

Modified Enlarged 24pt
OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Tuesday 4 June 2019 – Morning

A Level Law

H415/01 The legal system and criminal law

Time allowed: 2 hours
plus your additional time allowance

YOU MUST HAVE:
the OCR 12-page Answer Booklet
(OCR12 sent with general stationery)

READ INSTRUCTIONS OVERLEAF



INSTRUCTIONS

Use black ink.

Answer five questions in total: Section A: answer ONE from questions 1–2 and ONE from questions 3–4. Section B: choose Part 1 OR Part 2 and answer the THREE questions below.

Write your answers in the Answer Booklet. The question number(s) must be clearly shown.

INFORMATION

The total mark for this paper is 100.

The marks for each question are shown in brackets [].

Quality of extended response will be assessed in those questions marked with an asterisk (*).

SECTION A

The legal system

Answer TWO questions (ONE from questions 1–2 and ONE from questions 3–4).

Answer ONE question from questions 1–2.

- 1 Explain the five main aims of sentencing. [10]**
- 2 Describe the jurisdiction of the three divisions of the High Court. [10]**

Answer ONE question from questions 3–4.

- 3 Discuss which sentences achieve the aim of protecting the public. [15]**
- 4 Discuss the benefits of using the civil courts to solve a dispute. [15]**

SECTION B

Criminal law

Choose Part 1 OR Part 2.

Part 1

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios are NOT related.

Hamza rents out houses to students. He goes to each house to collect the money he is owed. At the first house, Sylvia is not in, but through the window Hamza sees her laptop computer on a desk. He rings his brother, Muhammed and sells it to him for £100, telling him to collect it from the house. At the next house, Hamza notices some rare plants growing in a large plant pot. They were planted there by Freddie, the tenant. Hamza digs up several of the plants and gives them to his friend, Mabel, as a gift. At the last house, Taylor says

that she only has enough money for her gas bill, but not for her rent. She gives the money to Hamza and asks him to pay her gas bill. Hamza agrees, but instead, keeps the money to pay for the rent.

Sophie and Garry are at a charity event at their local youth club. The event is to raise funds for the football club they both play for. One of the football coaches, Dean, sees Sophie in the café buying a packet of crisps. He grabs her hand and snatches the £5 note she is holding in her hand and says 'You owe me that for this month's membership fees'. Sophie shouts at Dean, 'I have already paid. Give me my money back!' Dean refuses and walks away. At the event, there is a disco in the main room of the youth club. Garry decides to ask the DJ to play a particular song. The DJ is not there, so Garry goes behind the table where the DJ has set up his equipment. There, he notices a mobile phone. Garry puts the phone in his pocket and leaves the youth club.

- 5 Advise whether Hamza is criminally liable for theft. [25]**
- 6 Advise whether Dean is liable for robbery AND whether Garry is liable for burglary. [25]**

Essay question on criminal law

- 7* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.'**

Discuss the extent to which this statement is accurate. [25]

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Part 2

Answer the THREE questions below.

The first two questions are based on the scenarios below. The scenarios are NOT related.

Susan plays the guitar in a successful popular music group who are on tour around the country. Susan is several months' pregnant and has said she will have to stop playing soon. This has upset the lead singer, Jane, who wants to start a world tour next month. At the latest concert, Jane says some horrible things about Susan to the audience. This upsets Susan, and she asks Jane to stop. Instead, Jane kicks Susan in the stomach. Susan is rushed to hospital where she is told that her unborn baby has died as a result of the kick to her stomach. Jane goes to see Susan in hospital. This causes an argument. During the argument, Jane hits Susan over the head with a chair crushing her skull. Susan dies immediately.

Adriana and Calvin have been married for five years. Adriana has not worked during this time, as she feels that Calvin should be the one who has to go out to work. Throughout the marriage Adriana has regularly physically and mentally abused Calvin. This includes hitting Calvin and calling him 'useless'. Calvin has been diagnosed by his doctor as suffering from depression brought on by Adriana's behaviour towards him. In consequence, Calvin has for over a year consumed large amounts of alcohol to cope with the abuse. One morning, Calvin has drunk several strong beers and is running late for work because Adriana has made him prepare her breakfast. As Calvin leaves to go to work, Adriana complains that he has made her the wrong breakfast and slaps him in the face. Calvin picks up a kitchen knife, stabs her in the chest, killing her instantly.

- 8 Advise whether Jane is criminally liable for the murder of Susan and the murder of Susan's unborn child. [25]**
- 9 Advise whether Calvin can avoid liability for murder by using the defence of diminished responsibility. [25]**

Essay question on criminal law

- 10* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.'**

Discuss the extent to which this statement is accurate. [25]

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