



Friday 6 June 2014 – 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 **16** pages. Any blank pages are indicated.

Answer **all** questions.

1 In the civil courts there is a three-track system.

Identify the correct track for each clue by placing a tick (✓) in the correct box.

Clue	Small claims track	Fast track	Multi track
The case is likely to be heard by a senior Circuit Judge or a High Court Judge. The judge can insist that the parties try Alternative Dispute Resolution (ADR). If that fails, there should be a maximum of 72 weeks from the time the case is allocated to the trial itself.			
The case is likely to be heard by a District Judge. There are no strict rules of evidence. If the parties agree, there can be a 'paper judgment' so they do not have to attend court.			
The case is likely to be heard by a Circuit Judge. The case should take 30 weeks from the time it is allocated until the trial. Normally only one expert witness appointed by the court is allowed.			

[3]

2 Civil courts are used for a wide range of legal matters and it is important that cases are heard in the correct court.

Match scenario **A**, **B** and **C** with the most appropriate court by putting a tick (✓) in the correct box.

Scenario	The Supreme Court	Magistrates' Court	Divisional Court Queen's Bench Division	The County Court	The Court of Appeal (Civil Division)
A Stacey has applied for a licence to open a night club and her application has been refused. She wants to appeal against the decision.					
B Nasir has been told that he is to be deported from the UK. He wants to bring an application for judicial review against this decision.					
C Yuki brought a case against her landlord in the High Court and lost. Yuki can appeal as the case involves a legal point that would affect everyone living in rented accommodation.					

[3]

3 Identify whether the following statements about legal funding and advice are true or false.

Write your answer in the right hand column.

Statement	True or False
In a civil case the merits test is based on the likelihood of winning the case and getting back more money than the case would cost.	
Conditional Fee Arrangements can be used in any area of law.	

[2]

4 Tribunals are the most formal way of resolving a legal problem without the need to go to court. They have many advantages but there are also disadvantages, some of which were identified by Sir Andrew Leggatt in a review which led to the **Tribunals, Courts and Enforcement Act 2007**. One disadvantage is that there are complex rules and procedures which differ between tribunals.

Discuss **two other disadvantages** of tribunals.

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[6]

5 The legal profession is made up of barristers, solicitors and legal executives.

Decide which type of legal professional is most likely to undertake the work needed in each of the three scenarios below.

Patrick is often busy summarising legal arguments and conducting legal research. He specialises in drawing up wills and dealing with probate, which is the legal process after someone has died.

Patrick is most likely to be a

Rita is working late to prepare an opinion on whether a man who has been convicted of a serious crime would be well advised to appeal against the decision.

Rita is likely to be a

Shona spends a lot of her working day registering new companies and negotiating when her business clients want to take over a new company. Sometimes she represents her clients in the County Court.

Shona is most likely to be a

[3]

Question 6 begins on page 6

6 Solicitors and barristers do important work and it is vital they are well regulated.

(a) Write in the box below the legal profession the power relates to.

Power	Legal profession
The Senate of the Inns of Court have the power to disbar for a serious complaint.	

[1]

(b) For solicitors and barristers the final place to take a complaint is to an independent government official called the [1]

7 Using your knowledge of the role of a judge select the functions they perform in a civil case by placing a tick (✓) in the correct boxes below.

Job	Civil work
Enforce timetables.	
Hands down sentence.	
Hears cases and evidence to decide on liability.	
Deals with applications for bail.	
Uses allocation questionnaires to manage cases.	
Hears appeals against conviction.	

[3]

8 After a judge has been appointed they have to be trained before they can sit in a court.

(a) Identify the body responsible for this training.

..... [1]

(b) Identify **two** ways in which judges are trained.

1

2

[2]

9 The chart below shows the salaries that judges earned in 2012–2013. Some people argue that they earn too much. Judges do undertake some training before they start their job but some people say it is too little given the importance of their role.

Name of Judge	Judicial Pay 2012/13
Lord Chief Justice	£239 845
Master of the Rolls	£214 165
Lord Justice of the Supreme Court	£206 857
Lord Justice of Appeal	£196 707
High Court Judge	£172 753
Circuit Judge	£128 296
District Judge	£102 921

Discuss **two other** criticisms which are often made of judges.

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[6]

10 Freedom is an important concept in the UK constitution, particularly because there is no single document in which all rights and freedoms are contained.

Select the most appropriate source of the freedom the person in each scenario is relying on, by placing a tick (✓) in the correct box.

Scenario	Source of Freedom		
	Common Law	Statute Law	European Law
Pierre is a male nurse from France. He applies for a job in the UK but is refused entry into the UK at the airport.			
Mary is a member of a jury which is finding it hard to reach a verdict. The judge tells Mary and the other jurors that they will not be able to leave the jury room and they will get nothing to eat or drink until they reach their decision.			
Colin has been arrested and kept in a prison cell overnight but he has not been charged with any offence.			

[3]

11 There are different types of freedoms.

Draw a line between each type of freedom to match it with the way in which it may protect an individual.

Type of Freedom	The way in which it may protect an individual
Freedom of information	allows picketing outside a place of work.
Freedom of the person	allows provision of different schools.
Freedom of association and assembly	ensures police data is held lawfully.
Freedom of thought, conscience and religion	prevents unlawful stop and search.

[4]

12 For each of the freedoms listed in question 11 explain **one** reason why it may be restricted.

Freedom of information

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Freedom of the person

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Freedom of association and assembly

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Freedom of thought, conscience and religion

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[8]

13 Use the words in the list to fill in the gaps in the text which follows.

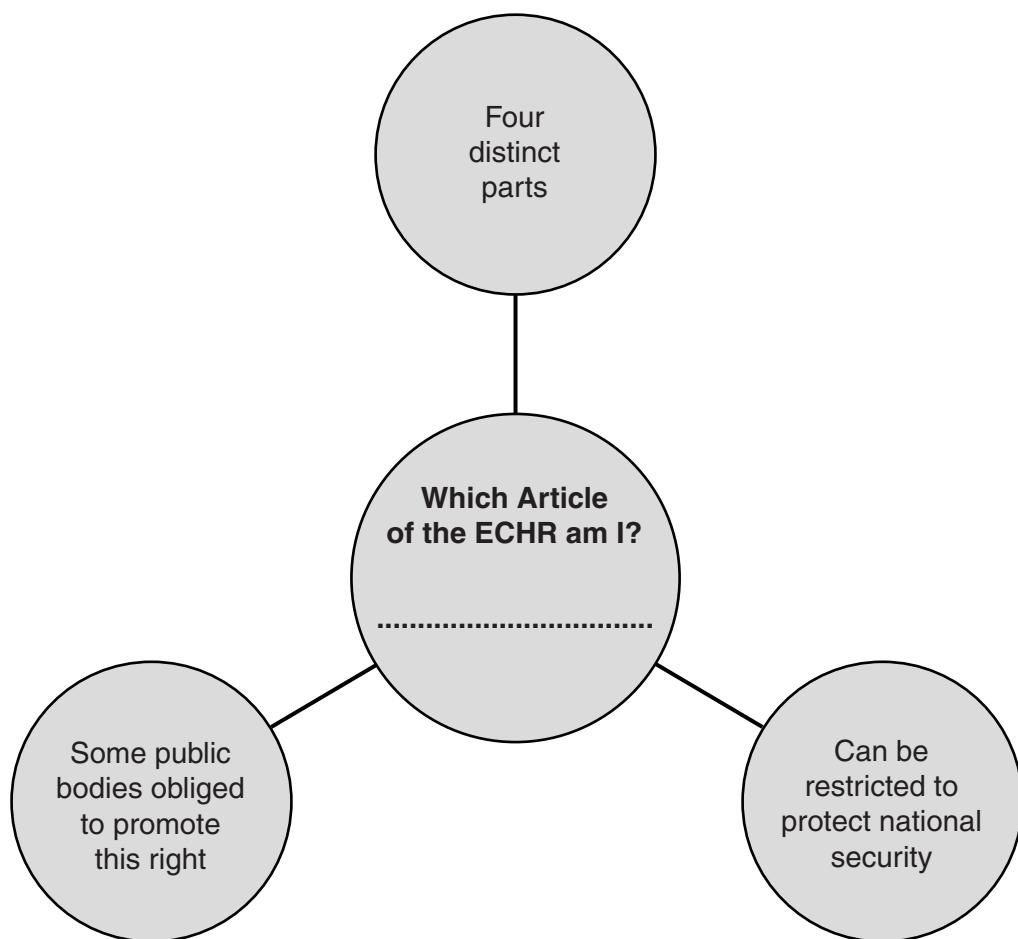
- Council
- Committee
- Greeks
- Romans
- Unwritten
- Written

The idea of human rights comes from the who thought that some rights and values had divine rather than human authority. Some countries such as the USA made fundamental human rights part of their constitution right from the start. In 1950 the European Convention on Human Rights was created and it was adopted by all countries which belong to the of Europe and this includes the UK.

[3]

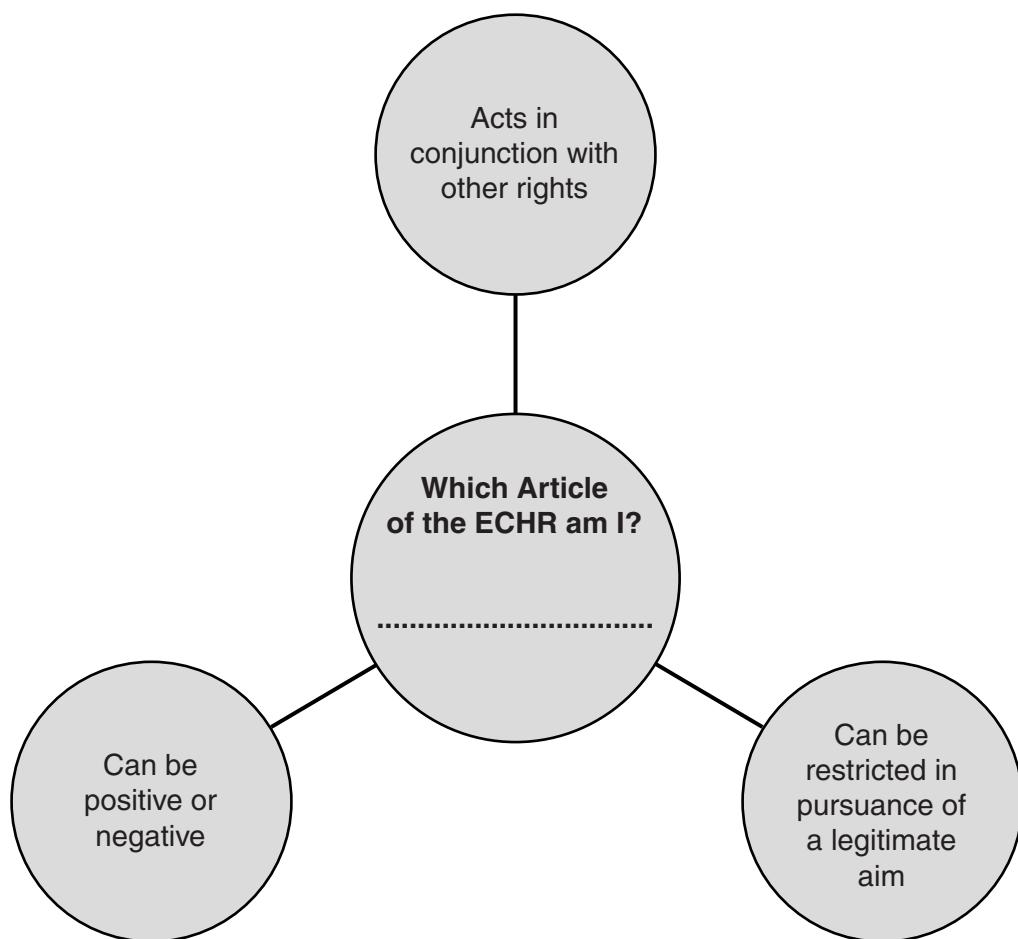
10

14 Identify the correct Article of the European Convention of Human Rights (ECHR) from the clues below. Write your answer in the central circle below.



[1]

15 Identify the correct Article of the ECHR from the clues below. Write your answer in the central circle below.



[1]

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.

Case 1 – In 2011 the Moors murderer Ian Brady won the right for his next appearance before a mental health tribunal to be in public. Brady was sentenced to life imprisonment in the 1960s and requested permission to be transferred out of a high security psychiatric hospital to a Scottish prison. His lawyers argued that psychiatric patients deprived of their liberty ought to have the same right as others to have their cases heard in public.

Case 2 – A teacher who victimised one of his pupils was reported to the headmaster and to the police. The teacher went on to shoot the pupil, injuring him, and killing his father. The European Court of Human Rights said that the police had not failed in their duty to safeguard the father as there was not enough proof that the teacher posed a real and immediate threat which the police knew about or ought to know about.

Case 3 – A young African girl was brought to France by a family to look after their children. She worked up to 15 hours a day every day of the week and was not paid. She slept on a mattress on the floor and her passport was taken away. In court it was held that France had breached the girl's human rights and had to change its law. The UK had to pass a new law in a 2009 statute to avoid being in breach of the same human rights law.

Article of Human Rights Act	Case 1	Case 2	Case 3
Article 2 the right to life			
Article 4 the right to freedom from slavery, servitude and forced or compulsory labour			
Article 5 the right to liberty			
Article 6 the right to a fair trial			
Article 10 the right to freedom of expression			
Article 14 the right to freedom from discrimination			

[3]

17 As a result of the **Human Rights Act 1998** we can protect our human rights in UK courts. In 2010 a report claimed that the 'mosquito', a device that uses high-frequency sound to disperse teenage gangs, is illegal. The device has been installed at more than 3500 sites across the UK – compared to 5000 across Europe as a whole – since it first went on sale in January 2006. It emits an irritating, high-pitched sound that can be heard only by children and young people. Critics say the device targets all children and young people, including babies, regardless of whether they are misbehaving.



Discuss **one** argument **for** and **one** argument **against** a law allowing inhuman treatment. In your answer consider which rights and restrictions under the Human Rights Act might be relevant.

END OF QUESTION PAPER

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