

| | | | | | | | | | | |
|---------------------|--|--|--|--|--|------------------|--|--|--|--|
| Centre Number | | | | | | Candidate Number | | | | |
| Surname | | | | | | | | | | |
| Other Names | | | | | | | | | | |
| Candidate Signature | | | | | | | | | | |



General Certificate of Secondary Education
Specimen Paper

Law

Unit 1: The English Legal System

Date: Time

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.
- Answer the questions in the spaces provided.
- Do all rough work in the answer 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 maximum mark for this paper is 90.
In questions 9(h), 10(c) and 10(f)(iv), you will be assessed on using good English, organising information clearly and using specialist vocabulary where appropriate. Answer these questions **in continuous prose**.
- The marks for questions are shown in brackets.

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.

| | |
|---------------------|------|
| For Examiner's Use | |
| Examiner's Initials | |
| Question | Mark |
| 1 | |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| TOTAL | |



Barcode

SECTION A

Answer **all** parts of **all** the 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

Cases within the English legal system can be tried by different people. They include different judges such as District Judges, Circuit Judges, High Court Judges and Lords Justices of Appeal. Cases can also be decided by magistrates or juries sitting in different criminal courts.

In **each** of the following situations, identify **who** is most likely to be trying the case, and briefly explain **why**.

1 (a) Ivy, aged 16, has been charged with actual bodily harm (abh) and is due in court next week.

.....
.....
.....
.....

(2 marks)

1 (b) Josef has been accused of a serious assault on a teacher. At an initial hearing, the magistrates decided that the offence was too serious to be tried by magistrates.

.....
.....
.....
.....

(2 marks)



- 1 (c) Keith bought a new fishing rod for £120 from *Anglers*, a shop which sells fishing equipment. Two weeks later, the rod snapped while Keith was using it. *Anglers* have refused to refund Keith's money.

.....
.....
.....
.....

(2 marks)

- 1 (d) Megan was seriously injured at work in an accident caused by the negligence of Nazir. Megan has been awarded £120 000 damages by the High Court, much less than she was hoping for. Megan is now planning to appeal.

.....
.....
.....
.....

(2 marks)

Turn over for the next question



Barcode

Turn over ►

- 2 Below is a description of the training requirements to become a solicitor. Fill in the gaps, selecting the correct word or phrase from the box.

Following A Levels, most people who wish to become solicitors will study for a
 at university.

Alternatively, students who take a different degree will have to follow a year's study
 leading to the

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

followed by a,

usually working in a solicitor's office. This period of practical training lasts for

..... Finally, trainee solicitors will have their
 names entered on the,

at which point they are fully qualified.

| | | |
|------------------------|----------------------------|--------------------|
| articles | Common Professional Exam | degree |
| law degree | Legal Practice Course | one year |
| Register of Solicitors | Rolls of the Supreme Court | solicitors' finals |
| three years | training contract | two years |

(6 marks)



3

In criminal cases, defendants who are found guilty can be punished in different ways. These punishments include:

- imprisonment for the most serious offences
- Community Orders (including Unpaid Work, Supervision, or Curfew Requirements) for offences which are serious enough to justify such orders
- fines or discharges for offences which are seen as less serious.

In civil cases, courts can order a range of civil remedies. These include:

- damages
- an injunction.

In **each** of the following situations, state which **punishment** or **remedy** may be imposed by the court, and briefly explain **why**.

- 3 (a) Ian, aged 22, has been arrested, for the third time, for driving whilst disqualified. This time, he was also found to be more than twice over the legal alcohol limit for driving. Ian intends pleading guilty to both offences at the Magistrates' Court.

.....

.....

.....

.....

(2 marks)

- 3 (b) Janice lives on a housing estate with her husband, Kamal, and young family. The Larkin family lives next door. Kamal is constantly being woken up by various DIY noises coming from next door, including the use of drills and hammers, and the Larkins' teenage children play loud music until the early hours of the morning.

.....

.....

.....

.....

(2 marks)

Question 3 continues on the next page



Barcode

- 3 (c) Marta, aged 50, has pleaded guilty in her local Magistrates' Court to shoplifting. Marta has no previous convictions, and cannot understand why she committed the offence as she had plenty of money in her purse to pay for the goods.

.....
.....
.....
.....

(2 marks)

- 3 (d) Nino agreed to buy a motorbike from Otis for £5 000. On the day when payment and delivery were to be made, Otis refused to sell. Nino knows of an identical bike for sale at a garage in town for £5 500.

.....
.....
.....
.....

(2 marks)

- 4 Indicate whether each of the following statements is **true** or **false** by writing **TRUE** or **FALSE** in the space provided.

- 4 (a) Legal Help is a government-funded scheme used to give legal advice.
- 4 (b) Duty Solicitors can be used in both civil and criminal cases.
- 4 (c) Citizens Advice Bureaux are run by trained volunteers and give free advice.
- 4 (d) 'No win, no fee' arrangements are paid for by the government.
- 4 (e) Government-funded schemes for representation in court are all means-tested.

(5 marks)



5 Identify **four** different bail conditions which can be imposed by the police or in court.

5 (a)

.....

5 (b)

.....

5 (c)

.....

5 (d)

.....

(4 marks)

6 Insert, in the spaces marked **6(a)** to **6(d)**, the names of the courts in the following diagram of the structure of **civil** courts.

6 (a)

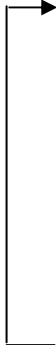
6 (b)

6 (c)

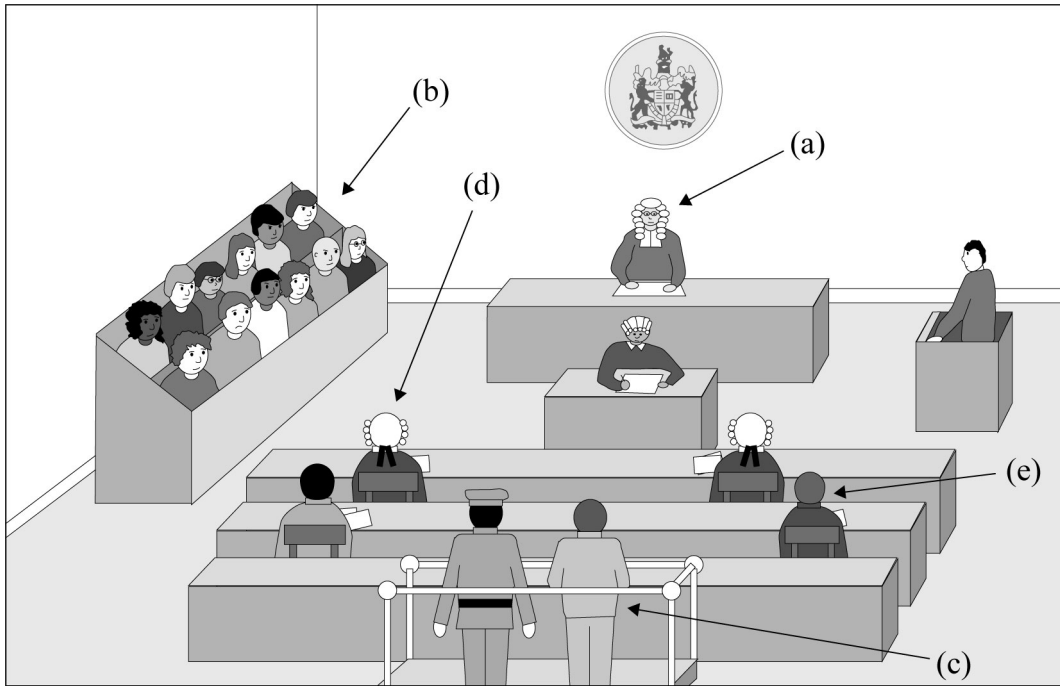
| | | |
|------------------------|-------------------|-----------------|
| Queen's Bench Division | Chancery Division | Family Division |
|------------------------|-------------------|-----------------|

6 (d)

(4 marks)



7 Identify the people labelled (a) to (e) in the following picture of a Crown Court at work. Write your answer on the line provided below the picture.



- 7 (a)
- 7 (b)
- 7 (c)
- 7 (d)
- 7 (e)

(5 marks)



8 The table below refers to the differences between civil and criminal law. In the spaces marked **(a)** to **(e)**, write the appropriate word or phrase to show the difference between civil and criminal law.

| Civil Law | Criminal Law |
|--|--|
| Aim – to compensate the individual | Aim – to 8(a) the offender |
| 8(b) | Public law |
| Cases are brought to court by the 8(c) | Cases are brought to court by the Crown Prosecution Service |
| Defendant may be found 8(d) | Accused may be found guilty |
| Cases are proved on the balance of probabilities | Cases are proved 8(e) |

(5 marks)

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 make your choice.

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.

Cases which are brought under English law can be heard either in the criminal or the civil court system.

Civil cases, which are disputes between individuals, are generally heard either in the County Court or the High Court, with most being tried locally in the County Court. Cases in the County Court will be heard either by the Circuit Judge or District Judge, sitting alone.

Alternatively, civil disputes can be resolved through the process of negotiation.

Criminal cases will be tried either in the Magistrates' Court or the Crown Court, depending on how serious the case is, how the accused decides to plead, and whether or not the magistrates feel they would have sufficient powers to sentence the accused.

Lay people play an important role in running the criminal justice system. Lay magistrates deal with most criminal cases which are tried by the criminal courts. In a trial in the Crown Court, the judge will sit with a jury of twelve ordinary members of the public. The jurors are chosen at random to try serious cases which have been committed or transferred from the Magistrates' Court.

Source: adapted from JOHN WILMAN *Brown GCSE Law* 9th edition, Sweet & Maxwell, 2005

9 (a) Outline the important differences between **civil** and **criminal** courts.

.....
.....
.....
.....
.....
.....
.....

(4 marks)



9 (b) Outline any two different types of case heard by the County Court.

.....

.....

.....

.....

.....

.....

.....

.....

(4 marks)

9 (c) The Civil Procedure Act 1997 introduced a system for dealing with civil cases based on each case being allocated to the appropriate track. Explain what is meant by:

9 (c) (i) the Small Claims Track;

.....

.....

.....

.....

9 (c) (ii) the Fast Track.

.....

.....

.....

.....

(4 marks)

Question 9 continues on the next page



Turn over ►

9 (d) (i) Explain how, and in what circumstances, negotiation might be used as a method of dispute resolution.

.....

.....

.....

.....

.....

.....

.....

.....

.....

(4 marks)

9 (d) (ii) Comment on the advantages **and** disadvantages of a claim being settled by negotiation.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(5 marks)



9 (e) Explain **three** differences between the Magistrates' Court and the Crown Court.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(6 marks)

9 (f) Outline how lay magistrates are appointed.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(3 marks)

Question 9 continues on the next page



Turn over ►

9 (g) Describe how jurors qualify and are selected for jury service.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(5 marks)

9 (h) Comment on how well each of the following carry out their role within the criminal justice system. **(Answer in continuous prose.)**

9 (h) (i) Lay magistrates.

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(5 marks)



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

English law comes from a range of different sources. These include:

- legislation passed by Parliament
- case law based on the doctrine of judicial precedent
- European Union (EU) law.

Legislation is law made by Parliament under the authority of the Crown. A Parliamentary Bill must pass all the relevant stages in both Houses of Parliament before receiving the Royal Assent. The Bill, at that point, becomes an Act of Parliament.

Case law has been developed by judges over hundreds of years. It depends on a system of law reporting and also on the doctrine of judicial precedent. Judicial precedent is based on the authority of decisions from different levels in the court hierarchy. This should ensure that like cases are treated alike. Within the hierarchy of courts, there are civil courts such as the County Court and the High Court, and criminal courts such as the Magistrates' Court and the Crown Court. There are also two different levels of appeal courts for dealing with civil and criminal cases.

European Union (EU) law has been in force in this country since 1 January 1973. EU law is made and enforced through a number of different EU institutions, such as the European Commission, the Council of Ministers and the European Court of Justice. EU law takes priority over English law when the two are in conflict.

Source: adapted from JOHN WILMAN *Brown GCSE Law* 9th edition, Sweet & Maxwell, 2005
and from *Britain and the EU* website, www.fco.gov.uk

10 (a) When considering passing an Act of Parliament, the Government will often issue both a **Green Paper** and a **White Paper**.

Briefly explain the purpose of **each** of these two documents.

.....

.....

.....

.....

.....

.....

.....

(3 marks)



10 (b) (i) Explain the role of the House of Commons in the passing of an Act of Parliament.

.....

.....

.....

.....

.....

.....

(5 marks)

10 (b) (ii) Explain the role of the House of Lords in the passing of an Act of Parliament

.....

.....

.....

.....

.....

.....

(3 marks)

10 (b) (iii) Explain the role of the Crown in the passing of an Act of Parliament.

.....

.....

.....

.....

(2 marks)

Question 10 continues on the next page



Turn over ►

10 (c) Comment on the advantages **and** disadvantages of the system of law making by Parliament. **(Answer in continuous prose.)**

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

(5 marks)



10 (d) Under English law, Parliament is said to be **supreme**.

10 (d) (i) Briefly explain what this term means.

.....

.....

.....

.....

.....

.....

10 (d) (ii) Discuss **one** way in which Parliamentary Supremacy can be limited.

.....

.....

.....

.....

.....

.....

(6 marks)

Question 10 continues on the next page



Turn over ►

10 (f) (iii) state the importance of Law Reports, giving an example of a Law Report;

.....
.....
.....
.....

(2 marks)

10 (f) (iv) comment on the advantages **and** disadvantages of the system of judicial precedent. **(Answer in continuous prose.)**

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

(5 marks)

END OF QUESTIONS



There are no questions printed on this page



Barcode

There are no questions printed on this page

Copyright © 2008 AQA and its licensors. All rights reserved.



Barcode