

**Thursday 6 June 2013 – Afternoon**

**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 **20** pages. Any blank pages are indicated.

- 1 Alternative Dispute Resolution (ADR) is any method of resolving a dispute without going to court. There are a number of types of ADR which range in formality.

Demonstrate your knowledge of ADR by completing the sentences using the correct missing words from the list below.

- Conciliation
- Mediation
- Arbitration
- Negotiation

The first type of ADR is used in disputes where it helps if the third party who is assisting the settlement has some expertise in the area of law concerned. A good example is where this method is used to resolve disputes between employers and employees. This form of ADR is known as .....

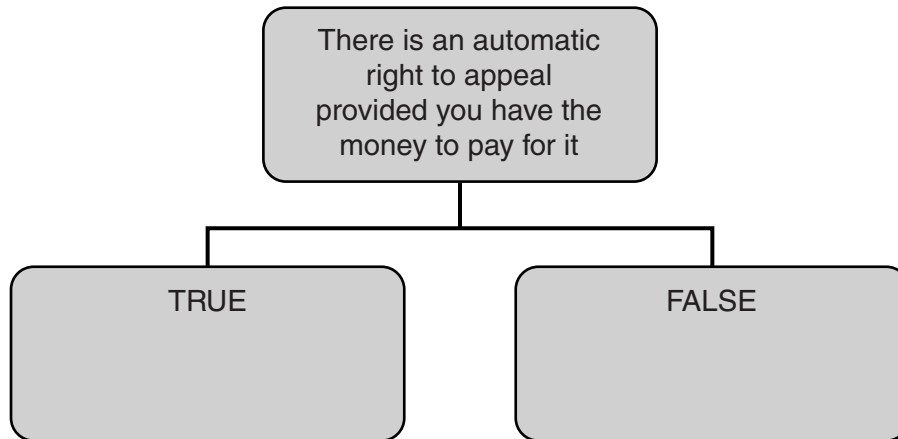
The second and most formal type of ADR is different from the others in that the courts can enforce the outcome decided by the decision-maker. Many professional organisations provide this type of service to resolve disputes between their members and customers who use their services. An example might be the Association of British Travel Agents (ABTA) or the Federation of Master Builders (FMB). This type of ADR is known as .....

The third type of ADR involves the use of a third party to help the parties try and find some common ground and resolve their dispute. This may range from informal services providing services for divorcing couples, such as Relate, or more formal services providing commercial dispute resolution services, such as the Centre for Dispute Resolution. These services are known collectively as .....

[3]

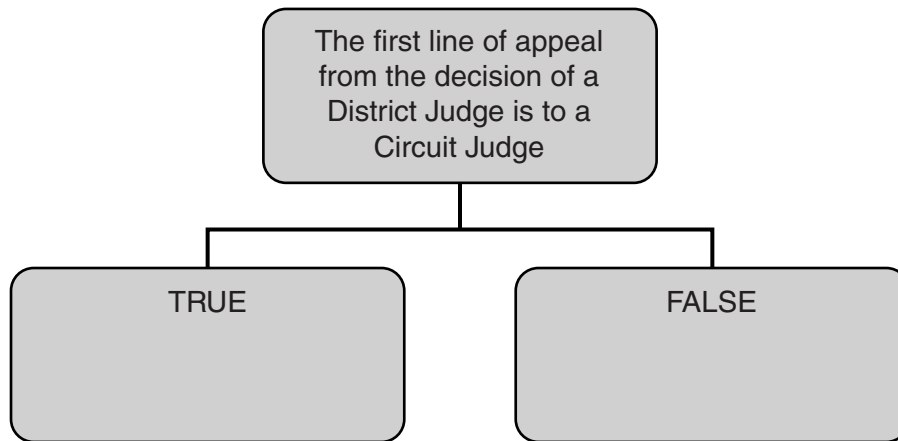


- 3 Identify whether the following statement about civil appeals is true or false. Show your answer with a tick (✓).



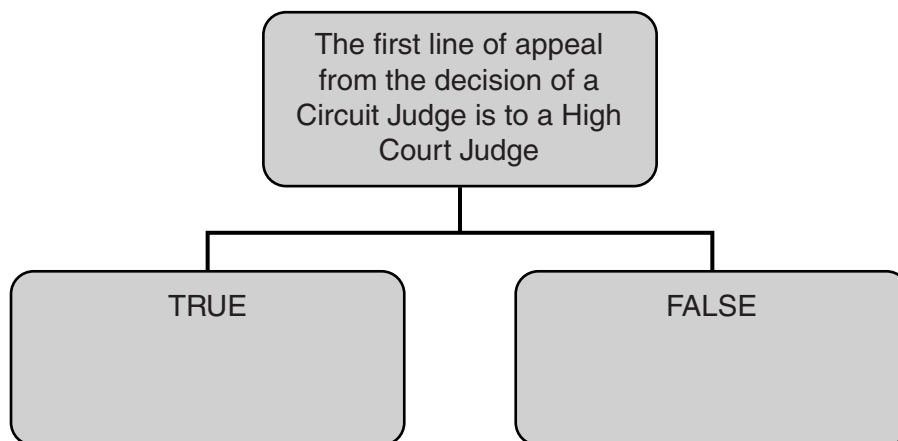
[1]

- 4 Identify whether the following statement about civil appeals is true or false. Show your answer with a tick (✓).



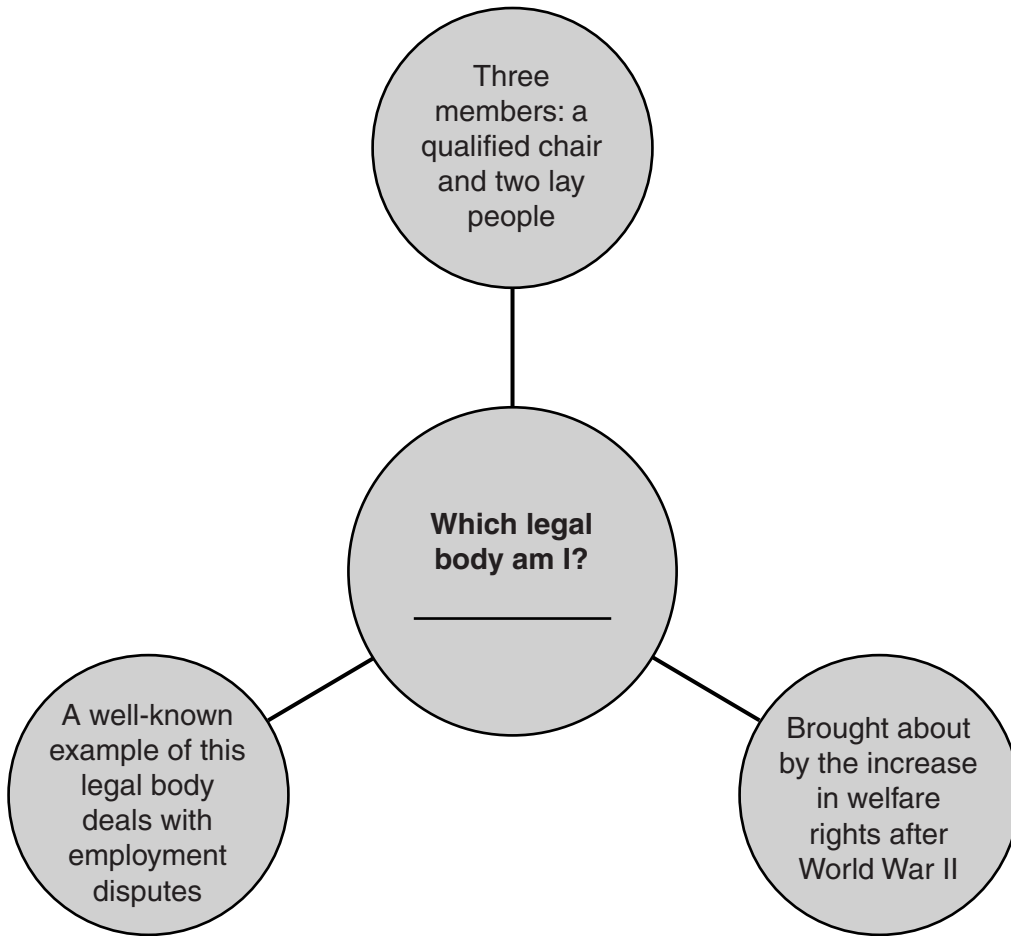
[1]

- 5 Identify whether the following statement about civil appeals is true or false. Show your answer with a tick (✓).



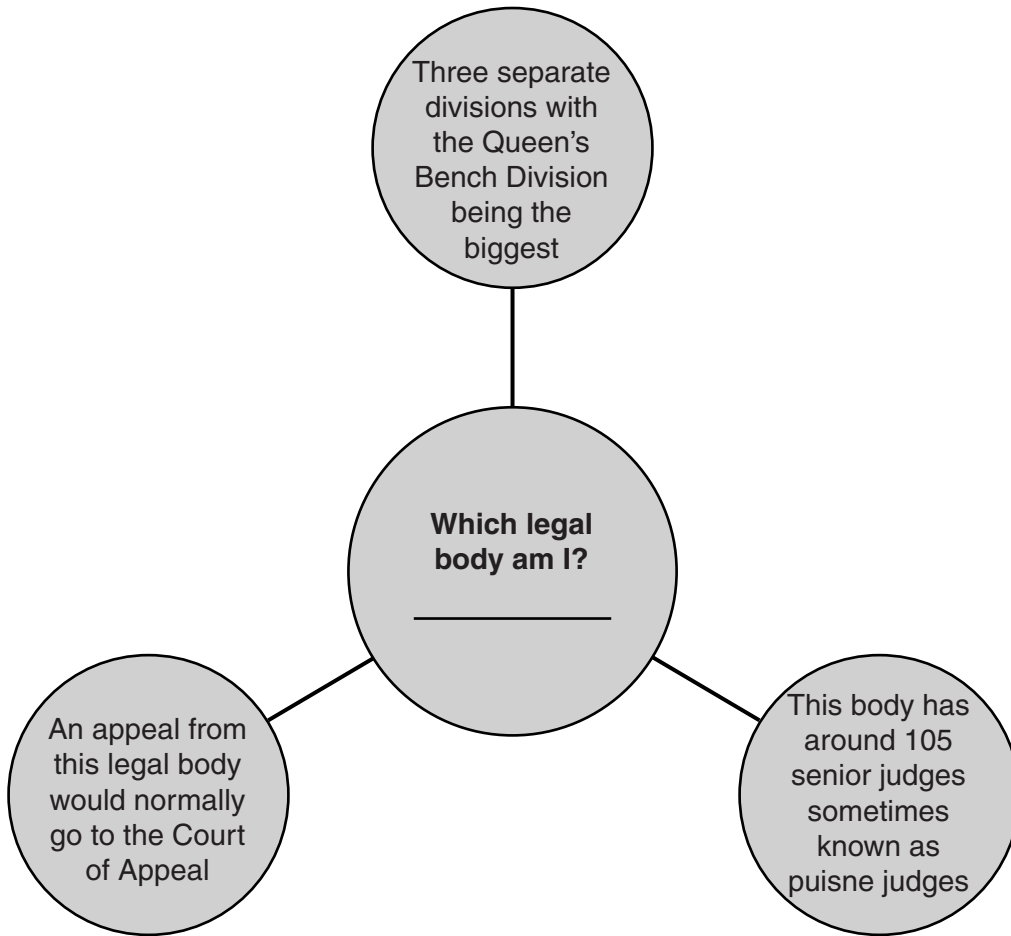
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- 6 Using the clues in the outer circles state which legal body is being described. Write your answer in the central circle below.



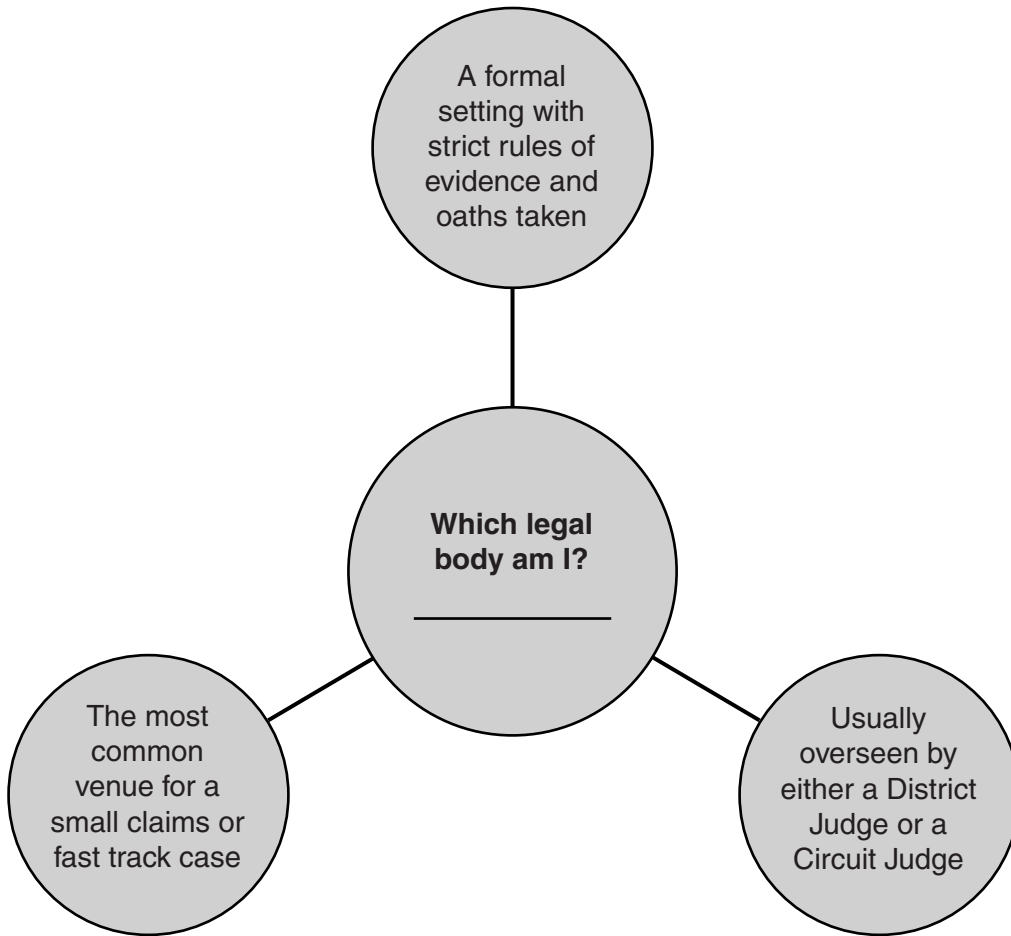
[1]

7 Using the clues in the outer circles state which legal body is being described. Write your answer in the central circle below.







[1]

- 8 Using the clues in the outer circles state which legal body is being described. Write your answer in the central circle below.



[1]

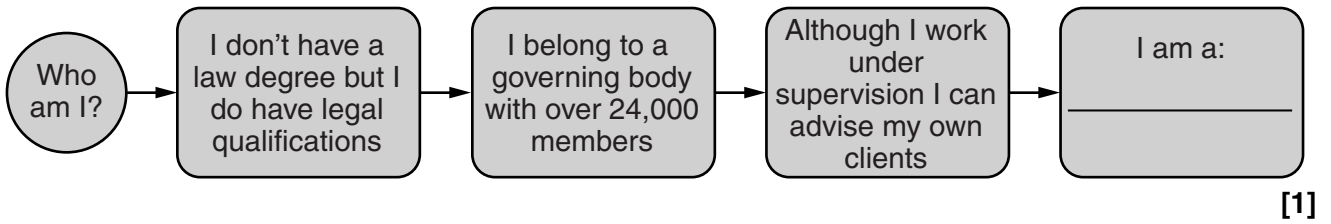
9 The judges of England and Wales are arranged in a hierarchy in order of seniority. Using your knowledge of judges draw a line to indicate their position in the judicial hierarchy.

Highest		
1		Circuit Judge
2		The Justices of the Supreme Court
3		High Court Judge
4		Appeal Court Judge
Lowest		

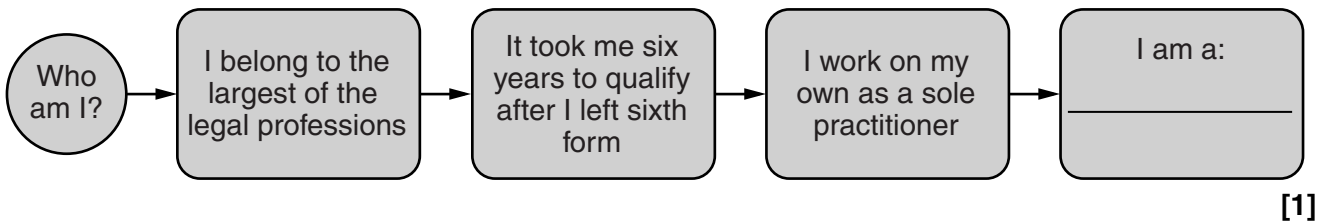
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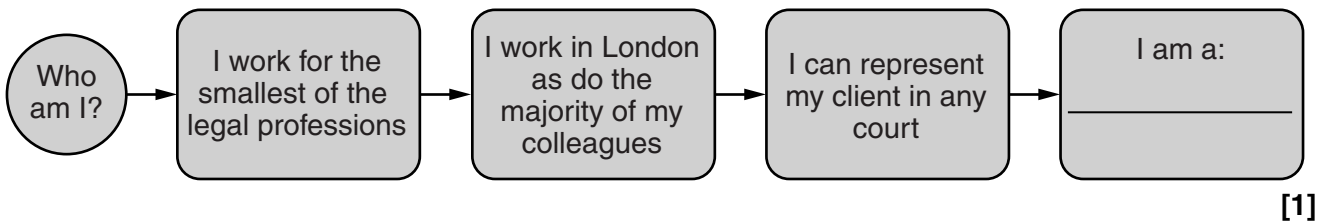
- 10 Show your understanding of the legal professions by writing the correct answer in the final blank box.



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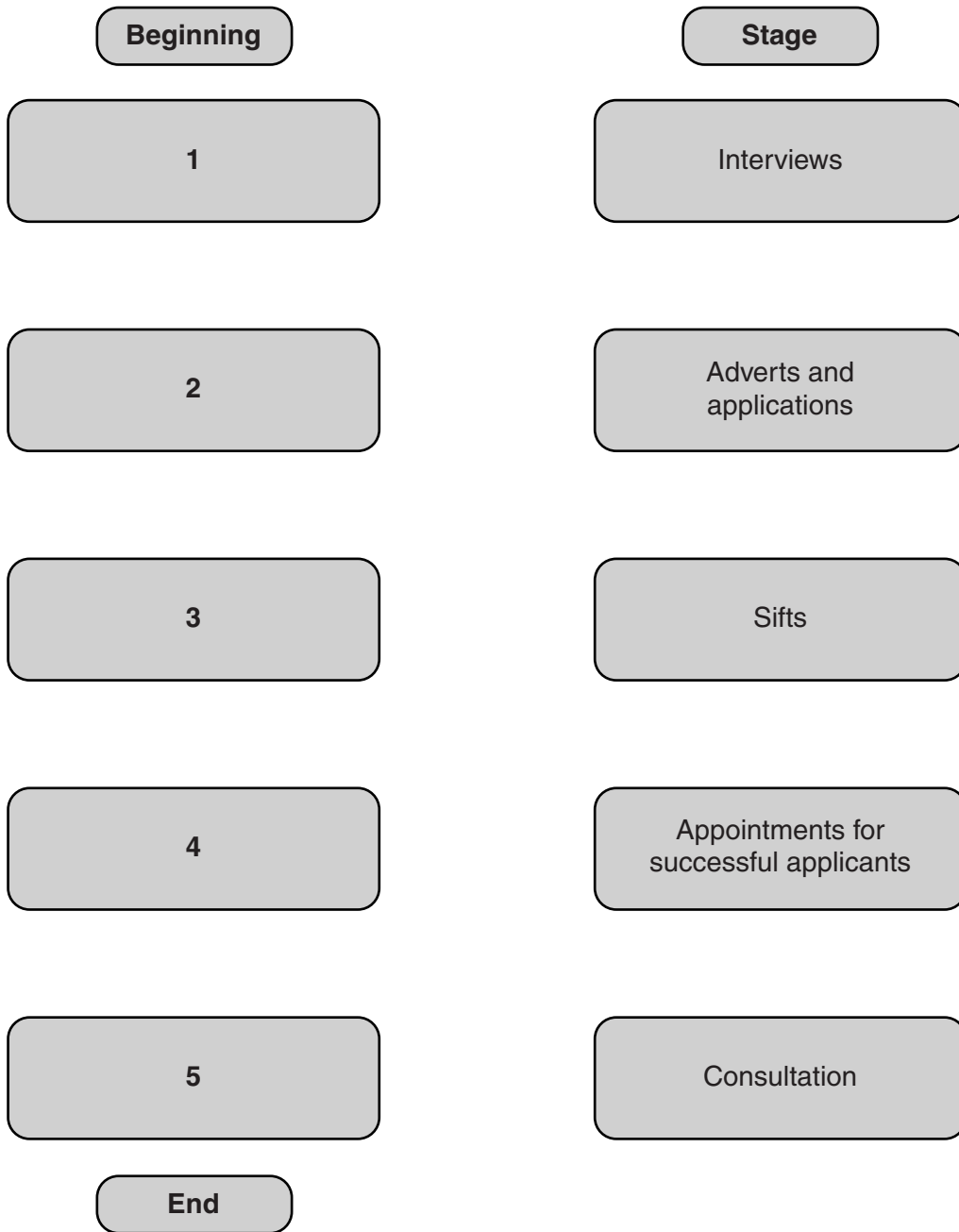


- 12 Show your understanding of the legal professions by writing the correct answer in the final blank box.





14 Using your knowledge of judicial appointments, draw a line to indicate the correct position of each stage in the process.



[5]

- 15 Consider the following statements about the legal professions and use your knowledge to indicate with a tick (✓) whether each statement is true or false.

	Statement	True	False
i	The governing body of the solicitors' profession is the General Council of the Bar		
ii	A barrister may need to eat formal dinners at the Inns of Court as part of their training		
iii	A legal executive can never appear in a court or advise clients		
iv	A barrister has to get a special advocacy qualification if they want to appear in the higher courts		
v	Solicitors and barristers will need to do continuing professional development throughout their practising career		

[5]

- 16 Which **one** Article of the **Human Rights Act 1998** were each of the following cases brought under? Use a tick (✓) to show your answers in the table provided. [3]

### Case 1

In the case of **Quila v Secretary of State for the Home Department [2009] EWHC 3189**, the UK Supreme Court decided that a government ban on non-EU foreign wives/husbands under the age of 21 coming into the UK was unlawful. The ban would have meant that a foreign wife/husband from outside the EU would not be able to join their partner until reaching the age of 21. The measure was designed to help avoid forced marriages.



Amber Aguilar, a UK citizen, and her husband, Diego, from Chile, were under 21 when the rule was introduced and Diego was not allowed to stay with his wife once his student visa had expired.



### Case 2

In the case of **Eweida v British Airways Plc [2010] EWCA Civ 80**, Nadia Eweida, a devout practising Christian who worked part-time as a member of check-in staff for British Airways was sent home when she insisted on wearing a cross visibly. This was in breach of her employer's uniform policy. The Court of Appeal upheld an Employment Tribunal finding that she did not suffer indirect discrimination. The Supreme Court refused to hear her appeal and so Miss Eweida took her case to the European Court of Human Rights.

### Case 3

In the case of **Castle v Commissioner of Police [2011] EWHC 2317**, the court ruled that Adam Castle, his sister Rosie and Sam Eaton had not had their human rights infringed when they were 'kettled' during the student loan protests in November 2010. Kettling is the police tactic of 'containment' where people are gathered together and held because the police fear a breach of the peace.



The court felt that the tactic was necessary and proportionate and did not infringe anyone's human rights.

Articles	Case 1	Case 2	Case 3
Freedom of peaceful assembly and association			
The right to respect for private and family life			
The right to liberty apart from lawful arrest			
The right to a fair trial			
The right not to suffer torture or degrading treatment			
The freedom of thought, conscience and religion			
The right to life			

17 A number of basic freedoms are protected **outside** of the Human Rights Act 1998. Two of these freedoms are stated below.

Describe each freedom.

Freedom 1: freedom of information

.....

.....

.....

Freedom 2: freedom of thought, conscience and religion

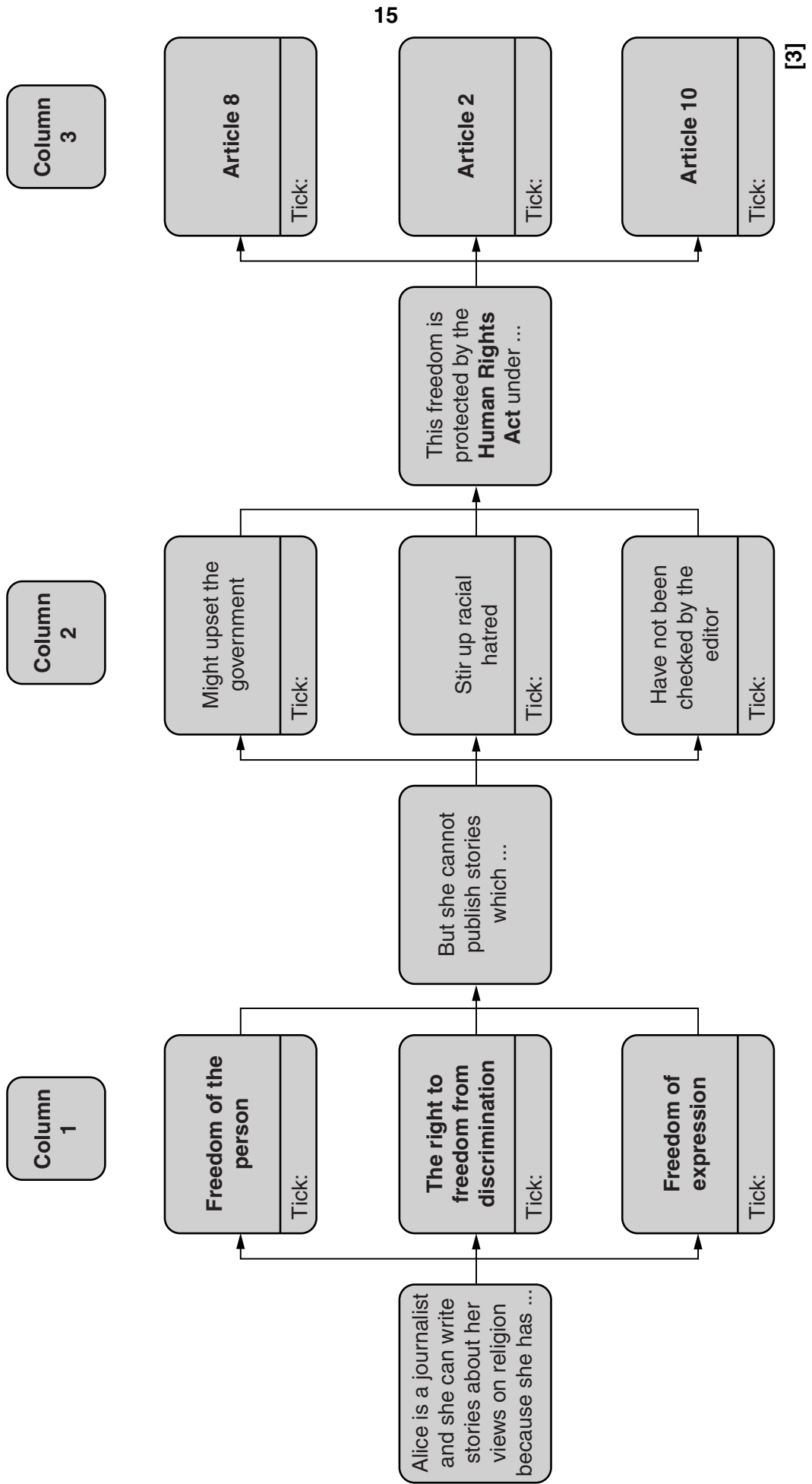
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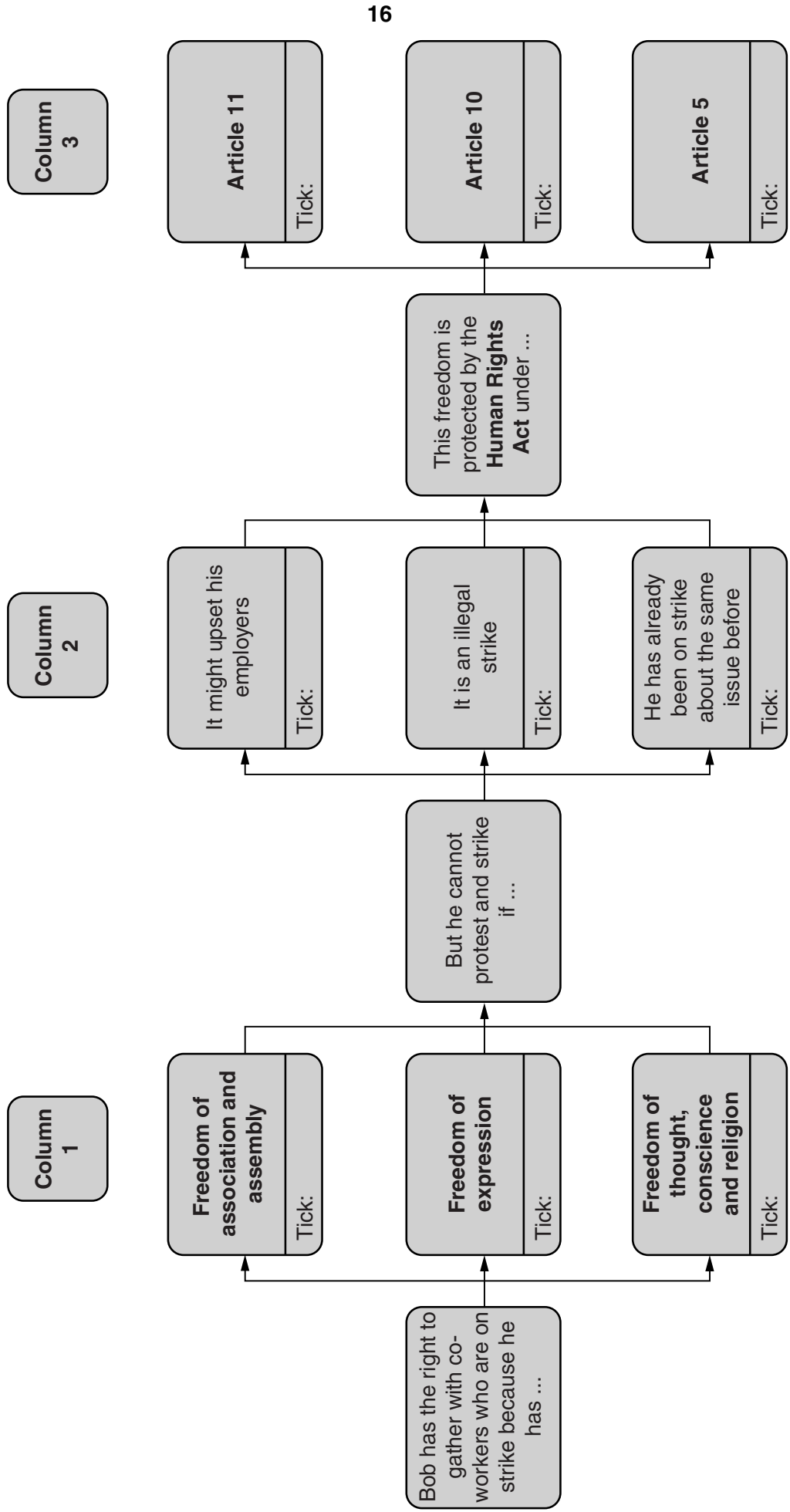
.....

[4]

18 Show your understanding of the freedoms and restrictions which would be most likely to apply to Alice by indicating your answers with a tick (✓) in each of the three columns.



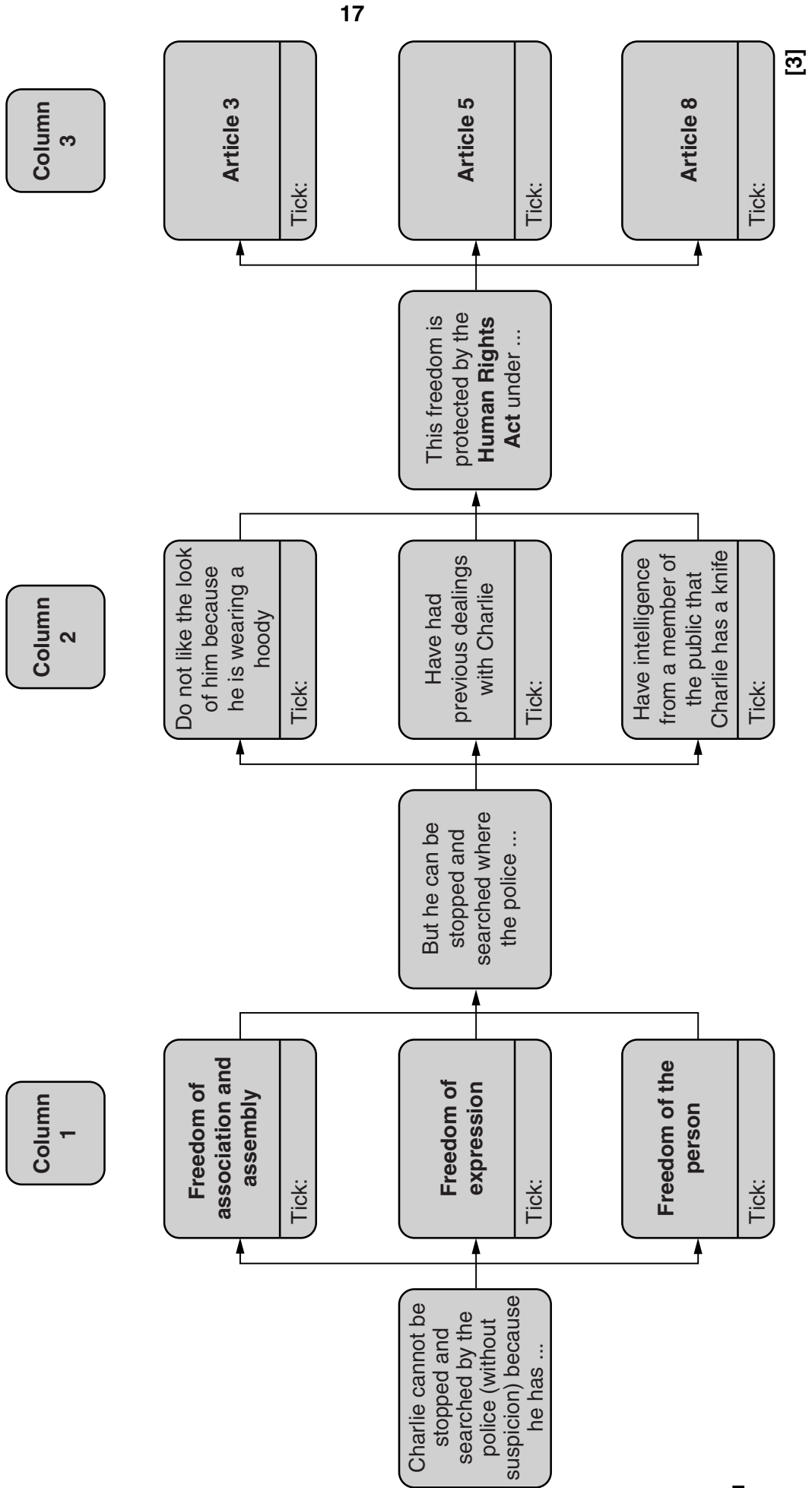
19 Show your understanding of the freedoms and restrictions which would be most likely to apply to Bob by indicating your answers with a tick (✓) in each of the three columns.



[3]



20 Show your understanding of the freedoms and restrictions which would be most likely to apply to Charlie by indicating your answers with a tick (✓) in each of the three columns.





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