



GCE A level

1254/02

LAW – LA4

**UNIT 4: UNDERSTANDING LAW IN CONTEXT:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 2: CRIMINAL LAW AND JUSTICE**

P.M. THURSDAY, 23 June 2011

2½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 12 page answer booklet.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions from Section A and **one** question from Section B.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded that assessment will take into account the quality of written communication used in your answers.

You are reminded that this paper contains a synoptic element in Section B and will test understanding of the connections between the different elements of the subject.

UNIT 4: UNDERSTANDING LAW IN CONTEXT

OPTION 2: CRIMINAL LAW AND JUSTICE

SECTION A

Answer two questions from this section.

1. Evaluate the extent to which intoxication by alcohol and other drugs can be used as a defence to a criminal charge. [25]

2. Evaluate the extent to which the law relating to bail maintains a fair balance between the rights of unconvicted defendants and the rights of the general public to be protected against crime. [25]

3. To what extent does the law permit the use of force in self-defence? [25]

4. Discuss the extent to which the courts insist that all crimes require both an actus reus and a mens rea. [25]

SECTION B

*Answer **one** question from this section.*

5. Study the text below and answer the questions based on it.

“The decision to prosecute or to offer an individual an out-of-court disposal is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. It is the duty of prosecutors to make sure that the right person is prosecuted for the right offence and to bring offenders to justice wherever possible.”

[The Crown Prosecution Service, The Code for Crown Prosecutors, February 2010]

- (a) Explain the tests used by Crown Prosecutors when deciding whether or not to prosecute. [11]
- (b) Evaluate the role of the magistrates’ court within the criminal justice system. [14]

6. Study the text below and answer the questions based on it.

“Not all offences must be handled by the courts. There is a range of non court alternatives that can be used to address low-level crime.

For adults, these alternatives include:

- Simple cautions
- Conditional cautions
- Cannabis warnings
- Penalty notices for disorder
- Fixed penalty notices (for driving offences)

For youths aged 10 to 17, the options include:

- Reprimands
- Final warnings
- Penalty notices for disorder, although only for those aged 16-17.”

[The Home Office: Cautions, penalty notices and other alternatives
<http://www.homeoffice.gov.uk/>]

- (a) Explain the purpose of non-court alternatives as punishments for young offenders. [11]
- (b) Evaluate the role of the Crown Court when dealing with young offenders. [14]