



**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**

A.M. WEDNESDAY, 22 January 2014

2 hours 30 minutes

### **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.***

**Option 2: Criminal Law and Justice**

**SECTION A**

*Answer two questions from this section.*

1. Critically evaluate the aims behind the sentencing of young offenders. [25]
  
2. “The Crown Prosecution Service is both an essential and a highly esteemed element within the criminal justice system.” Discuss. [25]
  
3. “The law relating to bail has all but abandoned the principle that everyone should be treated as innocent unless proven guilty in court.” Discuss. [25]
  
4. To what extent does the law accept duress as a defence to a criminal charge? [25]

**SECTION B**

*Answer one question from this section.*

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

“It might be expected that all crimes nowadays would be defined in a criminal code, or at least in a statutory enactment. Yet even some serious offences such as murder and manslaughter are still solely the creation of the Common Law. The actus reus and mens rea of Common Law offences – of which there are nowadays rather few – have been developed by judges dealing with events that arose in real life, and not by philosophers and moralists concerned with matters of principle. This is both a weakness and a strength. On the one hand, the actus reus and mens rea can be changed without notice. On the other hand, it means that the law retains the essential flexibility to achieve justice in individual cases that come before the courts.”

- (a) Explain the meaning of the terms actus reus and mens rea. [11]
- (b) Evaluate the importance of the relationship between law and morality. [14]

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

“The tests set out by Lord Scarman, giving the opinion of the Privy Council in *Gammon (Hong Kong) Ltd v A-G of Hong Kong*, have proved invaluable for determining whether or not an offence is one of strict liability. In particular, Lord Scarman’s fourth and fifth tests have highlighted what might be thought of as the only acceptable justification for imposing liability without fault. However, in some subsequent cases the courts seem to have given too much weight to the fourth and fifth tests. Whereas Lord Scarman’s opinion states that the presumption of mens rea can only be displaced where the statute is concerned with an issue of social concern, and only then if it can be shown that the imposition of strict liability will have the effect of encouraging greater vigilance to prevent the prohibited act, the courts have tended to treat this as tantamount to saying that if a statute deals with an issue of social concern and is intended to promote vigilance, then this of itself is sufficient to show that Parliament must have intended the presumption of mens rea to be rebutted.”

- (a) Explain what is meant by a strict liability offence. [11]
- (b) Evaluate the role of judicial precedent in the development of the law. [14]

**END OF PAPER**