

OCR

Oxford Cambridge and RSA

Friday 25 May 2018 – Afternoon**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 hourCandidate
forenameCandidate
surname

Centre number

Candidate number

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**.
- Your quality of written communication is assessed on the question marked with an asterisk (*).
- This document consists of **16** pages. Any blank pages are indicated.

2

Answer **all** questions.

- 1 (a) The English civil law is divided into different types of law to deal with different situations. One example is family law.

Identify **three** other different types of civil law.

1

2

3 [3]

- (b) Explain **one** difference between the civil and criminal law in the English legal system.

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3

- 2 (a) The hierarchy of the English courts is divided into 'higher' and 'lower' courts.

Identify **three** 'lower' courts.

1

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[3]

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

- Commission
- Economic
- European
- Primary
- Regulations
- Secondary

There are three main sources of Union (EU) law. Treaties are
a source of law and are the most important source of EU law.

A treaty is similar to a parent act as the detail is then completed by the other two types of
EU law: and Directives.

[3]

(c) (i) Give **three** benefits of a system of judicial precedent in the English legal system.

- 1
-
- 2
-
- 3
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[3]

(ii) Explain what is meant by the following terms:

Persuasive Precedent

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Overruling

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[6]

5

(d) Discuss **one** advantage of using delegated legislation to pass laws.

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..... [3]

- 3 (a) The police are allowed to stop and search a suspect under the Police and Criminal Evidence Act 1984.

Identify the **three** items of clothing that the police can request a suspect to remove during a stop and search.

1

2

3

[3]

- (b) (i) In order to carry out a stop and search the police must have reasonable suspicion that the suspect is carrying stolen or prohibited articles. This suspicion cannot be based on 'personal factors alone'.

Discuss why the police must not stop and search a suspect based on 'personal factors alone'.

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- (ii) The police can only hold a suspect in detention at a police station for a limited time.

Discuss how long a suspect can be held under the Police and Criminal Evidence Act 1984 before the suspect must be charged, or released without charge.

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- (c) Select the correct classification of offence to match the most appropriate definition. Write the appropriate **number** next to each **letter** in the grid below.

A	
B	
C	

Classification of offence	
A	Summary
B	Triable either way
C	Indictable

Definition	
1	These are tried either in the magistrates' court or the crown court.
2	These are more serious offences and tried only in the crown court with a jury.
3	These are tried in the county courts' small claims court.
4	These are relatively minor offences and tried only in the magistrates' court.

[3]

(d) Explain how a suspect is dealt with in a criminal trial in a magistrates' court where they plead 'not guilty'.

[6]

- 4 (a) (i) When sentencing an offender the magistrate or judge must pass the most appropriate sentence available for the defendant.

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

Statement		True	False
A	Abdul, aged 35, has been found guilty of murder. He stabbed to death his business partner in order to take over the firm. The most appropriate sentence for Abdul is a custodial sentence for life.		
B	Brenda, aged 75, has been convicted of theft. She was caught shoplifting a tin of beans in a supermarket. The most appropriate sentence for Brenda is a conditional discharge by the court.		
C	Charlie, aged 25, has been convicted of speeding in her car. She was caught doing 50mph in a 40mph zone. The most appropriate sentence for Charlie would be to issue her with a fine by the court.		

[3]

- (ii) Give a definition of the following aims or purposes of sentencing:

Punishment of the offender

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Protection of the public

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Reform of the offender

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[3]

10

(b) Explain what is meant by the process of jury vetting.

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..... [3]

- (c)* The use of juries has been described as a vital part of the fairness and openness of the criminal justice system. However, the use of magistrates has often been criticised.

Explain **one** advantage of using juries and **one** disadvantage of using magistrates in criminal trials.

Advantage of using juries

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Disadvantage of using magistrates

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[6]

12

- (d) Ken has applied to be a magistrate. He has been told that in order to be appointed he must satisfy certain qualifications.

Explain what sort of qualifications Ken must have to become a magistrate.

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..... [3]

END OF QUESTION PAPER

This image shows a full page of primary-ruled paper. It features a vertical solid line on the left side, creating a narrow margin. The rest of the page is filled with horizontal dashed lines, providing a guide for handwriting practice. There are no markings or text on the page.

This image shows a blank sheet of white paper designed for handwriting practice. It features a solid vertical line on the left side, creating a narrow margin. The rest of the page is filled with evenly spaced horizontal dashed lines, providing guides for letter height and placement. There are no other markings, text, or illustrations on the page.

This image shows a blank sheet of white paper designed for writing. It features a series of evenly spaced horizontal blue lines across its entire width. A single vertical blue line runs down the left side, creating a narrow margin. The paper is otherwise completely empty, with no text or markings.

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