

Centre Number						Candidate Number				
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For Examiner's Use	
Examiner's Initials	
Question	Mark
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TOTAL	



General Certificate of Secondary Education
June 2011

Law

41601

Unit 1 The English Legal System

Friday 20 May 2011 1.30 pm to 3.00 pm

You will need no other materials.

Time allowed

- 1 hour 30 minutes

Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- This paper is divided into **two** sections.
In **Section A**, answer **all** parts of **all** questions.
In **Section B**, answer **all** parts of **one** question only.
- You must answer the questions in the spaces provided. Do not write outside the box around each page or on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Where appropriate, support your answers by referring to relevant statutes, cases or examples.

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 90.
- In questions 9(b)(ii), 9(c)(ii), 10(b)(ii) and 10(c)(v), you will be marked on your ability to:
 - use good English
 - organise information clearly
 - use specialist vocabulary where appropriate.
 Answer these questions in **continuous prose**.

Advice

- You are advised to spend no more than 45 minutes on **Section A** and 45 minutes on **Section B**, and to read through **all** parts of a question before you start your answer.



J U N 1 1 4 1 6 0 1 0 1

Section A

Answer **all** parts of **all** questions in this section.

Carefully read the questions before you write down your answers.

Where appropriate, support your answers by referring to relevant statutes, cases or examples.

1

A Magistrates Court	The High Court	The County Court	The Supreme Court
The Crown Court	WHICH COURT?	The Court of Appeal (Civil Division)	
Small Claims		The Court of Appeal (Criminal Division)	

Carefully read the descriptions of **each** of the courts below. Look at the list in the box above and identify **which one** is being described. Write your answers in the spaces provided.

1 (a)

This court only deals with civil cases. This court uses both circuit and district judges. This court only hears first instance trial cases.

..... (1 mark)

1 (b)

All criminal cases start in this court. Decisions are made by lay people, sitting in groups of three. These lay people are helped by a qualified court clerk/legal adviser.

..... (1 mark)

1 (c)

This court is usually staffed by circuit judges and High Court judges. These judges can sentence people up to a maximum of life imprisonment. A famous example of this court is the Old Bailey.

..... (1 mark)



1 (d)

This court only hears appeals.
This court deals with both civil and criminal cases.
This court moved to new premises in 2009 and changed its name.

.....
(1 mark)

4

2

Below is a description of the training requirements to become a solicitor.

Fill in the gaps (a) to (f), choosing the correct word or phrase from the box.

degree	law degree	one year	two years	three years
Bar finals	Bar Vocational Course	legal practice course	Rolls of the Supreme Court	Inn of Court
pupillage	called to the Bar	training contract	Graduate Diploma in Law	

Following A Levels, people who wish to become solicitors will study for a

(a) at university.

Alternatively, students who have taken a different degree will follow a year's study leading to the (b)

After that, people who wish to become solicitors will have to follow a year's further study on the

(c)

This is then followed by a

(d), usually working

with a firm of solicitors. This period of practical training lasts for

(e)

Finally, trainee solicitors will be enrolled on the

(f)

at which point they are fully qualified.

(6 marks)

6

Turn over ►



3

In a criminal case, a defendant who is found guilty can be sentenced in different ways. These **sentences** include:

- imprisonment for the most serious offences
- Community Orders (including a Programme to address offending behaviour, Unpaid Work, Supervision, Drug Rehabilitation or Curfew) for offences which are seen as serious enough
- fines or discharges for offences which are seen as less serious.

In **each** of the following situations, state which **sentence** may be imposed by the court, and explain **why** you have chosen that sentence.

Ann, aged 67, has pleaded guilty to an offence of causing death by dangerous driving. Ann killed another driver when she accidentally drove down the wrong side of the motorway. The pre-sentence report on Ann says that she has no previous convictions of any sort and that she is very sorry about what has happened to the other driver.

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(3 marks)

Barbara has been convicted, after a trial, of an assault on Christine. Both had been waiting outside the school gates to collect their children. Barbara's daughter came out of school and complained that she had been bullied by Christine's son. Barbara hit Christine once after they had argued about the bullying. Barbara has previous convictions, mainly for theft.

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(3 marks)



Davis has pleaded guilty to his third offence of drink driving in the last six years. On this occasion, he was nearly four times over the legal limit and was involved in an accident which caused injury to another driver. He also fled the scene before the police could question him and was only arrested about three hours later. His case is being heard at the local Magistrates Court.

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(3 marks)

9

Turn over for the next question

Turn over ►



4 Each of the following boxes contains two statements about the system of trial by jury. One of these statements is completely correct in law. The other is not legally correct. Decide which statement is incorrect then, in the space provided, re-write the statement so that it is legally correct.

For example:

A person on bail can sit on a jury.
A mentally ill person cannot sit on a jury.

A person on bail cannot sit on a jury.

4 (a) A juror must be at least 21 years of age.
A person over the age of 69 cannot serve on a jury.

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(1 mark)

4 (b) A doctor can sit on a jury.
A police officer cannot sit on a jury.

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(1 mark)

4 (c) Juries are used mainly in the County Court.
Juries can occasionally be used in the High Court.

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(1 mark)

4 (d) Jurors' names are selected from the Electoral Register.
A juror must have lived in the UK for 10 years to qualify for jury service.

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(1 mark)



4 (e)

A jury must try to reach a unanimous verdict.
A jury can give a majority verdict of 9:3 after deliberating for two hours.

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(1 mark)

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5

Turn over for the next question

Turn over ►



5 Where the police or magistrates decide to release a suspect on bail or remand him in custody, identify any **three grounds for objection** to bail being granted and any **three conditions** which may be imposed on bail.

Grounds for objections to bail

- 1
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- 2
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- 3
-

Conditions imposed on bail

- 1
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- 2
-
- 3
-

(6 marks)

6



6

This is a diagram for you to show the **civil court structure**.
In the spaces marked **(a)** to **(d)**, write the names of the first instance (trial) and appeal courts.

(d)

(c) (Civil Division)

(b)

(a)
(This court includes cases allocated to the Small Claims Track.)

(4 marks)

4

Turn over for the next question

Turn over ►



7 The process of legislation (passing an Act of Parliament) has a number of stages. The House of Commons and the House of Lords, followed by the Crown, are all involved in this process.

Briefly explain each of the following:

the purpose of a Green Paper;

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a second reading;

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the Royal Assent.

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(6 marks)

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8 The table below refers to the differences between the ways in which **civil law** and **criminal law** work.

In the spaces, write an appropriate word or phrase to show the relevant difference between civil and criminal law.

Civil Law	Criminal Law
A civil case in court must be proved on the balance of probabilities.	A criminal case in court must be proved
A civil case involves a wrong committed against the individual.	A criminal case involves a wrong committed against
A civil case is brought to court by the claimant.	Most criminal cases are brought to court by
The claimant will be hoping that the defendant will be found	A prosecution involves the accused being found either guilty or not guilty.
Successful civil cases involve the granting of a remedy by the court, eg	Successful criminal prosecutions involve the court imposing a sentence on the defendant, eg fines or prison.

(5 marks)

5

Turn over for the next question

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Section B

Answer **either** Question 9 **or** Question 10. Answer **all** parts of the question you choose.
Carefully read both questions before you write down your answers.
Where appropriate, support your answers by referring to relevant statutes, cases or examples.

9 Study the extract below and then answer **all** parts of the question which follows.

In England and Wales, civil cases are first heard in either the County Court or the High Court. The County Court deals with, for example, common law actions (eg breach of contract or tort cases), probate and also family cases. Civil cases are processed through one of three 'tracks', two of which are Small Claims Track and Fast Track.

Taking civil action can be very expensive and, without help, many people could not afford the costs involved. The government, under the Access to Justice Act 1999, funds various systems for giving legal advice. The government, within limits, also funds the costs of representation in both civil and criminal cases. There are also other bodies which may be able to offer advice and/or representation at a reduced cost or even free of charge. For example, a potential claimant can get access to legal advice from a local Citizens Advice Bureau. Alternatively, he may have insurance which covers the costs of the claim.

In addition, claimants in civil cases may be able to take advantage of a conditional fee arrangement.

Fortunately, many civil disputes do not finish up in court. Most are settled 'out of court' by the process of negotiation.

9 (a) (i) Outline **two** differences between the County Court and the High Court.

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(4 marks)



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9 (a) (ii) The County Court deals with a range of different civil cases. Briefly explain what is meant by any **three** of the following:

- a contract case
- a tort case
- a probate case
- a family case.

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Question 9 continues on the next page

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9 (b) (i) Explain the differences between the Small Claims Track and the Fast Track.

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9 (b) (ii) Briefly comment on the advantages **and** disadvantages of the Small Claims Track for members of the public. **(Answer in continuous prose.)**

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(5 marks)



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9 (c) (i) Where **legal advice** is concerned, explain what is meant by the following:

- Legal Help
- Citizens Advice Bureaux.

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Question 9 continues on the next page

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9 (c) (ii) Briefly comment on the advantages of the Citizens Advice Bureaux **and** the Legal Help scheme. **(Answer in continuous prose.)**

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9 (d) Identify **two** types of insurance policy which often include legal services cover.

Type 1

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Type 2

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(2 marks)



9 (e) (i) Explain what is meant by a conditional fee arrangement.

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9 (e) (ii) Briefly comment on the advantages of conditional fee arrangements.

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(3 marks)

Question 9 continues on the next page

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9 (f) Briefly explain and comment on the process of negotiation.

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10 Study the extract below and then answer **all** parts of the question which follows.

People involved in the law

Magistrates deal with some civil cases and all criminal cases. In criminal cases, magistrates:

- decide on innocence or guilt and pass sentence
- decide whether to grant bail or remand in custody
- decide whether to commit or send more serious cases to the Crown Court.

Magistrates also deal with cases in the Family and Youth Courts. Magistrates sit in threes and are advised on law and procedure by a trained legal adviser.

Juries are used in the Crown Court to try more serious criminal offences. Juries are used because it is recognised that a cross-section of the local community, chosen at random, is the best way to ensure a fair and unbiased trial and reach common-sense decisions. The judge is there to help the jury with the law, while the duty of the jury is to decide matters of fact. Juries are also occasionally used in some civil cases.

The legal profession consists of two main types of 'lawyers'. Solicitors carry out a range of legal work, including advocacy in the lower courts. Some solicitors, with training and experience, can also represent clients in the higher courts. Barristers work mainly as advocates in the courts, usually on the instructions of solicitors. Barristers can, in some situations, take instructions directly from clients. Most 'lawyers' start with a law degree from university. After that, intending 'lawyers' will undertake specialist training and gain the practical experience required to become a solicitor or a barrister. A barrister may later hope to be appointed as a QC or even as a judge.

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10 (a) Outline how magistrates are **selected** and **appointed** to their role.

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10 (b) (i) Outline the range of duties undertaken by magistrates.

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10 (b) (ii) Comment on the advantages **and** disadvantages of using lay magistrates. In your answer, you may find it helpful to refer to the extract. **(Answer in continuous prose.)**

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10 (c) (i) Identify **two** groups of people who are **disqualified** from jury service.

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(2 marks)

10 (c) (ii) Identify a reason why someone can be **discharged** from jury service.

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(1 mark)

10 (c) (iii) Identify a reason why someone may be able to **defer** jury service.

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(1 mark)

10 (c) (iv) Describe the role of the jury in both criminal **and** civil cases.

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10 (c) (v) Comment on the **advantages** of trial by jury. In your answer, you may find it helpful to refer to the extract. **(Answer in continuous prose.)**

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10 (d) (i) Rosemary is studying for her A Levels and is considering a career as a barrister. Explain to her what she would need to do to become a barrister.

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10 (d) (ii) Outline the work undertaken by barristers.

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(3 marks)

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10 (d) (iii) Briefly explain what is meant by a QC.

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(2 marks)

10 (d) (iv) Briefly comment on whether the public would benefit from:

- more solicitor advocates
- more direct access to barristers.

In your answer, you may find it helpful to refer to the extract.

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END OF QUESTIONS



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