



**GCE A level**

1254/02



S15-1254-02

**LAW – LA4**

**UNIT 4: Understanding Law in Context:**

**Freedom, the State and the Individual**

**OPTION 2: Criminal Law and Justice**

P.M. FRIDAY, 19 June 2015

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 so 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. "Bail should only be refused to people who present a real danger to public safety." Discuss. [25]
  
2. To what extent does the Crown Prosecution Service, as it exists at present, live up to the ideals which led to its creation? [25]
  
3. To what extent has the attitude of the courts towards intoxication as a defence been guided by considerations of policy? [25]
  
4. "The main principle guiding the courts when determining whether an offence is one of strict liability is the need to protect society as a whole against the risks of everyday life." Discuss. [25]

**SECTION B**

*Answer one question from this section.*

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

“In a pamphlet released by the Howard League for Penal Reform, top legal expert Andrew Ashworth, who is the Vinerian Professor of Law at Oxford University, and who advised the judiciary on sentencing between 1999 and 2010, said that jail should be reserved for offenders who commit crimes of a violent, sexual or threatening nature. Fines and community sentences would be more effective for others, and reduce the prison population of England and Wales by almost 6,000, he said. But the government said it had ‘no intention’ of changing the law.”

*Sourced from BBC News, 14 August 2013.*

- (a) Explain the role of guidelines in the sentencing of adult offenders. [11]
- (b) Evaluate the process by which magistrates are selected. [14]

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

It seems hardly credible that any modern system of criminal justice would leave the most serious offences to be defined by judges on a case by case basis, yet this is how the law relating to homicide has developed in England and Wales. Instead of the apparently more logical approach of having “degrees” of homicide, to reflect the wide range of moral culpability found in real-life cases, we have two separate offences of murder and manslaughter whose common element is causing the death of a human being. And yet it works. Somehow, through a long line of cases, the courts have succeeded in creating a morally acceptable framework which is broad enough to punish people who kill from genuine wickedness, while permitting relative leniency towards people who kill through carelessness or stupidity. It may be doubted whether Parliament itself could have achieved as workable a result.

- (a) Explain the elements of crime in relation to murder and manslaughter. [11]
- (b) Evaluate the advantages and disadvantages of judicial precedent as a method of developing the law. [14]

**END OF PAPER**