

481/01

LAW – LW1

THE LEGAL SYSTEM OF ENGLAND AND WALES

A.M. MONDAY, 11 June 2007

(45 minutes)

ADDITIONAL MATERIALS:

In addition to this examination paper, you will need an 8 page answer book.

Instructions to candidates

- Candidates are required to answer **one** question only.

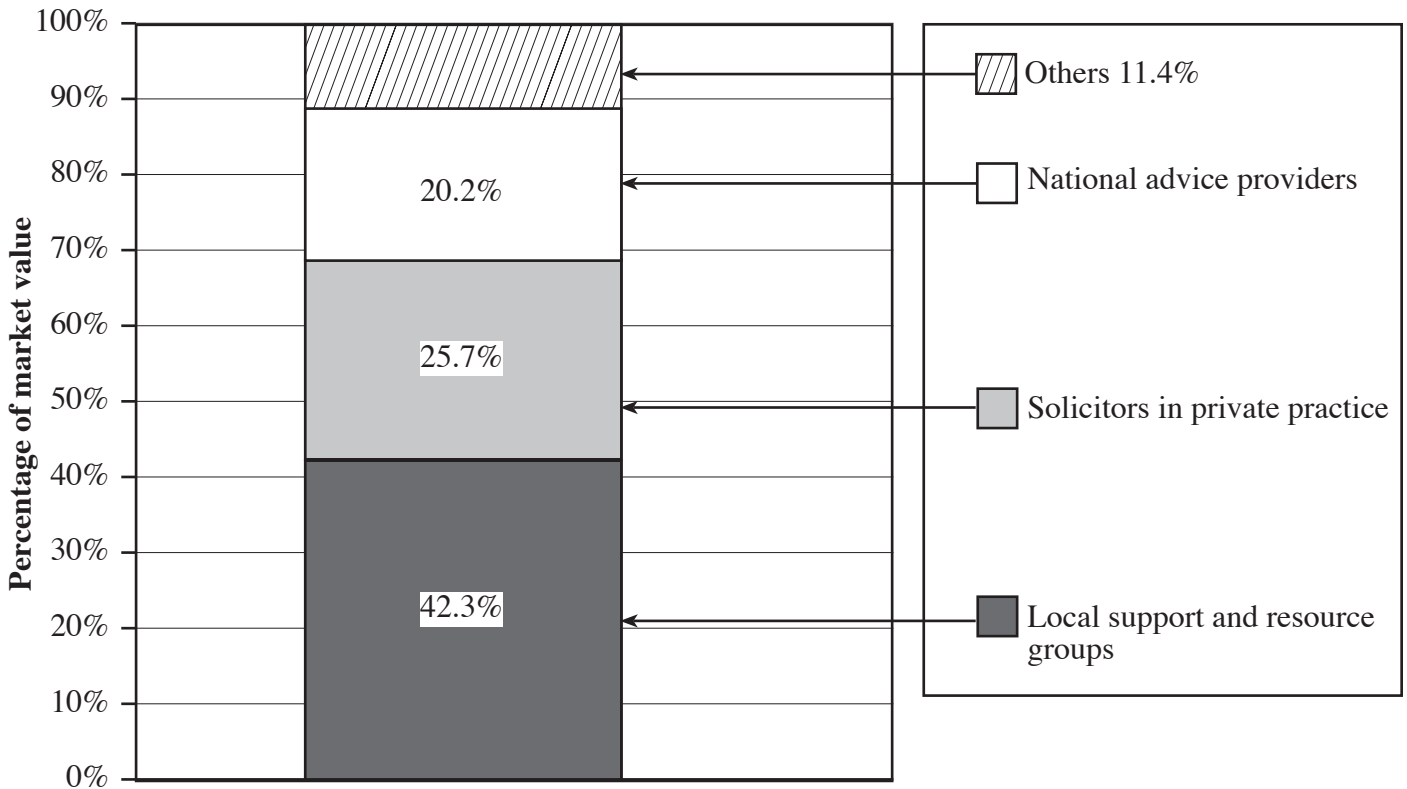
Information for candidates

- Each question carries 25 marks.
- Candidates are reminded of the need for good English and clear presentation. All questions should be answered in continuous prose. The quality of written communication will be assessed in all answers.

Answer either question one or question two.

1. Examine the figure below carefully before answering the questions.

Civil Legal Aid: Percentage share of the wider advice sector by organisation type



Source: *DCA Research Series 4/06*

- (a) Outline the relative size and breakdown of the Civil Legal Advice sector. [3]
- (b) Other than Solicitors and Barristers, what other services are available for legal aid advice? [7]
- (c) Assess the role of the Community Legal Service. [15]

2. Read the following extract carefully and answer the questions based on it.

“When the CPS receives the file, it reviews whether a prosecution should be brought on the basis of criteria set out in the Code for Crown Prosecutors. This Code is issued by the CPS under s.10 of the Prosecution of Offences Act 1985. The latest edition of the Code explains that this decision is taken in two stages. First, prosecutors must ask whether there is enough evidence to provide a ‘realistic prospect of conviction’, that is to say that a court is more likely than not to convict. If the case does not pass this evidential test, the prosecution must not go ahead, no matter how important or serious the case may be. If the case does pass the evidential test, the CPS must then consider whether the public interest requires a prosecution.”

Source: *Elliott and Quinn, English Legal System* (7th Ed Pearson Longman)

- (a) Identify the two stage tests applied by the Crown Prosecution Service when deciding whether to go ahead with prosecution. [3]
- (b) Explain how the CPS applies these tests. [7]
- (c) To what extent has the CPS been successful? [15]