



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. WEDNESDAY, 23 January 2013

2½ hours

ADDITIONAL MATERIALS

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

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.

SECTION A

Answer two questions from this section.

1. Critically evaluate the aims of adult sentencing. [25]

2. To what extent can consent be a defence to a crime? [25]

3. “The law relating to bail contains ample safeguards to ensure that the public is not put at risk from suspected offenders.” Discuss. [25]

4. Critically evaluate the operation of the youth justice system. [25]

SECTION B

Answer one question from this section.

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

“The majority of cases continue to be prosecuted by the CPS successfully. However, generally, the quality of case handling is very variable. All casework decisions must comply with the Code for Crown Prosecutors (the Code) which requires that there is a realistic prospect of conviction and that a prosecution is in the public interest. In cases examined this year, the number of charging decisions which failed to comply with the Code evidential test was high at 9.3% and data from the most recent inspections showed an increase to 11.4%. This may not be a permanent trend but the decline is of concern.”

Adapted from HM Crown Prosecution Inspectorate Annual Report 2010-2011

- (a) Explain the Full Code Test in the Code for Crown Prosecutors. [11]
- (b) Evaluate the importance of the Crown Prosecution Service within the Criminal Justice System. [14]

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

“Most offences are now defined by statute. It is a question of construction whether the offence requires a mental element and, if so, what that mental element is. Often the definition uses a word or phrase – “knowingly”, “with intent to”, “recklessly”, “wilfully”, “dishonestly”, and so on – which gives guidance to the court. Often the definition uses a verb or noun which imports a mental element of some kind – “permits” and “possesses”, are examples – so that there cannot be an actus reus without that mental element. [But] it does not follow that, where no word or phrase importing a mental element is used, the court will find that mens rea is not required.”

Adapted from Smith & Hogan, Criminal Law: Cases and Materials, 8th edn., 2002

- (a) Explain what is meant by a strict liability offence. [11]
- (b) Evaluate the approaches used by the courts when interpreting statutes. [14]

END OF PAPER