



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, 31 January 2012

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 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. “The primary purpose of bail is not to protect the public, but to respect the rights of the unconvicted defendant.” Discuss. [25]

2. To what extent can loss of self control provide a defence to a charge of murder? [25]

3. “The Crown Prosecution Service has greatly increased the fairness and efficiency of the criminal justice system.” Discuss. [25]

4. To what extent have the courts in recent years developed a clear set of principles for determining whether an offence is one of strict liability? [25]

SECTION B

Answer one question from this section.

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

“...[O]ver recent years we have seen an increase in these so-called ‘out of court disposals’: between 2004 and 2009 the number of cases dealt with in that way has almost doubled. Quite apart from simple cautions . . . there are also ‘Penalty Notices for Disorder’ . . . Conditional Cautions . . . and cannabis warnings . . . On the basis of efficiency and speed, a strong case can be made for the use of these types of disposal in appropriate cases but . . . when we consider issues such as transparency and open justice, the picture becomes a little blurred. In issuing an out of court disposal the police are essentially acting as prosecutor and judge, outside the environment of an open court.”

[Lord Justice Leveson, *The Roscoe Lecture: Criminal Justice in the 21st Century*, 2010]

- (a) Explain the kinds of out of court disposals which can be issued by the police. [11]
- (b) Evaluate the use of juries in criminal trials. [14]

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

“The youth justice system in England and Wales has a comprehensive set of measures aimed at helping young offenders stay out of trouble. However, we might ask whether, in our anxiety to prevent re-offending, we perhaps assume too readily that children have broken the law. Nobody would suggest that children should be subjected to the trauma of a trial conducted along the lines of trials in adult courts. But we should recognise that the system places great pressure on children to admit to having committed an offence rather than risk being seen as lacking in remorse.”

- (a) Explain the role of the youth courts. [11]
- (b) Evaluate the impact of the Human Rights Act 1998 on the protection of human rights within the U.K. [14]