



**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. TUESDAY, 1 February 2011

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 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 of the need for good English and orderly, clear presentation in your answers.

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 so 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. “Consent is rarely a defence to a crime.” Critically evaluate this statement. [25]
  
2. Consider whether the powers of the courts to grant bail contain sufficient safeguards to protect the public. [25]
  
3. To what extent can diminished responsibility be a defence to a criminal charge? [25]
  
4. Consider whether the Crown Prosecution Service has changed the criminal justice system in England and Wales for the better. [25]

## SECTION B

*Answer one question from this section.*

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

“In addition to the statutory provisions, a court sentencing a young offender must be aware of obligations under a range of international conventions which emphasise the importance of avoiding “criminalisation” of young people whilst ensuring that they are held responsible for their actions and, where possible, take part in repairing the damage that they have caused. This includes recognition of the damage caused to the victims and understanding by the young person that the deed was not acceptable. Within a system that provides for both the acknowledgement of guilt and sanctions which rehabilitate, the intention is to establish responsibility and, at the same time, to promote re-integration rather than to impose retribution.”

[The Sentencing Guidelines Council.  
Overarching Principles – Sentencing Youths: The Definitive Guide 2009]

- (a) Describe the general principles behind the sentencing of young offenders. [11]
- (b) Evaluate the advantages and disadvantages of trial by jury in the criminal justice system in England and Wales. [14]

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

“...[W]henver a section is silent as to mens rea there is a presumption that, in order to give effect to the will of Parliament, we must read in words appropriate to require mens rea ... it is firmly established by a host of authorities that mens rea is an essential ingredient of every offence unless some reason can be found for holding that it is not necessary ... In the absence of a clear indication in the Act that an offence is intended to be an absolute offence, it is necessary to go outside the Act and examine all relevant circumstances in order to establish that this must have been the intention of Parliament. I say ‘must have been’ because it is a universal principle that if a penal provision is reasonably capable of two interpretations, that interpretation which is most favourable to the accused must be adopted.”

[Lord Reid in *Sweet v Parsley* [1970] A.C.132, 148H]

- (a) Describe the principles used by the courts when deciding whether an offence is one of strict liability. [11]
- (b) Evaluate the extent to which the courts can refer to extrinsic aids when interpreting statutes. [14]