

Centre Number						Candidate Number				
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For Examiner's Use	
Examiner's Initials	
Question	Mark
1	
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10	
TOTAL	



General Certificate of Secondary Education
June 2012

Law

41601

Unit 1 The English Legal System

Friday 18 May 2012 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(c)(ii), 9(d)(iii), 10(b)(ii) and 10(c)(ii), 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 2 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 Carefully read the scenarios below. Look at the list in the box above the scenarios and identify **which court** would be used for the hearing. Write your answers in the spaces provided.

WHICH COURT?

The Supreme Court	The County Court (using the Fast Track)	The Magistrates Court
The Court of Appeal (Criminal Division)	The High Court	The Court of Appeal (Civil Division)
The County Court (using the Small Claims Track)		The Crown Court

- 1 (a) Andy has been charged with murder and has been sent for trial following his initial appearance at the Magistrates Court.

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 (1 mark)

- 1 (b) Brian bought an expensive diamond ring for his wife. It cost him nearly £2000. The first time his wife wore the ring, a diamond fell out. The shop has refused to refund Brian's money.

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 (1 mark)

- 1 (c) Chas bought a new car from Dave's Autos which cost him £17 995. Six months later, the car developed numerous faults and now needs a new clutch and gearbox. Chas wants his money back, but the garage has refused.

.....
 (1 mark)



1 (d)

Eric was convicted of theft and sentenced to two years' imprisonment. He and his solicitor believe that the sentence was too harsh.

..... (1 mark)

4

2

Below is a description of the qualification and selection requirements to become a juror. Fill in the gaps (a) to (f), choosing the correct word or phrase from those given below.

18–65	sworn in	three years	vetted	ten years
lottery	Lord Chancellor's Department	Central Summoning Bureau	Register of Births, Marriages and Deaths	Crown Court
ballot	21–70	18–70	Electoral Register	five years

To qualify for jury service, a person's name must appear on the

(a) , he or she must be aged between (b) , and must have been resident in the UK for the past (c)

A potential juror will be sent a jury summons based on the names supplied by the

(d)

When in court, there will be a panel of jurors, usually about 15, from which the individual jurors are chosen by (e)

Finally, each individual juror will be (f) , before taking his or her place in the jury box.

(6 marks)

6

Turn over ►



3

In a criminal case, a defendant whose trial is being adjourned will either be released on bail or remanded in custody. Bail can either be unconditional or subject to certain conditions laid down by the police or court. The most common conditions include:

- residence
- curfew
- reporting to the police station
- a restraining order not to go to certain places or contact certain people
- a surety
- surrendering of passport.

In **each** of the following situations, state which **bail condition** is most likely to be imposed and briefly explain **why** you have chosen that condition.

3 (a) Frank has pleaded not guilty to an offence involving domestic violence. His trial is in two months' time. Frank's solicitor has asked the court for unconditional bail, but the prosecutor has objected to bail being unconditional.

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(2 marks)

3 (b) George has been charged with an offence of criminal damage to a car. He has previous similar convictions, most of which relate to his coming home drunk from his local pub after closing time.

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(2 marks)

3 (c) Harun, a rich businessman with international connections, has been charged with a serious fraud offence. His solicitor says in court that Harun is a family man of good character who has lived in the UK for over 20 years.

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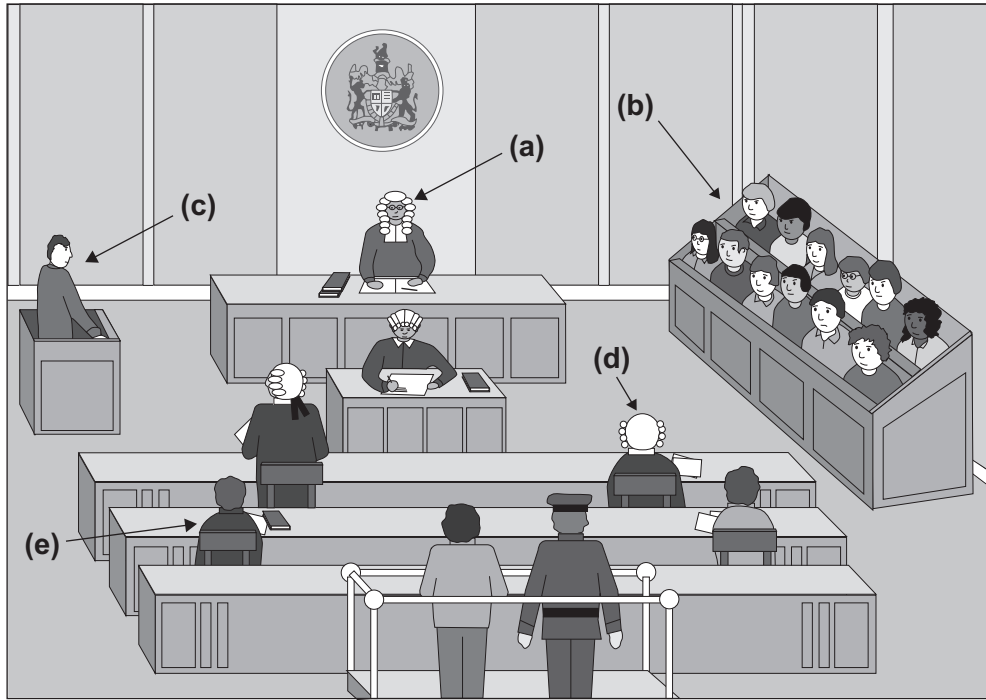
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(2 marks)

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4 Identify the people labelled (a) to (e) in the following picture of a Crown Court at work. Write your answers in the spaces provided below the picture.



4 (a)

4 (b)

4 (c)

4 (d)

4 (e)

(5 marks)

5

Turn over ▶



5 When an offender is sentenced, the court will take into account any **aggravating factors** (which will generally make the sentence harsher) as well as any **mitigating factors** (which will usually mean a more lenient sentence).

In the spaces below, identify or briefly describe any **three aggravating factors** and any **three mitigating factors**.

Aggravating factors

Factor 1
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Factor 2
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Factor 3
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Mitigating factors

Factor 1
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Factor 2
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Factor 3
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(6 marks)

6



6 Civil remedies are available to a successful claimant in a civil action. The standard remedies are damages and/or the granting of an injunction. The remedy depends on what the claimant applies for and the circumstances of the individual case.

In **each** of the following scenarios, state which remedy **or** remedies could be granted **and** briefly explain why you have made this choice.

6 (a) Imran has been badly injured in a road traffic accident caused by the negligence of James. Imran's claim is being heard by the High Court.

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(2 marks)

6 (b) Kelvin, a Premier League footballer, has been informed that *The Muckraker*, a Sunday newspaper, is planning to run a story about him. The story will be about Kelvin's private life, and will include an interview with an old schoolmate and close friend, Mike.

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(2 marks)

6 (c) Nigel is very angry about the activities of his next-door neighbours. Regular bonfires have badly damaged Nigel's rare shrubs, and noisy, late-night parties are frequently preventing him from sleeping.

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(3 marks)

7

Turn over ►



7 Following completion of a law degree, a person who intends to qualify as either a solicitor or a barrister must go through further stages of professional training. These stages are different for solicitors and barristers.

Briefly explain these stages for **each** of the following.

Stages in qualifying as a solicitor

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Stages in qualifying as a barrister

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(6 marks)

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8 The table below refers to the similarities **or** differences between lay magistrates and District Judges (Magistrates Court).

In the spaces marked **(a)** to **(e)**, write an appropriate word or phrase to show the relevant similarity **or** difference between lay magistrates and District Judges (Magistrates Court).

Lay magistrates	District Judges (Magistrates Court)
Lay magistrates work (a)	District Judges work full time.
Lay magistrates are volunteers who receive expenses for their time in court.	District Judges (b)
Lay magistrates (c)	District Judges are legally qualified, with experience as either a practising solicitor or a practising barrister.
Lay magistrates can give a maximum of six months' imprisonment for a single offence.	District Judges (d)
Lay magistrates, with training, can hear (e)	District Judges can hear criminal, youth and family cases.

(5 marks)

5

Turn over for the next section

Turn over ►



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.

There are various ways in which English law can be classified. One of the most important distinctions is between public and private law. Another is between civil and criminal law. This is vital in deciding which court will deal with the case.

There are various types of judge in England and Wales. Some judges sit in first instance cases, whilst others specialise in appeals. Some specialise in criminal cases, others in civil cases, and some, such as circuit judges, sit in both types of case. Their role in court will depend on the type of case being heard, and on whether it is a first instance case or an appeal.

The courts are divided between the civil courts and the criminal courts. Both sets of courts are organised in a clear hierarchy, with first instance courts such as the Magistrates Court and the County Court at the bottom. The highest court in England and Wales is the Supreme Court, which hears appeals in civil and criminal cases. Decisions on points of law, which are made in the Supreme Court, are binding on all lower courts and must therefore be followed. This principle is known as the doctrine of precedent.

9 (a) Outline what is meant by public law **and** by private law.

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(4 marks)

Extra space

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9 (b) (iv) In some situations, a person can be liable in both civil and criminal law for the same incident. Comment on the advantages **and** disadvantages of one incident leading to a civil action and a criminal prosecution.

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9 (c) (i) Briefly explain the role of the following:

a circuit judge in the Crown Court

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a High Court judge in the High Court

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Justices of the Supreme Court.

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(8 marks)

Turn over ►



9 (d) (i) With regard to the doctrine of precedent, explain the difference between a binding precedent and a persuasive precedent.

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9 (d) (ii) Briefly explain what is meant by a Law Report **and** briefly explain the importance of Law Reports.

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(4 marks)

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Turn over ▶



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

In a democratic society, every Act of Parliament must follow a lengthy procedure through both Houses of Parliament. It must then receive the Queen’s approval through the Royal Assent and must be published. If this procedure is not followed or completed, a Bill cannot become an Act of Parliament, and therefore law. These stages include the various Readings which must take place, and the vital role undertaken by Parliamentary Committees.

One such Act of Parliament is the Access to Justice Act 1999. The introduction to this Act states: “An Act to establish the Legal Services Commission, the Community Legal Service and the Criminal Defence Service”.

The key role of the Legal Services Commission is to oversee all government funding of both legal advice and representation in court. The Community Legal Service has a particular responsibility for legal advice and the funding of civil cases, in particular the Legal Help and Civil Legal Representation schemes. Both these schemes operate within financial and other limitations. The Criminal Defence Service is responsible for public funding of criminal cases, including the provision of the Duty Solicitor scheme, both at the police station and in court.

Outside the government-funded schemes, there are a number of other ways in which people can get access to (and fund) legal advice and/or representation if they are faced with a legal problem. These include the use of Citizens Advice Bureaux, the availability of private finance, having appropriate insurance, and the use of conditional fee arrangements.

10 (a) With respect to law making in Parliament, explain the following terms:

“... both Houses of Parliament ...”

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Turn over ▶



“... various Readings ...”

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“... Parliamentary Committees ...”

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“... the Royal Assent ...”

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(12 marks)



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(5 marks)

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10 (c) (i) In a **criminal** case, a person may be able to access the services of a duty solicitor. Explain where and when duty solicitors can be used **and** describe their role, both in and out of court.

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10 (d) In a **civil** case, a person may need access to legal advice and legal representation.

10 (d) (i) Identify the name of the scheme which provides government-funded legal **advice**.

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(1 mark)

10 (d) (ii) Briefly explain how a person qualifies for Civil Legal Representation.

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(4 marks)

Extra space

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There are no questions printed on this page

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ANSWER IN THE SPACES PROVIDED**

