

**OCR**

Oxford Cambridge and RSA

**Tuesday 23 May 2017 – Morning****GCSE LAW****B141/01** The Nature of Law: Criminal Courts and Criminal Processes

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. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.
- Do **not** write in the barcodes.

**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**.
- The quality of written communication is assessed in the question marked with an asterisk (\*).
- This document consists of **12** pages. Any blank pages are indicated.

2

Answer **all** the questions.

- 1 (a) Law is an essential way to **maintain law and order** in a democratic society.

Identify **three** other reasons why we need laws.

1 .....

2 .....

3 .....

[3]

- (b) One of the differences between the civil law and criminal law is the **name of the person starting the case**.

Explain the difference between the civil and criminal law in **this** situation.

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..... [3]

3

- 2 (a) Before a law is discussed in Parliament it has to go through the pre-legislative process.

Identify the **three** main documents produced during the pre-legislative process by the Government wishing to pass a new law.

1 .....

2 .....

3 .....

[3]

- (b) Read the following passage below and fill in the missing words from the following list.

- binding
- different
- higher
- lower
- original
- similar

It is an important rule of judicial precedent that courts follow the previous decisions of courts ..... in the hierarchy of the courts where the facts of both the current and the previous case are the same or ..... The precedent from an earlier case that must be followed is known as ..... precedent.

[3]

- (c) (i) Explain **three** problems in using Acts of Parliament to pass laws.

1 .....

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2 .....

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3 .....

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[3]

(ii) Explain what is meant by **both** of the following types of delegated legislation.

statutory instruments .....

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bylaws .....

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[6]

(d) Discuss why a Private Bill is an effective way to pass laws.

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[3]

- 3 (a) Under the **Police and Criminal Evidence Act 1984** the public are given certain safeguards during a stop and search carried out by the police.

Identify the **three** main pieces of information a police officer must tell a person during a stop and search.

- 1 .....
- 2 .....
- 3 .....

[3]

- (b) (i) Discuss why it is important to balance the needs of the police to investigate crime against citizens' rights to freedom and liberty.

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..... [3]

- (ii) Under the **Police and Criminal Evidence Act 1984** a suspect has the right to access legal advice while in detention at a police station.

Discuss what is meant by this safeguard.

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..... [3]

6

- (c) Select the correct **reason for appeal** to match the most appropriate **criminal court**. Write the appropriate **number** next to each **letter** in the grid below.

<b>A</b>	
<b>B</b>	
<b>C</b>	

<b>Criminal Court</b>	
<b>A</b>	Crown Court
<b>B</b>	Court of Appeal (Criminal Division)
<b>C</b>	Queen's Bench Division

<b>Reason for Appeal</b>	
<b>1</b>	A point of law is in dispute in a summary trial and a <i>case stated appeal</i> is made here.
<b>2</b>	The defence make a final appeal on a point of law to this court – the most senior court in England.
<b>3</b>	The prosecution appeal against a sentence for murder that they feel is too lenient to this court.
<b>4</b>	Following a summary trial the defence appeals against being found guilty to this court.

[3]

(d) Explain what is meant by the following two classifications of offences.

triable either way offence .....

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indictable offence .....

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[6]

- 4 (a) (i) There are many aims of sentencing. For example, **punishment of offenders** looks to take revenge on an offender usually by sending them to prison.

Identify whether the following statements are **true** or **false** by putting a **tick** in the correct box.

Statement		True	False
<b>A</b>	Rehabilitation of offenders is the opposite of punishment of offenders as this looks to stop or break the cycle of offending.		
<b>B</b>	Reparation by offenders is only available to the community as a whole and is not used to compensate the victims themselves.		
<b>C</b>	Deterrence is commonly criticised since criminals are rarely (if ever) put off by lengthy sentences given for serious crimes.		

[3]

- (ii) Give a definition of the following factors influencing sentencing.

mitigating factors .....

.....

aggravating factors .....

.....

racially motivated factor .....

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[3]

- (b) Before a magistrate sits in court to hear a trial they must first be appointed.

Explain how a magistrate is appointed.

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..... [3]



9

- (c) Helen has been called to be a member of a jury and she must satisfy certain qualifications to do so.

Describe what qualifications Helen must have to serve on a jury.

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..... [3]

- (d)\* Explain **one** advantage of using magistrates and **one** disadvantage of using juries in criminal trials.

advantage of using magistrates .....

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disadvantage of using juries .....

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..... [6]

END OF QUESTION PAPER



[illegible]

[illegible]

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