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| Centre Number | | | | | | Candidate Number | | | | |
| Surname | | | | | | | | | | |
| Other Names | | | | | | | | | | |
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| For Examiner's Use | |
| Examiner's Initials | |
| Question | Mark |
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| 8 | |
| 9 | |
| TOTAL | |



General Certificate of Secondary Education
June 2015

Law

41601

Unit 1 The English Legal System

Monday 11 May 2015 1.30 pm to 3.00 pm

You will need no other materials.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- This paper is divided into **two** sections.
In **Section A**, answer **all** parts of **all** questions.
In **Section B**, answer **all** parts of **one** question only.
- You must answer the questions in the spaces provided. Do not write outside the box around each page or on blank pages.
- Do all rough work in this book. Cross through any work that you do not want to be marked.
- Where appropriate, support your answers by referring to relevant statutes, cases or examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 90.
- In questions 8(c)(iii), 8(c)(iv), 9(a)(iii) and 9(b)(ii), you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.
 Answer these questions in **continuous prose**.

Advice

- You are advised to spend no more than 45 minutes on **Section A** and 45 minutes on **Section B**, and to read through **all** parts of a question before you start your answer.



J U N 1 5 4 1 6 0 1 0 1

Section A

Answer **all** parts of **all** questions in this section.

Carefully read the questions before you write down your answers.

Where appropriate, support your answers by referring to relevant statutes, cases or examples.

- 1 Each of the following boxes contains two statements about the differences between civil law and criminal law. Sometimes both statements are correct; sometimes one statement is correct and one is incorrect; sometimes both statements are incorrect.

In the spaces provided, put a **tick** if the statement is **correct**, or put a **cross** if the statement is **incorrect**. You must correctly put a tick or a cross in **both** boxes before your answer will be credited.

For example:

| | |
|-----------|---|
| Dogs bark | ✓ |
| Cats purr | ✓ |

| | |
|-----------|---|
| Dogs bark | ✓ |
| Cats moo | ✗ |

| | |
|--------------|---|
| Dogs moo | ✗ |
| Cats whistle | ✗ |

- 1 (a)
- | | |
|---|--|
| A civil case involves a wrong committed against the individual. | |
| A criminal case involves a wrong committed against the state. | |

[1 mark]

- 1 (b)
- | | |
|--|--|
| A civil case is brought to court by the claimant. | |
| A criminal case is usually brought to court by the police. | |

[1 mark]

- 1 (c)
- | | |
|---|--|
| A civil case involves the defendant being found guilty or not guilty. | |
| A criminal case involves the accused being found either liable or not liable. | |

[1 mark]

- 1 (d)
- | | |
|--|--|
| A civil case in court must be proved on the balance of probabilities. | |
| A criminal case in court must be proved on the balance of probabilities. | |

[1 mark]



1 (e)

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|---|--|
| Verdicts in civil trials are usually decided by a jury. | |
| Verdicts in criminal trials are decided either by magistrates or by a jury. | |

[1 mark]

1 (f)

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|---|--|
| Successful civil cases involve the granting of a remedy by the court, for example, a fine. | |
| Successful criminal prosecutions involve the court imposing a sentence on the defendant, for example, imprisonment. | |

[1 mark]

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2

In criminal cases, duty solicitors have important work to do both in the police station and in the Magistrates Court.

[6 marks]

- Outline the work of a duty solicitor **in the police station**.

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- Outline the work of a duty solicitor **in the Magistrates Court**.

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| 6 |

Turn over ►



3

When a criminal case is adjourned, the defendant will be:

- released on unconditional bail or
- released on conditional bail or
- remanded in custody.

Unconditional bail is where the defendant is released with no restrictions, but he must come to court when his case is next heard.

Conditional bail is where the defendant is released but with restrictions such as:

- residence, at his home address or elsewhere
- curfew, between certain hours, usually at night
- reporting to the police station, as often as required
- a restraining order not to go to certain places or contact certain people.

A remand in custody will be imposed, for example, where the defendant may commit further offences, or may interfere with witnesses, or if he is not likely to attend for his next court appearance, even if bail conditions are imposed.

In **each** of the following situations, state whether the person should be released on **unconditional bail, conditional bail** or **remanded in custody**. Briefly explain **why** you have chosen that answer.

3 (a)

Alan has been charged with a serious assault on a family member. Alan has previous convictions for violence for which he has received lengthy custodial sentences. He also has a history of committing offences whilst on bail.

[3 marks]

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3 (b) Bev, aged 55, has been charged with a minor offence of shoplifting. She has no previous convictions and is likely to plead guilty. Her solicitor has indicated that Bev has shown remorse for her offence, and that he is waiting for a medical report on Bev before she enters her plea. The next hearing will be in two weeks' time.

[3 marks]

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3 (c) Chakir has been charged with a minor offence of criminal damage to his neighbour's property. Chakir has previous convictions for a number of offences against the same victim, for which he has received both custodial and non-custodial sentences. Chakir also has some history of committing offences whilst on bail.

[3 marks]

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| 9 |

Turn over for the next question

Turn over ►



4

There are a number of different aims which a court may consider when sentencing a convicted offender. These aims may be about simply punishing the offender, or about trying to stop him/her from re-offending. Other aims may be intended to send a message to the offender or to the wider community, or may serve to protect that community. Alternatively, the court may wish to focus on the needs of the victim.

With reference to the aims of sentencing, briefly explain what is meant by the following terms, and give an example of a sentence which meets that particular aim.

[6 marks]

• **Retribution**

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• **Deterrence**

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• **Rehabilitation**

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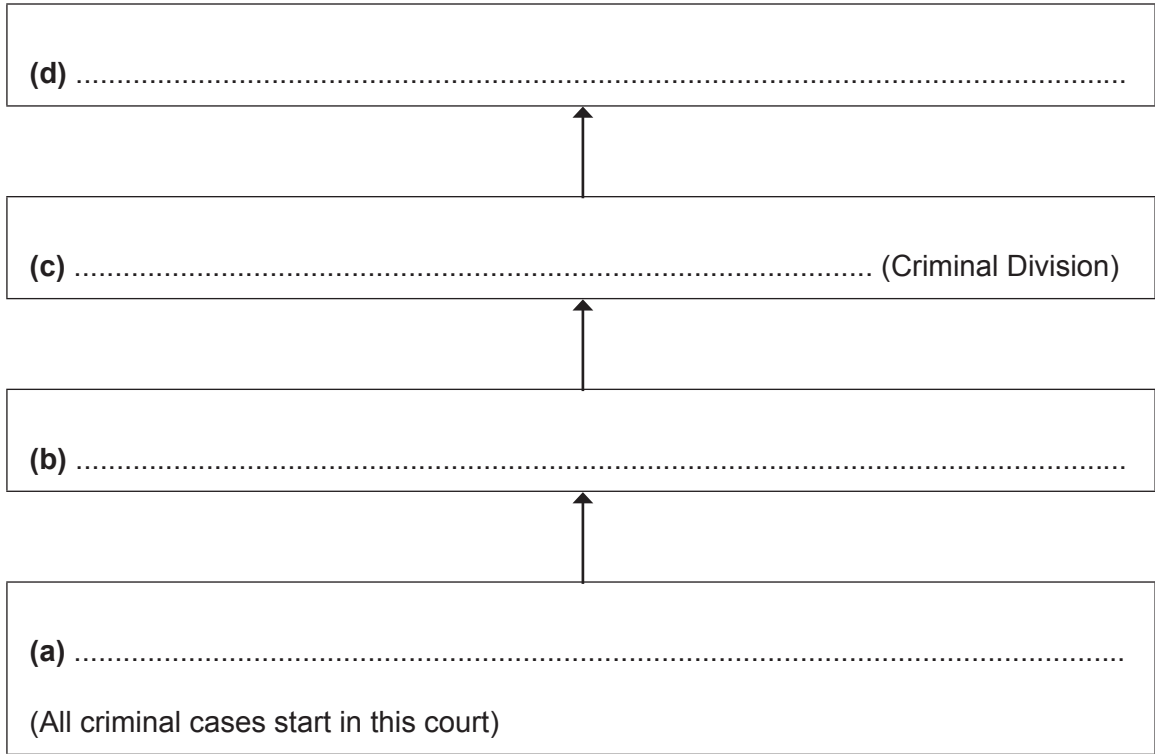
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5

This is a diagram for you to show the structure of the **criminal** courts. In the spaces marked (a) to (d), write or complete the names of the first instance (trial) and appeal courts.

[4 marks]



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Turn over for the next question

Turn over ►



6 In the box below are words or phrases relating to stages in creating an Act of Parliament.

| | | | |
|----------------|--------------|-------------------------------|-------------------|
| Green Paper | Royal Assent | Committee Stage | drafting the Bill |
| White Paper | revisions | House of Commons | Third Reading |
| First Reading | amendments | Report Stage | House of Lords |
| Royal Approval | | Parliament Acts 1911 and 1949 | |

In the passage below, fill in the gaps **(a)** to **(g)**, choosing the correct word or phrase from the box.

[7 marks]

There is a clear process involved when Parliament intends passing a new Act.

The process will often start with Parliament publishing a

(a), which sets out the options for changing the law and invites comments from the public. This is then followed by a

(b) which sets out clear proposals for change. The draft Bill will then be put before the House of Commons,

where the formal **(c)** will take place.

A debate and vote then take place at the Second Reading stage. The Bill will then be sent to Committee where detailed discussion takes place and changes, known as

(d), can be made to the Bill. The Bill will then return to the Commons for a final Reading before being passed to the

(e) where further changes can be made. As a result of the **(f)**

the Commons gets the final say on all changes to the Bill at that stage. Once the Bill has passed all the stages in Parliament, it will be sent to the Queen for the

(g) At that point, the Bill becomes an Act of Parliament.

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Section B

Answer **either** Question 8 **or** Question 9. Answer **all** parts of the question you choose.
Carefully read both questions before you make your choice.

Where appropriate, support your answers by referring to relevant statutes, cases or examples.

8 Study the extract below and then answer **all** parts of the question which follows.

People involved in the law

The legal profession is divided into two main types of 'lawyers', solicitors and barristers.

Solicitors do various jobs, including advising clients and advocacy in the lower courts. Some solicitors, with extra training, can also represent clients in the higher courts.

Barristers work mainly as court advocates, usually on the instructions of solicitors. Barristers can, in some situations, take instructions directly from clients.

Most law students start with a law degree from university. After that, those planning to practise law will need more training and practical experience before becoming a solicitor or a barrister.

Magistrates deal with some civil cases and all adult criminal cases in the Magistrates Court. Magistrates also deal with cases in the Family Courts, Youth Courts and sometimes in the Crown Court. Magistrates sit in threes and are advised on law and procedure by a trained legal adviser.

A judge and jury are used in the Crown Court to try serious criminal offences. The judge is there to help the jury with the law, while the duty of the jury is to decide the verdict.

8 (a) Samantha is studying for her A-levels and is considering a career in the legal profession.

8 (a) (i) Explain to Samantha what she would need to do to become a solicitor.

[5 marks]

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8 (a) (ii) Explain to Samantha what she would need to do to become a barrister.

[5 marks]

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8 (c) (i) Outline how magistrates are **selected** and **appointed**.

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8 (c) (ii) Outline the range of work undertaken by magistrates.

[5 marks]

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8 (d) (i) Identify **two** of the duties that the judge has to perform during a Crown Court trial.

[2 marks]

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8 (d) (ii) Assuming a person qualifies for jury service, outline how they would be selected, both before they come to court and when in court.

[3 marks]

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9 Study the extract below and then answer **all** parts of the question which follows.

Most civil cases, which require a court hearing, are heard in the County Court by a District Judge or by a Circuit Judge. Civil cases, heard in either the County Court or the High Court, are processed through one of three ‘tracks’. These are the Small Claims Track, the Fast Track and the Multi-Track.

In court, the claimant will be hoping to win the case and be granted a financial or other remedy by the judge. The two main civil remedies are damages and an injunction.

Taking civil action can be very expensive and, without help, many people could not afford the costs involved. Fortunately, many civil disputes do not result in a court case. Most are settled ‘out of court’ by the process of negotiation.

The Government, under the Access to Justice Act 1999, funds various systems for giving legal advice. The Government, within limits, also funds the costs of representation in some civil and some criminal cases.

There are also other bodies which may be able to offer advice and/or representation at a reduced cost or even free of charge. For example, claimants can get access to legal advice from a local Citizens Advice Bureau. If the case has to go to court, claimants may qualify for a civil Legal Representation Order. Alternatively, claimants in civil cases may be able to take advantage of a conditional fee arrangement with a solicitor.

Following the judgment in court, either party may be able to appeal the judge’s decisions to a higher court, where more senior judges will hear the appeal.

9 (a) Zak was involved in a road traffic accident due to the negligence of Daniel. Zak has been advised to take legal action.

9 (a) (i) Outline the process that Zak would need to follow to bring a civil action in the County Court.

[4 marks]

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9 (b) (i) Outline what is meant by negotiation.

[4 marks]

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9 (c) Taking civil cases to court can be very expensive. Fortunately, there are cheaper ways of getting access to free or low-cost legal advice and/or representation.

Outline the meaning of the following.

9 (c) (i) Citizens Advice Bureau

[3 marks]

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9 (c) (ii) Civil Legal Representation

[3 marks]

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9 (c) (iii) Conditional Fee Arrangements

[3 marks]

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9 (e) (ii) Outline the **advantages** of having an appeals system in civil and/or criminal cases.

[3 marks]

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END OF QUESTIONS



There are no questions printed on this page

**DO NOT WRITE ON THIS PAGE
ANSWER IN THE SPACES PROVIDED**

