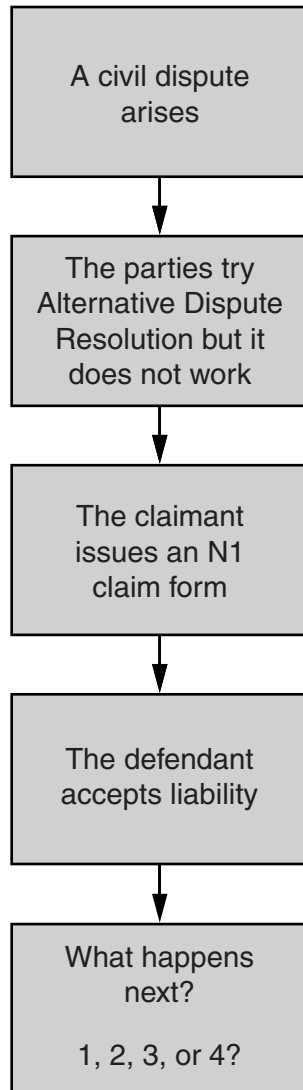
4

The parties will have to complete an allocation questionnaire to help the judge decide where the case should go

Tick:

[1]

3 Use your understanding of civil process to indicate what should happen next in this sequence by ticking against the correct answer below.



1
The defendant will choose which court decides the amount of any damages
Tick:

2
The claimant has won and can now choose their damages
Tick:

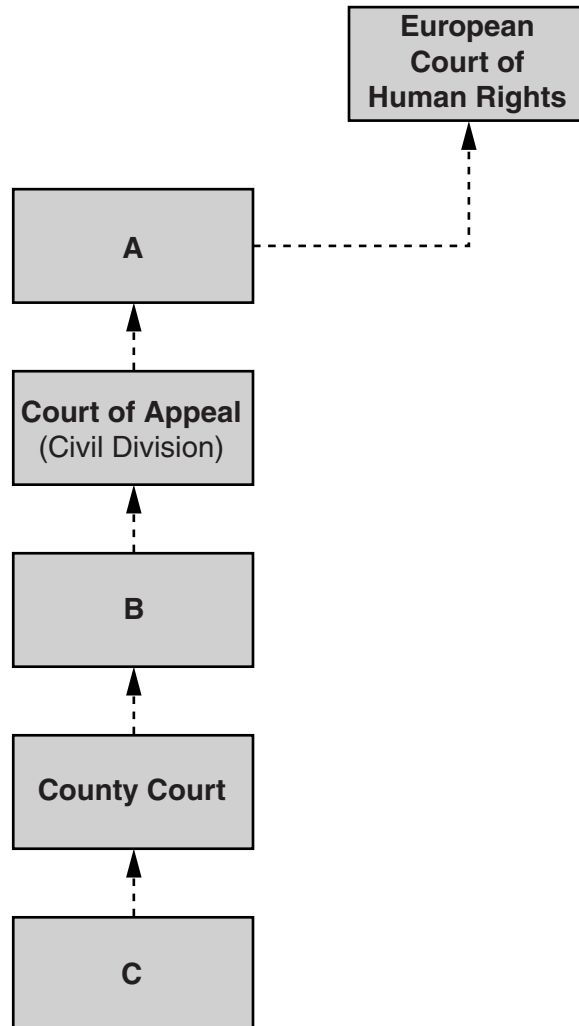
3
The defendant now fills in <i>their</i> claim form
Tick:

4
The claimant has won and the defendant must pay the remedy set out in the claim form
Tick:

[1]

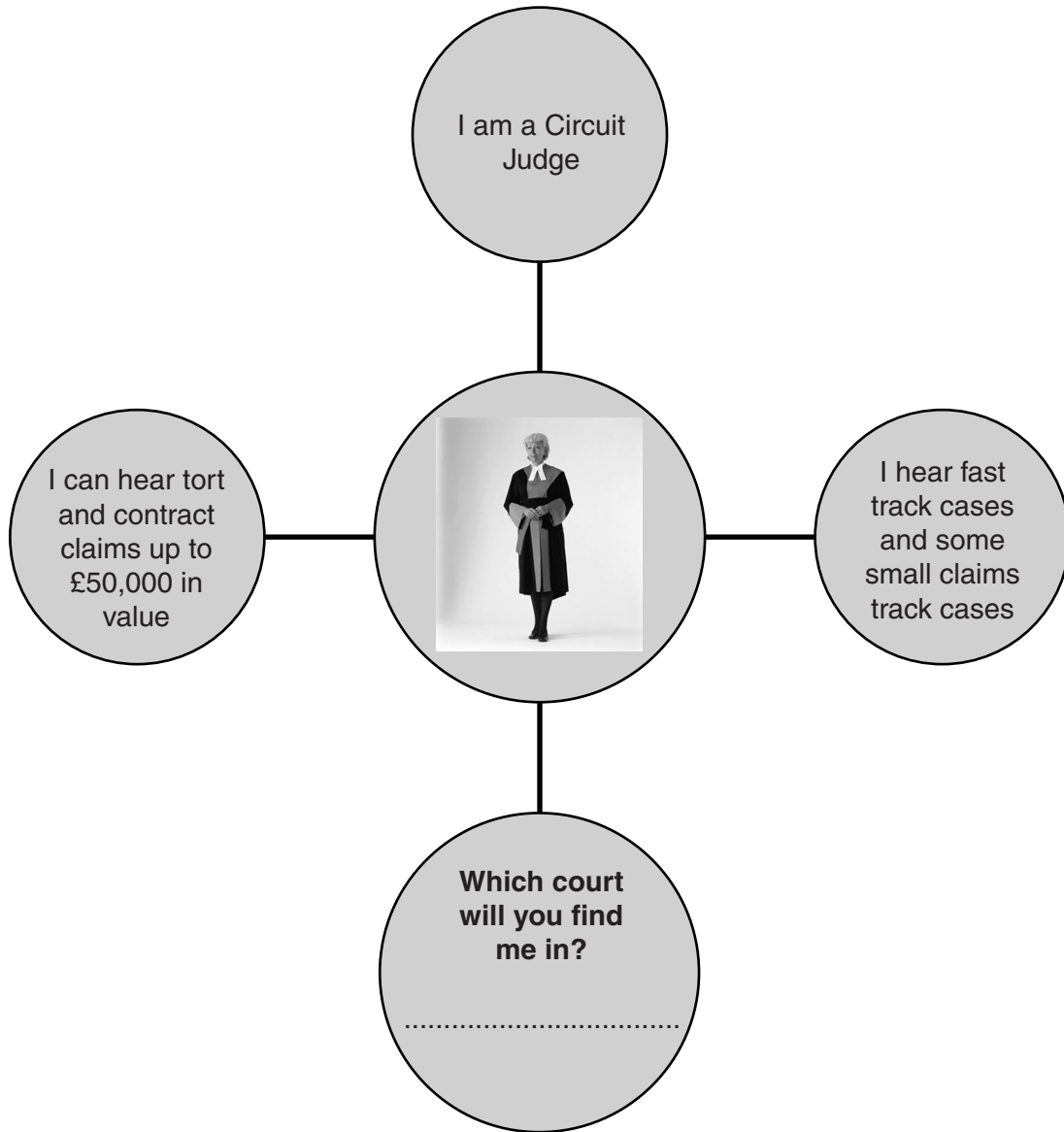
- 5 Match each court with its position in the hierarchy. Write your answers **A**, **B** and **C** against the correct court in the table below.

	Box A, B or C?
High Court	
Magistrates' Court	
Supreme Court	



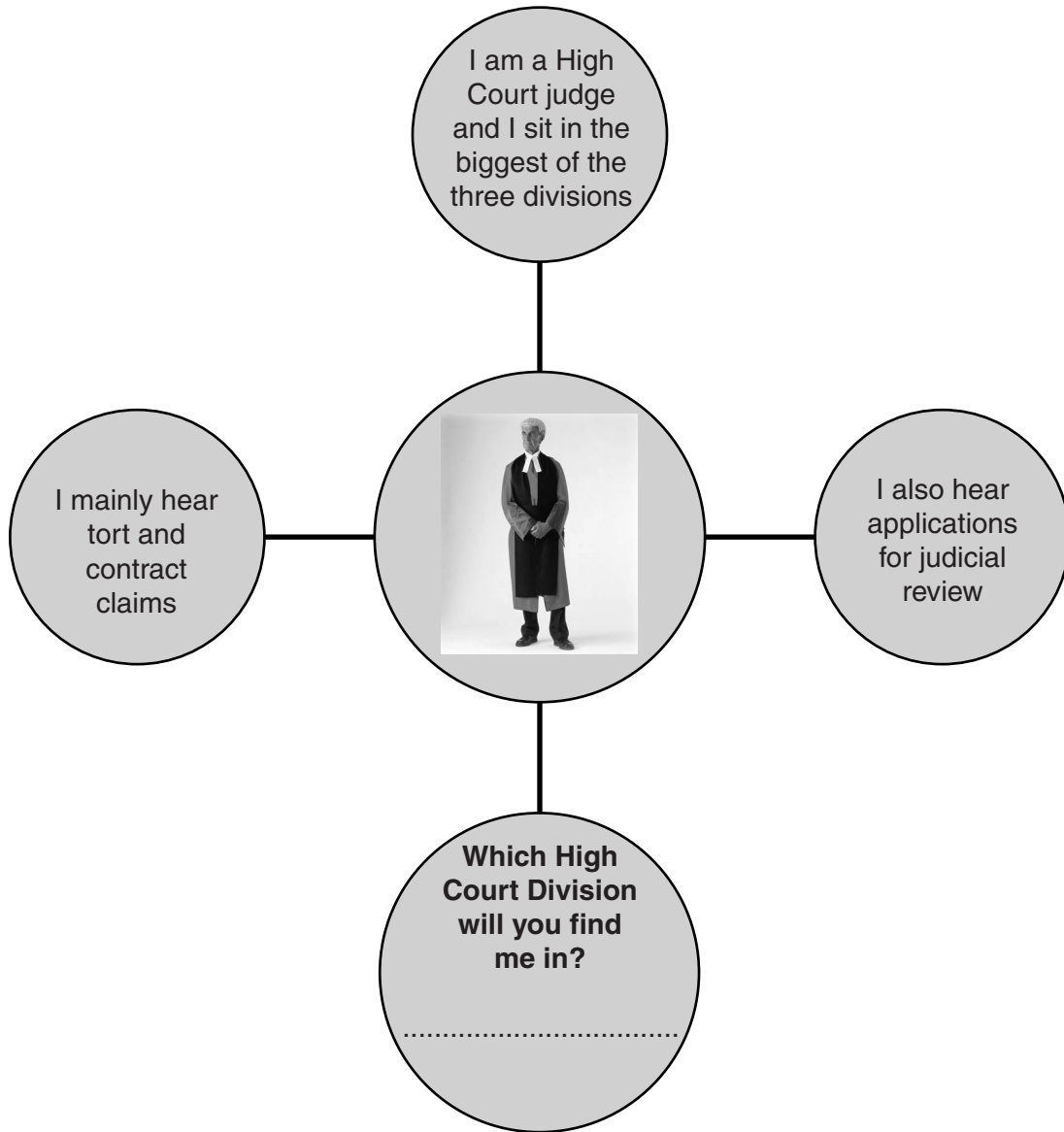
[3]

6 Use the clues to determine in which court this judge is most likely to be found. Write your answer in the circle below.



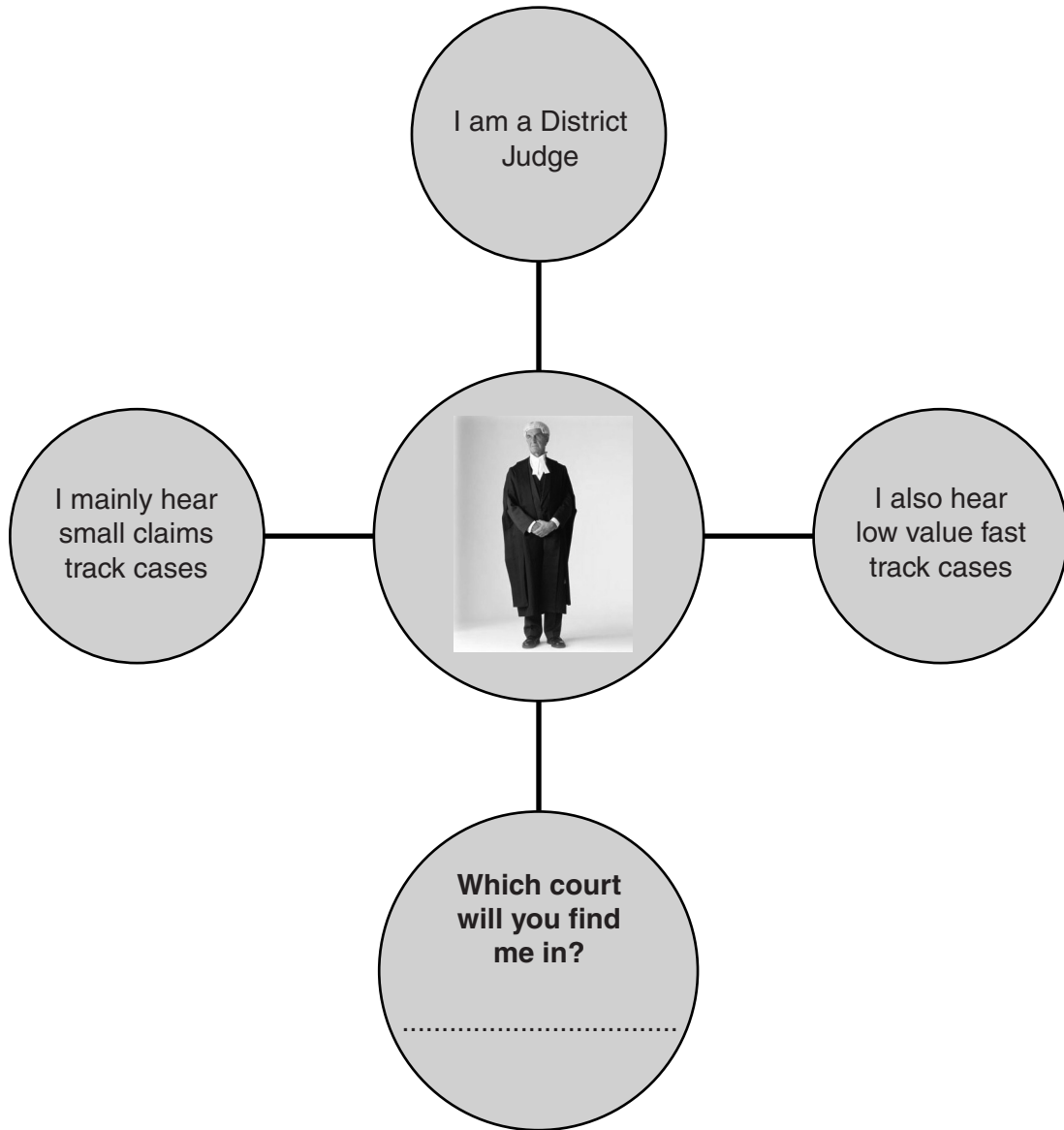
[1]

7 Use the clues to determine in which High Court Division this judge is most likely to be found. Write your answer in the circle below.



[1]

8 Use the clues to determine in which court this judge is most likely to be found. Write your answer in the circle below.



[1]

9–11 Conditional Fee Arrangements (or CFAs) provide an alternative means of funding a civil claim when the claimant cannot afford a lawyer and is not eligible for legal assistance (legal aid).

Demonstrate your knowledge of CFAs by correctly identifying the **one** false statement in each of the following three tables. Tick to show your answers.

9	STATEMENT	FALSE
i	At the present time CFAs can only be used for personal injury cases	
ii	CFAs are also known as Contingency Fee Arrangements or 'no win – no fee' arrangements	
iii	CFAs do not require claimants to meet special eligibility requirements like means and merits testing	

[1]


10	STATEMENT	FALSE
i	If the lawyer loses in a CFA case he or she gets paid nothing	
ii	If the lawyer wins, he or she will be entitled to keep all the claimant's damages	
iii	If the lawyer loses, the claimant will have to pay the winning side's costs	

[1]

11	STATEMENT	FALSE
i	Claimants can insure against losing with special after the event (ATE) insurance	
ii	CFAs have been in use for over 20 years in personal injury cases	
iii	Lawyers have to take on CFA cases if it is within their field of expertise	

[1]

13–15 Read the following N1 Claim Form and answer the three questions which follow by showing each answer with a tick.



Claim Form

In the

for court use only

Claim No.	
Issue date	

Claimant

JOHN SMITH

SEAL

Defendant(s)

ELECTRICKERY LTD

Brief details of claim

I PURCHASED A BRAND NEW DVD PLAYER FROM ELECTRICKERY LTD. IT WAS AN EXPENSIVE MODEL AND COST £400. IT IS SCRATCHING DVDS EVERY TIME I USE IT. I TOOK IT BACK TO ELECTRICKERY LTD TO ASK FOR A REFUND OR A REPLACEMENT BUT THEIR MANAGER SAID THEY WILL NOT PROVIDE EITHER BECAUSE I BOUGHT IT IN A SALE.

Value

I WOULD LIKE MY £400 BACK.

Defendant's name and address

ELECTRICKERY LTD
 NEWTOWN RETAIL PARK
 NEWTOWN
 NW1 2AB

	£
Amount claimed	400.00
Court fee	80.00
Solicitor's costs	0
Total amount	480.00

13 Which area of law does this case involve?

	Tick
Environmental Law	
Consumer Law	
Intellectual Property	
Negligence	
Defamation	

[1]

14 Which track will this case be most suited to?

	Tick
Multi-track	
Fast Track	
Trial on Indictment	
Summary Trial	
Small Claims Track	


[1]

15 Which court will this case be heard in?

	Tick
Magistrates' Court	
County Court	
High Court – Queen's Bench Division	
High Court – Chancery Division	
High Court – Family Division	

[1]

16–18 Read the following N1 Claim Form and answer the three questions which follow by showing each answer with a tick.




Claim Form

In the

for court use only

Claim No.	
Issue date	

Claimant
ASIF RAHAMAN



Defendant(s)
OSKAR NOWAK

Brief details of claim
MR NOWAK CRASHED INTO THE BACK OF MY CAR WHILST I WAS CORRECTLY PARKED AT SOME TRAFFIC LIGHTS . HE WAS NOT PAYING ATTENTION TO THE ROAD AS I HAVE WITNESSES WHO SAY THAT HE WAS USING HIS MOBILE PHONE AT THE TIME . HE HAS CAUSED SO MUCH DAMAGE THAT THE GARAGE SAY MY CAR IS A WRITE-OFF AND WILL HAVE TO BE SCRAPPED.

Value
MY CAR WAS VALUED AT £6,000 BY THE MECHANIC WHO SERVICED IT RECENTLY. I HAVE ALSO HAD TO PAY FOR A HIRE CAR WHILST SORTING OUT THIS CLAIM AT AN ADDITIONAL COST OF £300.

Defendant's name and address

**OSKAR NOWAK
1 ACACIA AVENUE
NEWTOWN
NW1 2BA**

	£
Amount claimed	6300.00
Court fee	120.00
Solicitor's costs	0
Total amount	6420.00

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.
 N1 Claim form (CPR Part 7) (01.02) Printed on behalf of The Court Service

16 Which area of law does this case involve?

	Tick
Environmental Law	
Consumer Law	
Intellectual Property	
Negligence	
Defamation	

[1]

17 Which track will this case be most suited to?

	Tick
Multi-track	
Fast Track	
Trial on Indictment	
Summary Trial	
Small Claims Track	


[1]

18 Which court will this case be heard in?

	Tick
Magistrates' Court	
County Court	
High Court – Queen's Bench Division	
High Court – Chancery Division	
High Court – Family Division	

[1]

19–21 Read the following N1 Claim Form and answer the three questions which follow by showing each answer with a tick.



Claim Form

In the

for court use only

Claim No.	
Issue date	

Claimant

REVEREND CUTHBERT WILLIAMS

SEAL

Defendant(s)

THE DAILY RAG NEWSPAPER

Brief details of claim

ON THE 1ST MARCH 2012, THE DAILY RAG PUBLISHED AN UNTRUE STORY SUGGESTING THAT I HAVE BEEN HAVING AN AFFAIR WITH THE WELL KNOWN ACTRESS CYNTHIA JONES. MISS JONES HAS BEEN VISITING ME AT THE CHURCH IN MY CAPACITY AS HER VICAR BUT THERE IS NO TRUTH IN THE SUGGESTION THAT WE HAVE BEEN HAVING AN AFFAIR AND MISS JONES WILL CONFIRM THIS.

Value

MY REPUTATION AS A VICAR HAS BEEN RUINED AND I HAVE LOST MY CONGREGATION. THE LIES HAVE CAUSED ME SEVERE EMOTIONAL TRAUMA AND I HAVE HAD A NERVOUS BREAKDOWN AND HAD TO RETIRE EARLY. I AM CLAIMING FOR LOSS OF EARNINGS AND THE EMOTIONAL DISTRESS IN THE SUM OF £100,000.

Defendant's name and address

THE DAILY RAG
RAGGY NEWSPAPERS LTD
1 NEWTOWN INDUSTRIAL EST.
NEWTOWN
NWI 2CD

£

Amount claimed	100,000.00
Court fee	120.00
Solicitor's costs	0
Total amount	100,120.00

The court office at

is open between 10 am and 4 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.
N1 Claim form (CPR Part 7) (01.02) Printed on behalf of The Court Service

19 Which area of law does this case involve?

	Tick
Environmental Law	
Consumer Law	
Intellectual Property	
Negligence	
Defamation	

[1]

20 Which track will this case be most suited to?

	Tick
Multi-track	
Fast Track	
Trial on Indictment	
Summary Trial	
Small Claims Track	

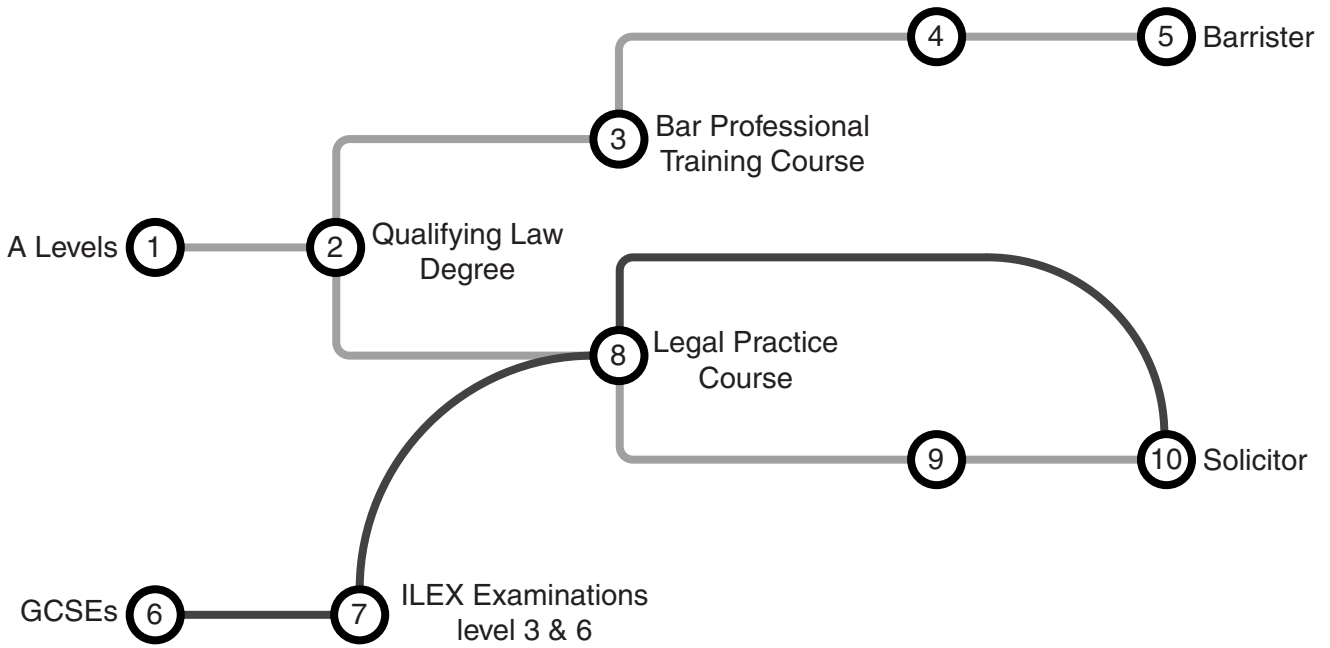
[1]

21 Which court will this case be heard in?

	Tick
Magistrates' Court	
County Court	
High Court – Queen's Bench Division	
High Court – Chancery Division	
High Court – Family Division	

[1]

22–23 This diagram represents the training route for solicitors and barristers. Use the diagram to answer the two questions which follow and show each answer with a tick.



22 What is the name of the missing stage numbered '4' on the diagram?

	Tick
Training Contract	
Legal Apprenticeship	
Pupillage	
Clerkship	

[1]

23 What is the name of the missing stage numbered '9' on the diagram?

	Tick
Training Contract	
Legal Apprenticeship	
Pupillage	
Clerkship	

[1]

24 Use your knowledge of the role and functions of the judiciary to match the letters and text on the left with the appropriate number and text on the right. Write your answers in the grid below.

A	Civil Trial Judge
B	Criminal Trial Judge
C	Appeal Court Judge
D	Decide on bail applications and appeals against a grant of bail
E	Hear appeals on disputed points from the lower courts
F	Hear the case, weigh up the evidence and decide the outcome

1	Sum up the case to the jury and direct them on points of law
2	Develop the law through statutory interpretation and the use of precedent
3	Allocate cases to the most suitable track
4	Civil Trial Judge
5	Criminal Trial Judge
6	Appeal Court Judge

	Number
A	
B	
C	
D	
E	
F	

[6]

25 There are different levels of human rights protection: international, regional or national. Draw a line between each type of human rights protection to match it with the appropriate level of protection.

Type of Protection

Level of Protection

European
Convention
on Human
Rights

National

Universal
Declaration
of Human
Rights

National

Human
Rights Act

International

A Bill of
Rights

Regional

[4]

- 26 The following three cases were brought to court by Liberty, a group which is at the heart of the movement for fundamental rights and freedoms in England and Wales.

Which **one** Article of the **Human Rights Act** was each of these cases brought under? Use a tick to show each answer in the table provided.

Case 1: Using the Human Rights Act to protect the right to protest

Five protesters held a peaceful protest during the Queen's visit to Wakefield. Silently, they held up posters demanding fair pensions for all. They were arrested and held at the police station for five hours. Liberty obtained damages for wrongful arrest and false imprisonment because the arrests were a disproportionate interference with the protesters' rights under this Article.

Case 2: Domestic violence survivor uses the Human Rights Act to keep her children and get safe accommodation

A woman and her children were fleeing domestic violence. The woman's husband was attempting to track the family down; each time he discovered their whereabouts the family moved to a different area.

The family was referred to a local social services department. Social workers told the mother she was an unfit parent and that by moving she had made the family intentionally homeless. They therefore told her she was not eligible for housing and her children had to be placed into foster care.

An advice worker helped the mother to challenge this claim using the **Human Rights Act**. They argued that social services was not properly considering the rights of the woman and her children. Under this Article, social services needed to consider the rights of the woman and her children and to take actions which are necessary and proportionate. As a result, the family was told that they could remain together and that the social services department would support them with housing.

Case 3: Control order restrictions violate human rights

The control orders imposed on a group of Iraqi and Iranian asylum seekers under the **Prevention of Terrorism Act 2005**, which, among other things, imposed an 18-hour curfew and prohibited social contact with anybody who was not authorised by the Home Office, amounted to a deprivation of their rights under this Article. The Government responded by issuing new orders, subjecting the asylum seekers to less restrictive conditions.

Article of Human Rights Act	Tick		
	Case 1	Case 2	Case 3
Article 2 the right to life			
Article 3 not to suffer torture or degrading treatment			
Article 5 the right to liberty apart from lawful arrest			
Article 6 the right to a fair trial or hearing			
Article 8 the right to respect for private and family life			
Article 9 the freedom of thought, conscience and religion			
Article 10 freedom of expression			
Article 11 freedom of peaceful assembly and association			

[3]

- 27** One of the most important aspects of understanding ‘rights’ is the recognition that there are circumstances where such rights have to be restricted, set aside or balanced against the rights of others in order to serve a greater purpose like national security or protection of public health or morals.

Using your understanding of different types of restrictions, match each description with the correct type of rights by placing a tick in the correct box.

	Description	Limited Rights	Qualified Rights	Absolute Rights
i	These are rights which have to be balanced against the rights of others and can be restricted for legitimate reasons in various circumstances			
ii	These are rights which can be restricted in specific circumstances which will be set out in the document that gives the rights			
iii	These are rights which cannot be restricted, interfered with or taken away in any circumstances			

[3]

28 In December 2010, the European Court of Human Rights ruled that the Irish government had failed to properly implement the constitutional right to abortion when a woman’s life was in danger.

Discuss the arguments for **and** against a law allowing abortion. In writing your answer consider which rights and restrictions under the **Human Rights Act** might be relevant to this case.



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