

ADVANCED GCE**LAW**

Criminal Law Special Study

G154

Candidates answer on the Answer Booklet

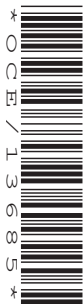
OCR Supplied Materials:

- 16 page Answer Booklet
- Clean copy of the Special Study Materials

Other Materials Required:

- None

Thursday 28 January 2010
Morning

Duration: 1 hour 30 minutes**INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the spaces provided on the Answer Booklet.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **all** questions.
- Write the numbers of the questions you answer on the front of your Answer Booklet.
- Do **not** write in the bar codes.
- You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is **80**.
- Candidates are reminded of the need to write legibly and in continuous prose, where appropriate. In answering questions **1** and **2** you will be assessed on the quality of your written communication and your use of appropriate legal terminology (QWC). These questions are marked with an asterisk (*).
- Candidates are reminded that they are able to use the information given in the sources to support their own knowledge and understanding, evaluation, analysis, and application of the law. Where candidates wish to extract from the source in this way they should use quotation marks or accurately cite lines of the source. Candidates who merely 'lift' information from the source materials without using it to support further knowledge, evaluation, analysis or application, will receive little or no credit. You are expected to demonstrate understanding of the areas(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.
- This document consists of **4** pages. Any blank pages are indicated.

You are reminded of the importance of including relevant knowledge from **all** areas of your course, where appropriate, including the English Legal System.

In answering questions use the source materials **and** your knowledge of the subject.

Answer **ALL** questions.

- 1* Discuss the extent to which the decision in the case of *Wilson* [Source 6 page 6 Special Study Material] represents a fair development of the defence of consent to offences against the person. **[16]**

- 2* In Source 5 [page 5 lines 47-49 Special Study Material] Michael Jefferson quotes Clarkson and Keating who suggest that “*Each of the non-fatal offences against the person is, to varying degrees, confused and uncertain ... in relation to each other, they are incoherent and fail to represent a hierarchy of seriousness*”.

Discuss how accurately the above statement reflects the judicial development of the law on the offences in sections 18, 20 and 47 of the Offences Against the Person Act 1861. **[34]**

- 3 Nick and Patti are boyfriend and girlfriend. They are both aged nineteen.

Discuss whether a conviction for a non-fatal offence against the person is possible in each of the following situations:

- (a) Nick often slaps Patti hard. Nick tells their friends that Patti likes him to slap her, but Patti tells their friends that she does not really like it she just lets Nick do it because she wants to keep him happy. **(10)**
- (b) Nick and Patti fall out. Patti tells Nick that she is dumping him. When Nick tries to get back with Patti, she waves her fists at Nick and threatens that if he ever comes near her again that she will kill him. **(10)**
- (c) Nick sends Patti threatening text messages over several weeks. Patti becomes so alarmed and depressed by the texts that she suffers a psychiatric illness. **(10)**

[30]

[Total Marks 80]

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