



Oxford Cambridge and RSA

Tuesday 06 October 2020 – Afternoon

A Level Law

H415/01 The legal system and criminal law

Time allowed: 2 hours



You must have:

- the OCR 12-page Answer Booklet

INSTRUCTIONS

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **five** questions in total:
Answer **one** question from Questions 1 and 2 and **one** question from Questions 3 and 4 in Section A.
Choose **one** Part in Section B. Answer the **three** questions for that part.

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 questions marked with an asterisk (*).
- This document has **4** pages.

ADVICE

- Read each question carefully before you start your answer.

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 role of judges sitting in the superior courts. | [10] |
| 2 | Describe the different sources of civil legal advice. | [10] |

Answer **one** question from questions **3–4**.

- | | | |
|----------|---|-------------|
| 3 | Discuss whether judges are adequately trained for their role. | [15] |
| 4 | Discuss the problems with government funding of civil cases. | [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.

Sally is having a party at her home to celebrate her birthday. Her brother, Harry, decides to play a joke on Sally by hiding in a large box wrapped with a ribbon. As Sally, who thinks this box is a present, removes the ribbon, Harry bursts out of the top of the box wearing a clown's mask and shouts, "Surprise! Happy birthday!" Shocked, Sally, who is clearly frightened, begins to panic. Then Harry jumps out of the box and pushes a custard pie in Sally's face. This causes Sally to stumble backwards and trip over a chair knocking herself unconscious for three minutes.

On a school trip to an outdoor adventure centre the teacher, Mr Smith, decides to take revenge on his badly-behaved students. On the climbing wall, he loosens several of the hooks near to the top that are used to secure the climbing rope. He intends to cause injuries to his students. On the rope bridge, he decides to cut one of the support wires but, as he approaches, he notices a member of staff standing nearby and abandons his plan. Instead, Mr Smith goes to the zip-wire ride (a wire tied between two high trees) and partially cuts the main wire so it will break on the next ride. However, the zip-wire ride is closed for one month for routine maintenance.

5 Advise whether Harry is liable for any non-fatal offences against the person against Sally. **[25]**

6 Advise whether Mr Smith is liable for any attempted crimes. **[25]**

Essay question on criminal law

7* 'The *actus reus* of theft is clear and unambiguous.'

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

Part 2

Answer the **three** questions below.

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

Manny and Paul are part of a criminal gang and have decided to rob a post office. Paul is nervous about the plan, so Manny gives him an alcoholic drink. He tells Paul, "This strong whisky will get rid of your nerves." Later, inside the post office, Paul grabs hold of a customer and points his gun at their head. He shouts to Anne, a cashier, "Give me all your money now or I'll kill this customer!" Anne puts a large amount of money in a bag and passes it to Paul. Manny and Paul are arrested leaving the post office. Paul says that he cannot remember anything after having the alcoholic drink.

Heidi and Mark are famous models who are working at an international fashion show. They dislike each other and will do anything to get more publicity than the other. At the show, where they are appearing together on stage, both models spot a photographer for a world-famous fashion magazine. Mark deliberately stands in front of Heidi to block her from the photographer's view. Annoyed, Heidi pushes Mark out of the way and he falls from the stage. However, unknown to Heidi, Mark has osteoporosis (a medical condition where bones break easily) and breaks his neck in the fall. He dies immediately.

- 8 Advise whether Paul will be successful in avoiding a conviction if he raises the defence of voluntary intoxication and whether Anne can raise the defence of duress by threats.

Do **not** discuss **any offences** that they could be charged with. [25]

- 9 Advise whether Heidi is criminally liable for the unlawful act manslaughter of Mark. [25]

Essay question on criminal law

- 10* 'The *actus reus* of theft is clear and unambiguous.'

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

END OF QUESTION PAPER

OCR

Oxford Cambridge and RSA

Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact The OCR Copyright Team, The Triangle Building, Shaftesbury Road, Cambridge CB2 8EA.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.