



Please write clearly in block capitals.

Centre number

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Candidate number

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Surname

Forename(s)

Candidate signature

GCSE LAW

Paper 1 The English Legal System

Monday 16 May 2016

Afternoon

Time allowed: 1 hour 30 minutes

Materials

You will need no other materials.

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 8(a)(ii), 8(b)(ii), 9(c) and 9(f), 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.



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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 Outline any **three** differences between civil law and criminal law.

[6 marks]

Difference 1

Difference 2

Difference 3

6



- 2 Rosemary is considering a career in the legal profession, but is confused about the different training requirements for solicitors and barristers.

Below is a list of stages (marked **A** to **F**) showing the different training requirements for solicitors and barristers.

Stages in the training of solicitors and barristers

- A** Bar Professional
- B** Called to the Bar
- C** Law degree
- D** Pupillage
- E** Legal Practice
- F** Training Contract

Match the stages with the description of the training requirements set out below. Write one letter (**A**, **B**, **C**, **D**, **E** or **F**) for each requirement in the Answer Box.

[6 marks]

	Description of the training requirement	Answer Box
(a)	The 'standard' and most common route into the legal professions is to study for a what at university?	
(b)	The name of the course a trainee solicitor would have to study.	
(c)	The name of the training course a trainee barrister would have to study.	
(d)	The two-year practical training a trainee solicitor must complete.	
(e)	The ceremonial process of officially becoming a barrister.	
(f)	The one-year (2 x 6 months) practical training which a trainee barrister must complete.	

6



3 In a criminal case, a defendant who is found guilty can be sentenced in different ways. The sentence imposed will take into account both aggravating and mitigating factors. These sentences include:

- **imprisonment** or a **suspended sentence** of imprisonment, for the most serious offences
- **Community Orders** (including requirements such as Unpaid Work, a Curfew, a Programme to address offending behaviour, Supervision or Drug rehabilitation) for offences which are seen as serious enough
- **fin**es or **discharges** for offences which are seen as less serious.

In a civil case, civil remedies are available to a successful claimant. 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.

Some incidents can lead to both a criminal sentence and, in a separate case, a civil remedy.

In **each** of the following scenarios:

- state which sentence and/or remedy **or** remedies could be imposed **and**
- briefly explain why you have made this choice.

[8 marks]

3 (i) Aidan has been charged with a serious assault on Jean, a college lecturer. The assault took place on college premises. Aidan has no previous convictions for violence. He has pleaded guilty at the first available opportunity and has told the court that he was upset because his son was being bullied at college.

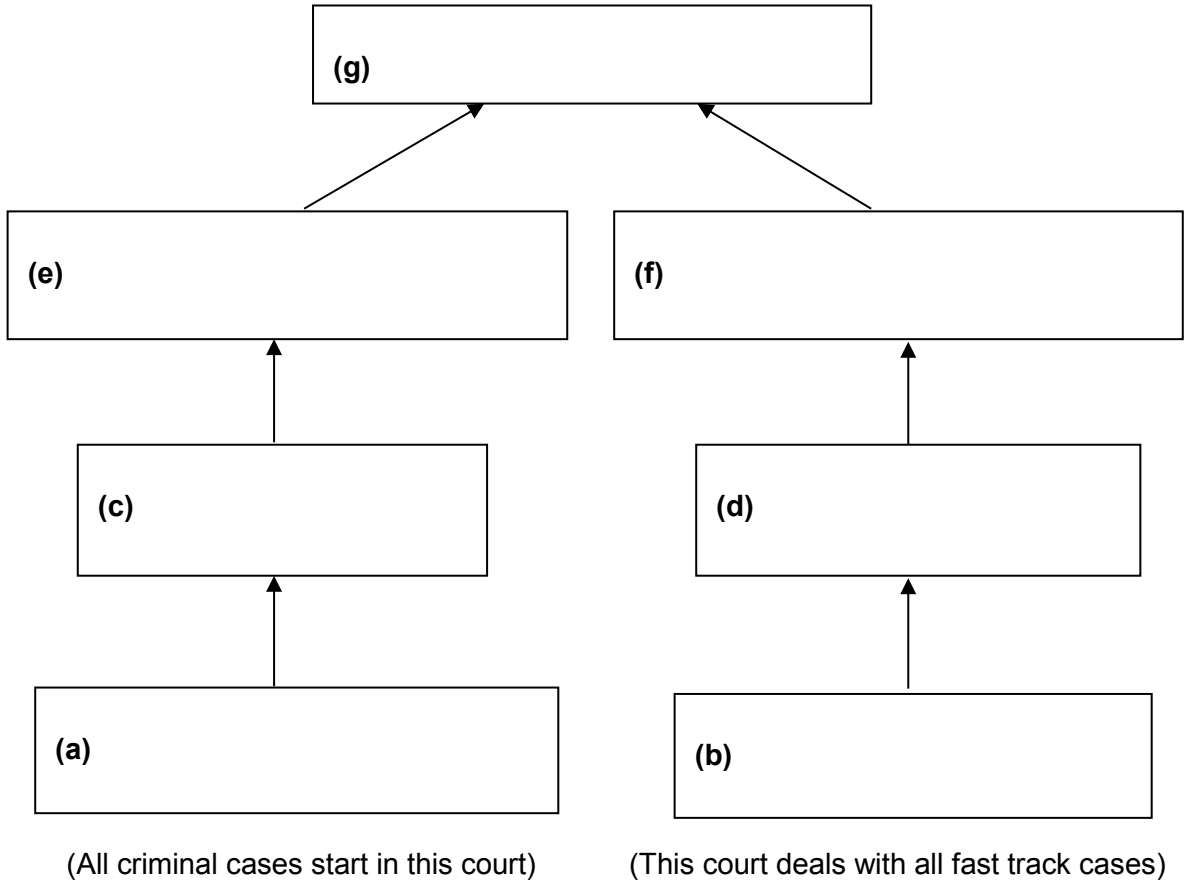


3 (ii) Brett, a journalist, has written a story about Clive, a politician. The story has been published in a newspaper and suggests that Clive has been involved in a major financial scandal. More details are promised in next week's paper. Clive has denied the allegation and has threatened legal action.

3 (iii) Denis was driving his car and was being chased by the police. Denis tried to escape by driving very quickly through the town centre. As a result, Denis crashed into a bus-stop where Gunjan was standing. The police arrested Denis on suspicion of dangerous driving. Gunjan suffered very serious injuries.



4 The court structure diagram below shows both the civil court and the criminal court structure. In the spaces marked (a) to (g), write the names of the first instance (trial) and appeal courts.



[7 marks]

7



5 There are different ways in which a claimant can obtain funding to bring a civil case in court.
Briefly explain **each** of the following.

[6 marks]

5 (i) Civil Legal Representation

5 (ii) Conditional Fee arrangements

5 (iii) Insurance



- 6** Solicitors undertake a variety of work when dealing with civil cases and with criminal cases. Some of this work would only apply to civil cases. Some of this work would only apply to criminal cases. Some of this work would apply to civil cases **and** criminal cases.

In the box below are short descriptions of this work, marked **A** to **G**. In the Answer Box beside each type of work:

write **1** if the work is civil only

write **2** if the work is criminal only

write **3** if the work is both civil and criminal.

Types of work	Answer Box
A Interviewing clients	
B Negotiating with the solicitor representing the other party	
C Negotiating with the Crown Prosecution Service	
D Instructing a barrister	
E Representing an accused person in the Magistrates Court	
F Representing a client in the County Court	
G Acting as an instructing solicitor in court	

[7 marks]

7



Section B

Answer **either** Question 8 **or** Question 9. Answer **all** parts of the question you choose.

Carefully read both questions before you make your choice.

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

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

Legal Processes

There are various processes which govern the operation of the English Legal system.

Legislative Process (law-making)

Legislation is law made by Parliament and is the highest (supreme) form of law passed in England and Wales. There is a set process whereby a new piece of legislation passes through both Houses of Parliament. In Parliament, the Bill is debated and also carefully scrutinised before eventually receiving the Royal Assent and becoming an Act of Parliament.

Criminal Process

All criminal cases start in the Magistrates Court and many will be decided there and go no further. Criminal offences are divided between those which are summary only, those which are triable either-way and those which are triable only on indictment.

During the course of criminal proceedings, both the police and the courts will have to decide whether the accused can be released on bail, or whether he must be remanded in custody. At the end of a trial, any decisions made can be the subject of an appeal. Appeals are usually made by the person who has been convicted and sentenced, but there are also limited rights of appeal for the prosecution.

Civil Process

Before starting civil action, a person is likely to seek legal advice. One option is to seek and pay for advice from a solicitor. There are cheaper options available for those people with less money. These include booking an appointment at the local Citizen's Advice Bureau (CAB) or seeing a solicitor under the Legal Help scheme.

If the dispute goes to trial, the case will generally be decided by a judge who sits alone to decide all matters. If there is an appeal following the trial, the appeal may again be heard by a single judge. In a different type of case, the appeal may have to be heard by a panel of judges.



8 (b) (i) Briefly explain what is meant by the following terms.

[6 marks]

Bail

Conditional bail

'....remanded in custody.'



8 (c) Outline the meanings of the following terms:

- summary offences
- either-way offences
- indictable only offences.

[4 marks]

Extra space

8 (d) Identify the **three** grounds of appeal in criminal cases.

[3 marks]

Extra space



8 (f) (ii) Briefly comment on the advantages **and** disadvantages of using the CAB compared to using a privately-funded solicitor for legal advice.

[3 marks]

Extra space

45



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

Lay people in the law

Jurors, who meet certain basic qualifications, are adults selected to sit and make decisions in court. Individuals, who qualify for jury service, may still be disqualified from serving as a juror for a number of reasons. Individuals can also be discharged from jury service or may be allowed to defer jury service to a later date. Juries are used in the Crown Court to try more serious criminal offences. Juries are also occasionally used in some civil cases, generally in the High Court.

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. Juries' decisions are based on common-sense, though they are not always legally correct.

When in court, the judge is there to help the jury with the law, while the duty of the jury is to decide all matters of fact.

There are over 22 000 lay magistrates in England and Wales. All magistrates are appointed by the Lord Chancellor on the recommendation of local Advisory Committees. Appointment is based on meeting certain key requirements, both on application and during the interview process.

In court, magistrates sit in threes and are advised on law and procedure by a trained legal adviser. Magistrates deal with some civil cases and all criminal cases. In criminal cases, magistrates have a number of important decisions to make. These include:

- issuing a warrant on the application of the police
- deciding on innocence or guilt and passing sentence
- deciding whether to grant bail or remand in custody
- deciding whether to send or commit more serious cases to the Crown Court.

Magistrates can also sit in some criminal appeal cases.

In civil cases, magistrates deal with cases in the Family Proceedings Court.

9 (a) (i) Identify the **three** basic qualifications for jury service.

[3 marks]



9 (b) (i) Outline the process, both before court **and** in court, which is used to **select** a qualified juror for jury service.

[4 marks]

Extra space

9 (b) (ii) Briefly explain the roles of juries in criminal trials **and** in civil trials.

[5 marks]



Turn over ►

Extra space _____

9 (e) Magistrates take part in a variety of work during the course of their duties.

Briefly explain what is meant by the following:

[5 marks]

'...issuing a warrant...'

sitting **'in some criminal appeal cases'**

dealing **'with cases in the Family Proceedings Court'**.



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