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<b>Centre Number</b>						<b>Candidate Number</b>				
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**OXFORD CAMBRIDGE AND RSA EXAMINATIONS  
GENERAL CERTIFICATE OF SECONDARY EDUCATION**

**B142**

**LAW**

**Civil Courts and Civil Processes. Civil Liberties and  
Human Rights**

**MONDAY 7 JUNE 2010: Morning**

**DURATION: 1 hour**

**SUITABLE FOR VISUALLY IMPAIRED CANDIDATES**

**Candidates answer on the Question Paper**

**OCR SUPPLIED MATERIALS:**

**None**

**OTHER MATERIALS REQUIRED:**

**None**

**READ INSTRUCTIONS OVERLEAF**

## **INSTRUCTIONS TO CANDIDATES**

- Write your name clearly in capital letters, your Centre Number and Candidate Number in the boxes on the first page.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure that you know what you have to do before starting your answer.
- Answer ALL the questions.
- Write your answer to each question in the space provided. Additional paper may be used if necessary but you must clearly show your CANDIDATE NUMBER, CENTRE NUMBER and question number(s).

## **INFORMATION FOR CANDIDATES**

- The number of marks is given in brackets [ ] at the end of each question or part question.
- The total number of marks for this paper is 60.

**1 Alternative Dispute Resolution (ADR) is any method of resolving a civil dispute without going to court. The three main types of ADR are mediation, conciliation and arbitration. One of the main differences between the three main types of ADR is that some are more formal than others.**

**Demonstrate your knowledge of the types of ADR by reorganising the following list of forms of ADR into the table.**

- Conciliation**
- Arbitration**
- Mediation**

<b>Least formal</b>	
<b>More formal</b>	
<b>Most formal</b>	

**[3]**



**3 Alice bought a 42 inch flat screen television for £999 in the sale at Bob’s Electrics. When she got home she found that the television had only one colour and that all the pictures were green. Alice takes the television back for a refund but Bob refuses saying that it is store policy not to give refunds on sale goods.**

**(a) Select the civil track which Alice will need to use to bring a case against Bob’s Electrics. Place a tick next to the correct answer.**

<b>A</b>	<b>Small Claims Track</b>	<input type="checkbox"/>
<b>B</b>	<b>Fast Track</b>	<input type="checkbox"/>
<b>C</b>	<b>Multi Track</b>	<input type="checkbox"/>

**[1]**

**(b) Read the following statement and show your understanding of this case by circling the correct answers from the available choices.**

**Bob is liable in negligence / breach of contract / defamation. This is because Bob has been careless in not checking the television was working properly / goods sold must be fit for the purpose for which they are sold / Bob is telling lies about the policy on refunds. The reason Alice will have to use the track you have chosen in 3(a) is because the case involves a relatively small sum of money / the case will need an expert witness / the case needs to be heard by a jury.**

**[3]**

**4 Emir is an ambitious reporter who has heard that the top supermodel Faraza is visiting a friend in a drug and alcohol rehabilitation clinic. Emir decides to take a picture of Faraza coming out of the clinic and publish it as part of an untrue story that Faraza is a drug addict. As soon as the story is published, Faraza loses several lucrative modelling contracts from companies who do not wish to be associated with drug culture. Faraza wishes to sue Emir’s employer ‘The Daily World’ for substantial damages of over £100,000 for the harm done to her reputation and the lost work.**

**(a) Select the civil track which Faraza will need to use to bring a case against Emir and ‘The Daily World’. Place a tick next to the correct answer.**

<b>A</b>	<b>Small Claims Track</b>	<input type="checkbox"/>
<b>B</b>	<b>Fast Track</b>	<input type="checkbox"/>
<b>C</b>	<b>Multi Track</b>	<input type="checkbox"/>

**[1]**

**(b) Read the following statement and show your understanding of this case by circling the correct answers from the available choices.**

**Emir and ‘The Daily World’ are liable in negligence / breach of contract / defamation. This is because they have published an untrue statement and picture which has affected the reputation of Faraza. The reason Faraza will have to use the track you have chosen in 4(a) is because the case involves a claim for damages over of £15,000 / the lawyers’ costs will need to be kept to a fixed maximum / the case need only be heard informally. The case will be most likely to be heard in the local County Court / the High Court / the local Magistrates’ Court.**

**[3]**

**5 Charlie is a sheep shearer. He buys himself a new pair of underpants from Nellie’s Underwear Store. It seems that Nellie’s Underwear uses chemicals to bleach the cloth during manufacture which cause Charlie a nasty reaction. Charlie is off work for a week with a skin irritation and loses a £6,000 sheep shearing contract. Charlie wants to sue Nellie’s Underwear but Nellie argues that Charlie should have washed the underpants before wearing them for the first time to avoid the problem.**

**(a) Select the civil track which Charlie will need to use to bring a case against Nellie’s Underwear. Place a tick next to the correct answer.**

<b>A</b>	<b>Small Claims Track</b>	<input type="checkbox"/>
<b>B</b>	<b>Fast Track</b>	<input type="checkbox"/>
<b>C</b>	<b>Multi Track</b>	<input type="checkbox"/>

**[1]**



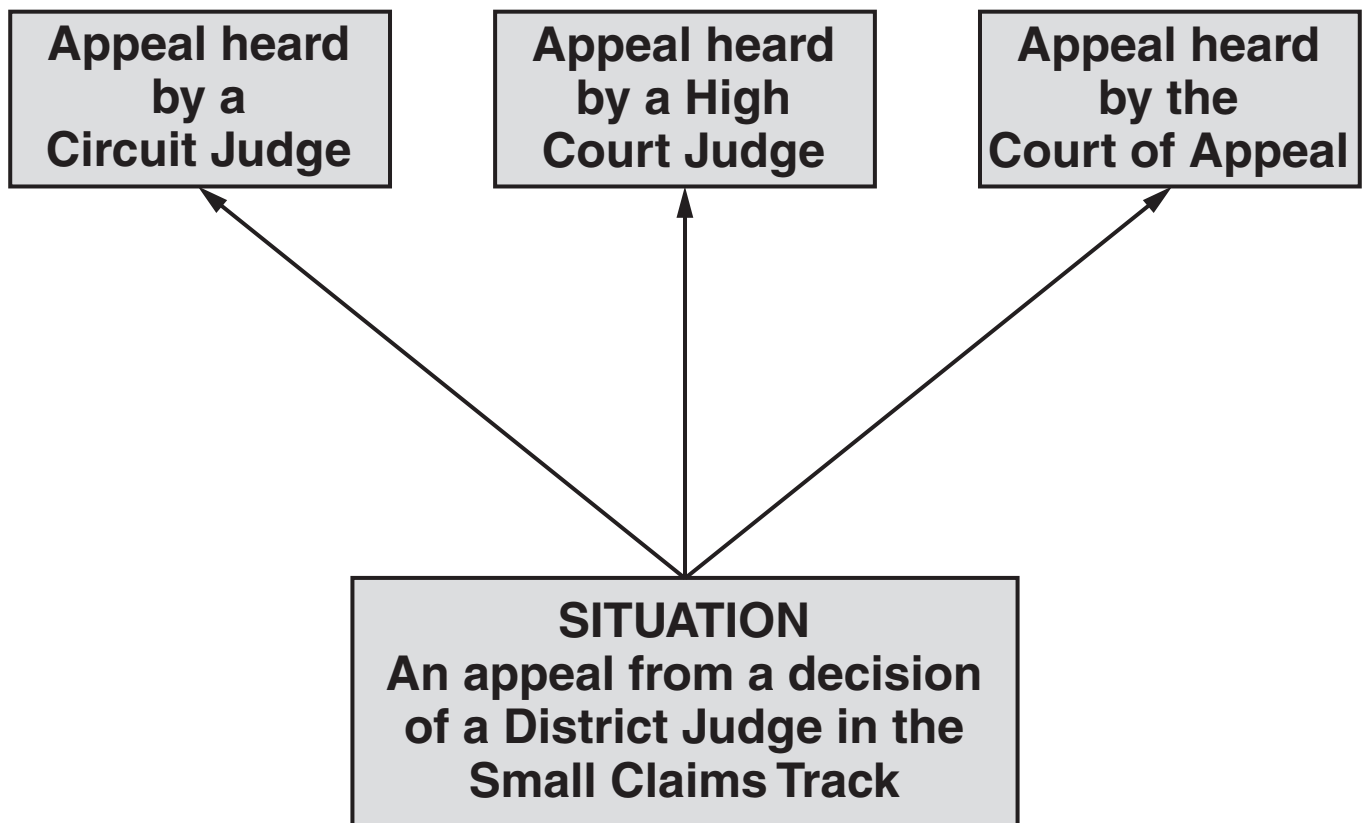
**(b) Read the following statement and show your understanding of this case by circling the correct answers from the available choices.**

**The manufacturer of the underpants is liable in negligence / breach of contract / defamation. This is because they owe a duty of care to the eventual customer of their products. The reason Charlie will have to use the track you have chosen in 5(a) is because the case involves more than £5,000 but less than £15,000 / the case can be heard informally by a district judge / the case will need the expertise of a specialist judge. The case will be most likely to be heard in the local County Court / the High Court / the local Magistrates' Court.**

**[3]**

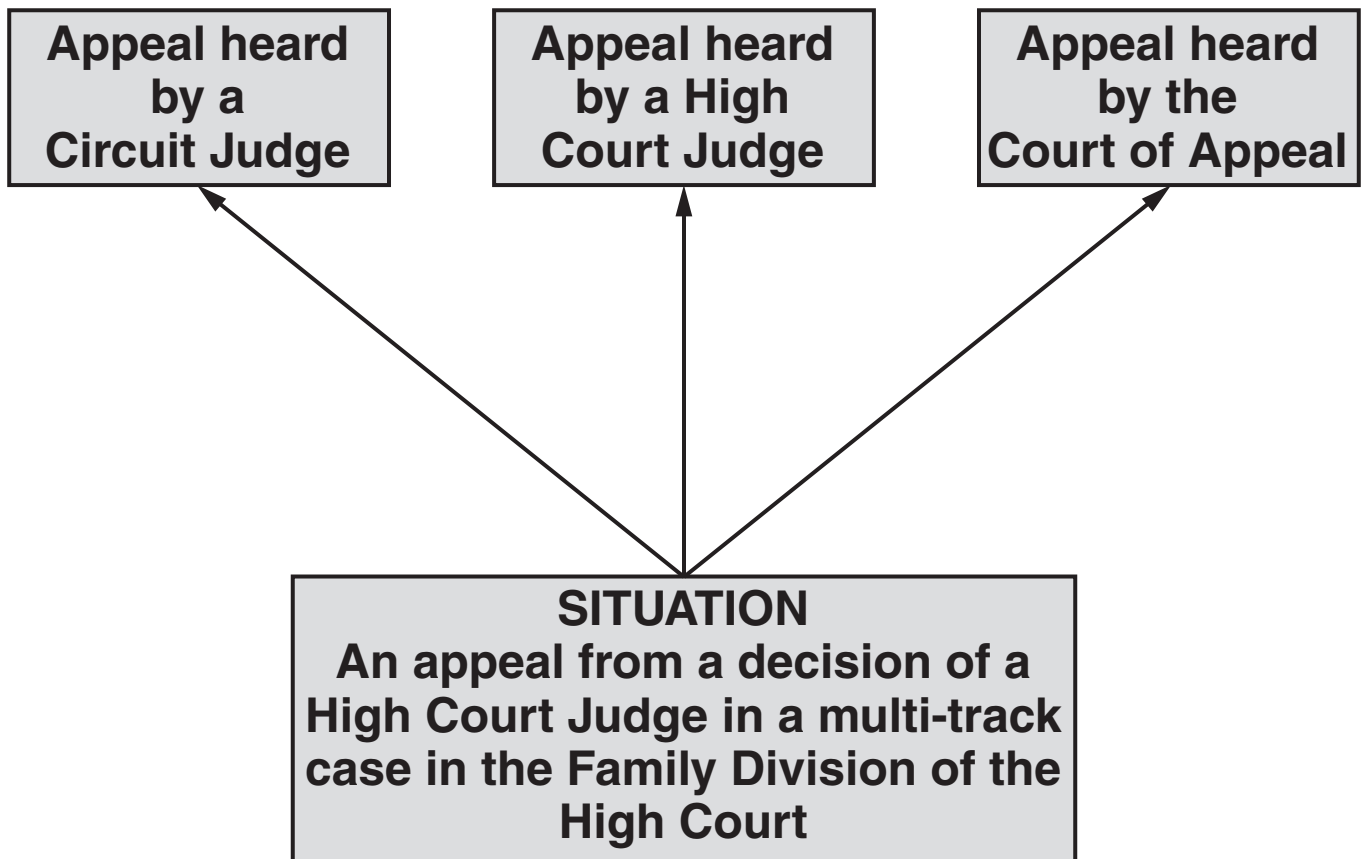
6 Ever since PART 52 of the CIVIL PROCEDURE RULES, appeals in the civil courts in the English legal system can depend on the seniority of the judge who heard the case and the court where it was first heard.

(a) Identify the correct appeal route in the following situation. Circle the correct box.



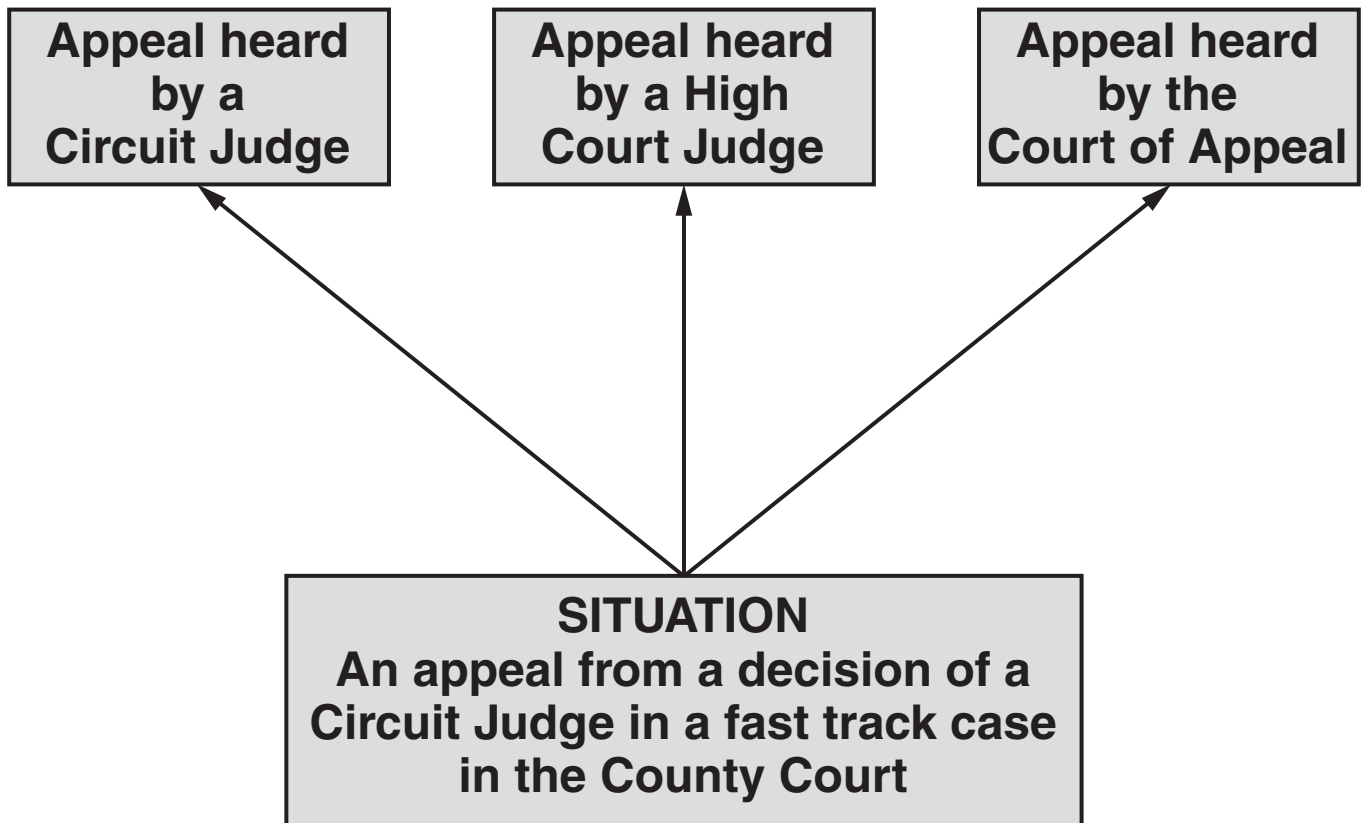
[1]

**(b) Identify the correct appeal route in the following situation. Circle the correct box.**



**[1]**

**(c) Identify the correct appeal route in the following situation. Circle the correct box.**



**[1]**

- 7 In the English legal system there is a relationship between the rank of a judge, the courts they sit in and the type of work they undertake.**

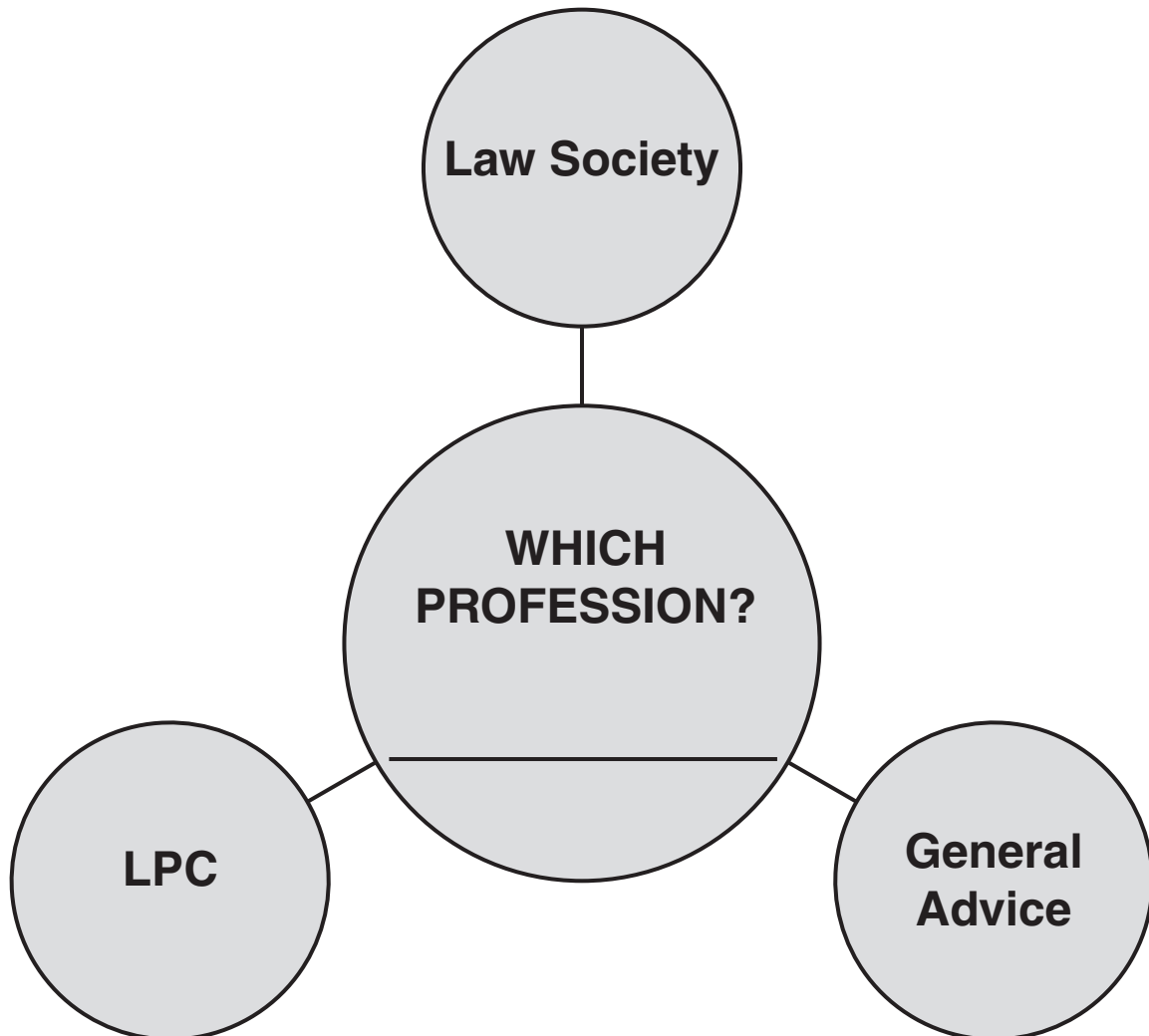
**Identify the correct judge for each clue by placing a tick in the correct box.**

<b>CLUES</b>		<b>DISTRICT JUDGE</b>	<b>CIRCUIT JUDGE</b>	<b>HIGH COURT JUDGE</b>
<b>i</b>	<b>I sit in the Queen’s Bench Divisional Court where I hear applications for judicial review.</b>			
<b>ii</b>	<b>I sit in the small claims track in the County Court where I hear low value small claims.</b>			
<b>iii</b>	<b>I sit in the Crown Court where I hear criminal cases too serious to be heard by the magistrates.</b>			

**[3]**

- 8 By applying your knowledge of the legal professions use the three clues in the outer circles to identify the correct branch of the legal profession.

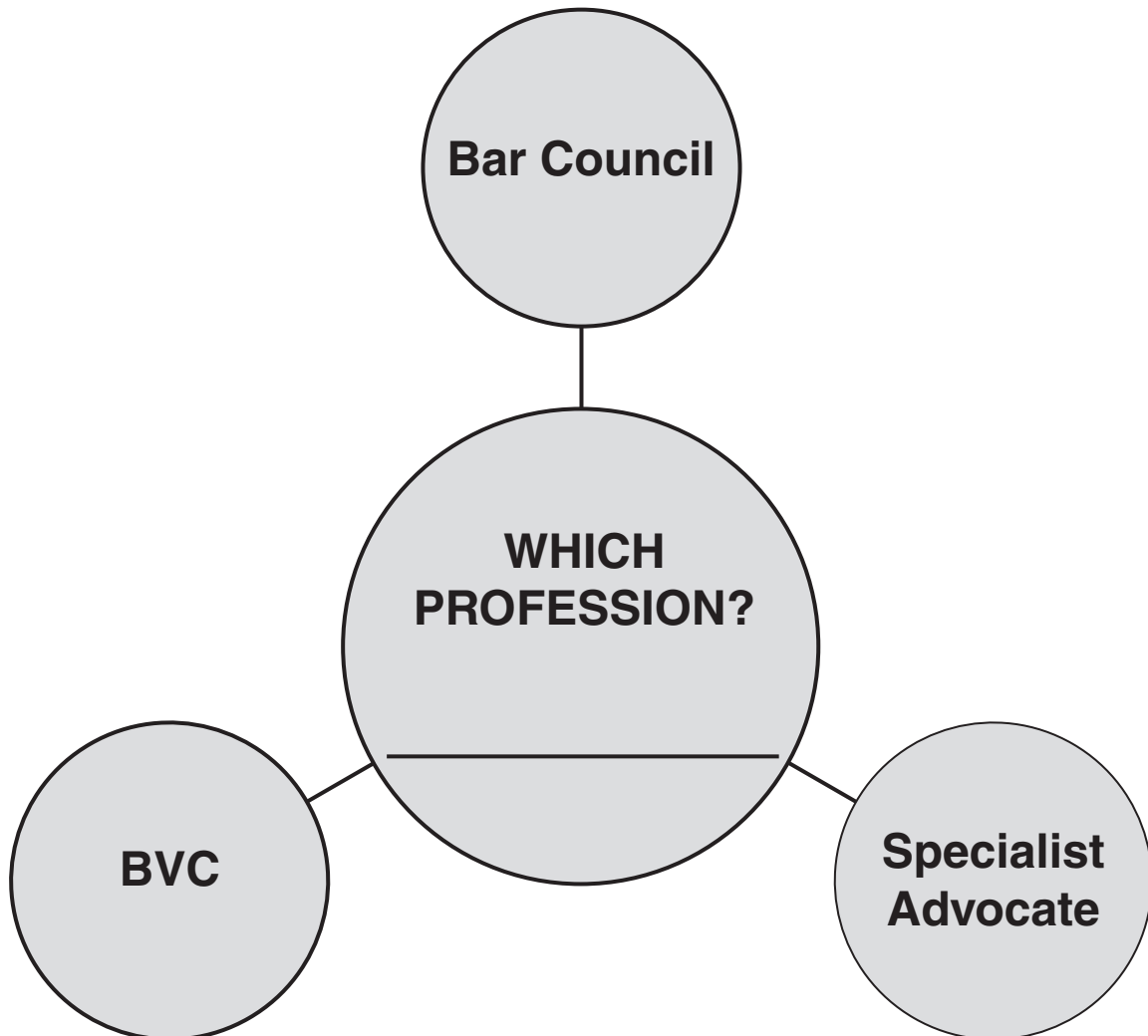
Write your answer in the central circle below.



[1]

- 9 By applying your knowledge of the legal professions use the three clues in the outer circles to identify the correct branch of the legal profession.

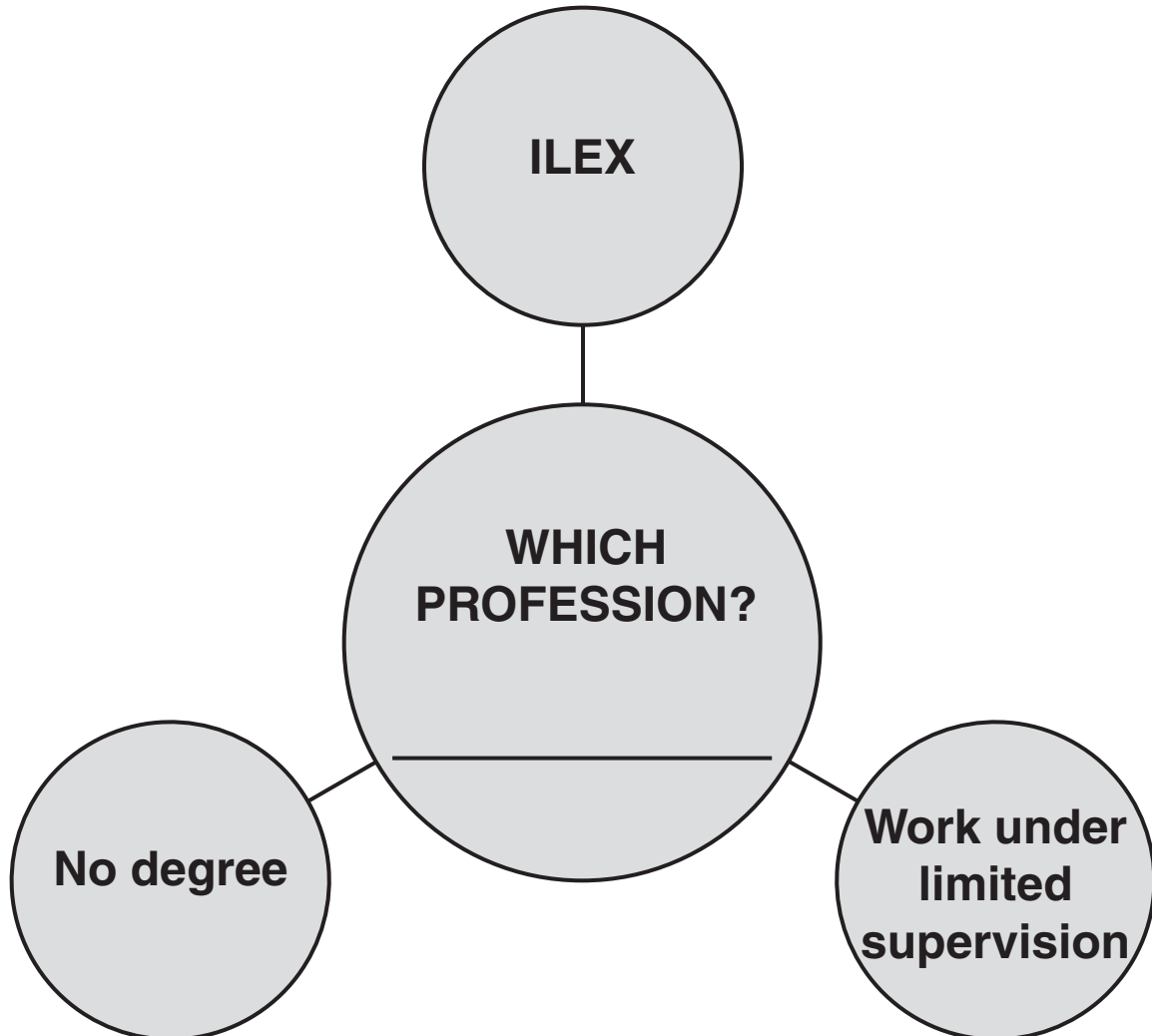
Write your answer in the central circle below.



[1]

**10 By applying your knowledge of the legal professions use the three clues in the outer circles to identify the correct branch of the legal profession.**

**Write your answer in the central circle below.**



**[1]**



**11 Apply your knowledge of the legal professions to determine the correct response to the following true/false statements. Place a tick next to the correct answers.**

**(i) A solicitor is only able to represent their clients in the Magistrates' Court and the County Court and can never appear in higher courts such as the Crown Court or High Court.**

<b>True</b>	<input type="checkbox"/>
<b>False</b>	<input type="checkbox"/>

**[1]**

**(ii) A Legal Executive is legally unqualified.**

<b>True</b>	<input type="checkbox"/>
<b>False</b>	<input type="checkbox"/>

**[1]**

**(iii) It is possible to become a judge without having been a practising lawyer. For example, a university law lecturer might become a judge.**


<b>True</b>	<input type="checkbox"/>
<b>False</b>	<input type="checkbox"/>

**[1]**

**12 One of the main problems with getting legal advice from a lawyer is the cost. However, there are other sources of legal advice which are free.**




**Identify which form of free legal advice is being described. Place a tick under the correct answers.**

**(i)**

<p><b>A service to help people resolve their legal, money and other problems by providing free, independent and confidential advice given by trained volunteers. You can visit this service in person as it is available in most towns.</b></p>		
 <p>Britain at work</p> <p><b>TRADES UNION CONGRESS</b></p>	 <p><b>THE LEGAL SERVICES COMMISSION</b></p>	 <p><b>THE CITIZENS' ADVICE BUREAU</b></p>




**[1]**

(ii)

<b>A work related organisation which mainly gives advice to its members on employment rights but often gives legal advice on wider issues.</b>		
 Britain at work <b>TRADES UNION CONGRESS</b>	 <b>THE LEGAL SERVICES COMMISSION</b>	 <b>THE CITIZENS' ADVICE BUREAU</b>

[1]

(iii)

<b>A government sponsored organisation which has a very useful website full of free legal advice on many different issues.</b>		
 Britain at work <b>TRADES UNION CONGRESS</b>	 <b>THE LEGAL SERVICES COMMISSION</b>	 <b>THE CITIZENS' ADVICE BUREAU</b>

[1]





- 14 Fill in the blank spaces in the following text with the correct missing words.

**WHAT ARE HUMAN RIGHTS?**

These are rights and \_\_\_\_\_ which everyone is entitled to whatever their race, religion, nationality or citizenship. They are absolutely vital in upholding individual rights in a fair and civilised society.

**WHAT IS THE EUROPEAN CONVENTION ON HUMAN RIGHTS?**

The **EUROPEAN CONVENTION ON HUMAN RIGHTS** (ECHR) was written by countries which belonged to the Council of Europe (which includes the UK). The Council was formed to protect human rights, democracy and the rule of law in the aftermath of \_\_\_\_\_ and to make sure the shocking atrocities and abuses of people's rights never happened again.

**WHAT IS THE HUMAN RIGHTS ACT?**

The **HUMAN RIGHTS ACT 1998** came into force in October 2000. The Act meant that for the first time, UK citizens could bring cases regarding their human rights to court in the UK. Before this UK citizens could only petition the \_\_\_\_\_ in Strasbourg, France.

[3]

**15 In July 2008, Sarika Watkins-Singh won her case against being excluded from Aberdare Girls' School in South Wales for refusing to take off a silver bangle called a kara (a symbol of the Sikh faith). The court decided that the school had breached Sarika's human rights.**

**Identify which of the human rights listed below this case involved. Place a tick next to the correct answer.**

<b>Article 2 the right to life</b>	
<b>Article 3 not to suffer torture or degrading treatment</b>	
<b>Article 5 the right to liberty apart from lawful arrest</b>	
<b>Article 6 the right to a fair trial</b>	
<b>Article 8 the right to respect for private and family life</b>	
<b>Article 9 the freedom of thought, conscience and religion</b>	
<b>Article 10 freedom of expression</b>	
<b>Article 11 freedom of peaceful assembly and association</b>	

**[1]**

**16 In February 2008, Shami Chakrabati from the civil liberties campaign group ‘Liberty’ called for the government to ban the use of ‘Mosquitos’. The Mosquito is a sonic device which emits a sound which causes discomfort to those who hear it. However, the frequency is such that generally only people under the age of 25 can hear it. Consequently the device has been used as a ‘deterrent’ against teenagers to stop them gathering in certain places. Shami Chakrabati asks ‘what kind of society uses a low level sonic weapon on its children?’**

**Identify which of the human rights listed below this case involved. Place a tick next to the correct answer.**

<b>Article 11 freedom of peaceful assembly and association</b>	
<b>Article 8 the right to respect for private and family life</b>	
<b>Article 5 the right to liberty apart from lawful arrest</b>	
<b>Article 6 the right to a fair trial</b>	
<b>Article 3 not to suffer torture or degrading treatment</b>	
<b>Article 9 the freedom of thought, conscience and religion</b>	
<b>Article 10 freedom of expression</b>	
<b>Article 2 the right to life</b>	

**[1]**



**17 In July 2008, the Court of Appeal declared that certain restraint methods used against youths detained in secure training centres were unlawful. These rules, introduced in 2007, included the use of methods such as pulling thumbs and blows to the ribs and nose.**

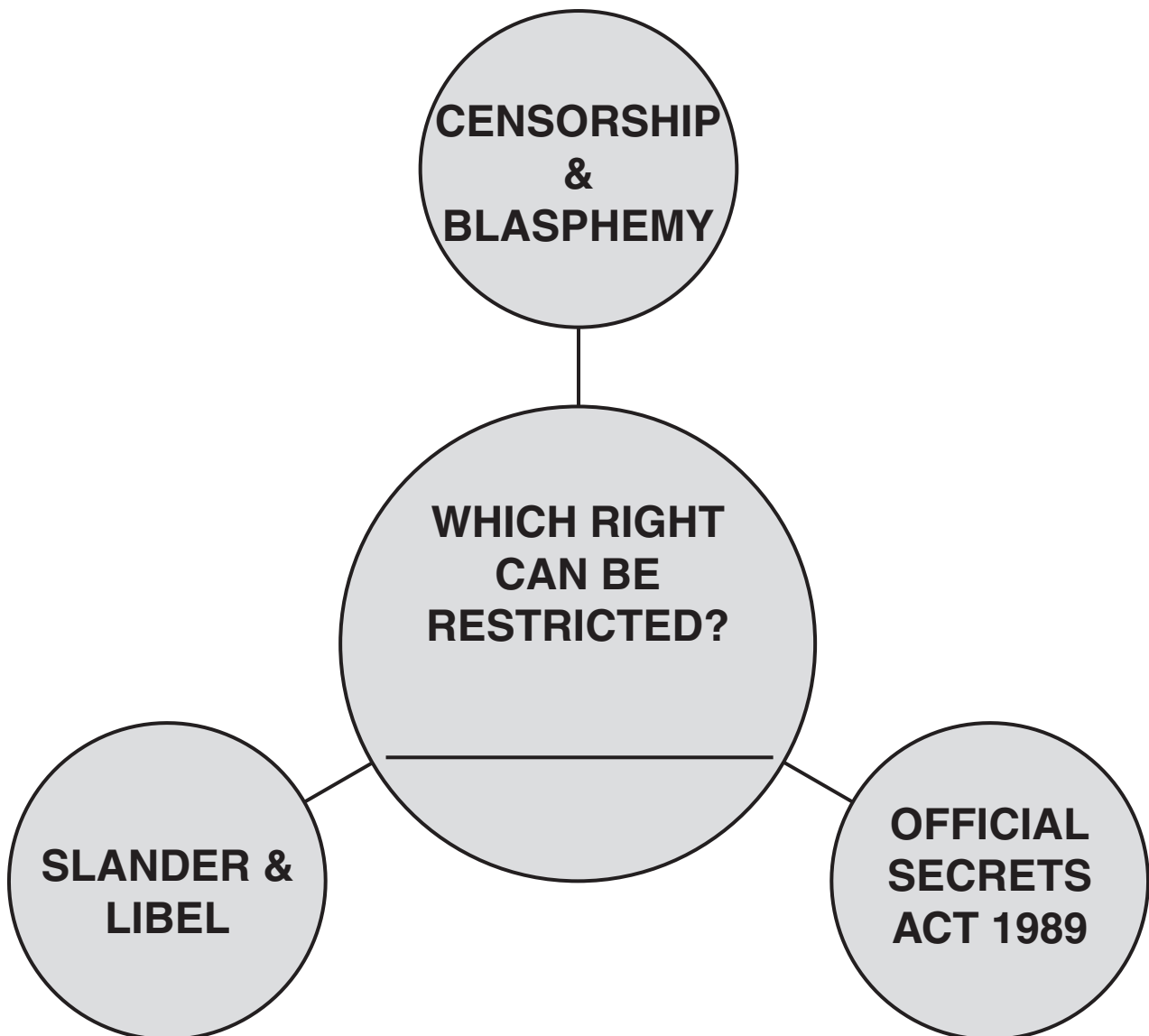
**Identify which of the human rights listed below this case involved. Place a tick next to the correct answer.**

<b>Article 9 the freedom of thought, conscience and religion</b>	
<b>Article 3 not to suffer torture or degrading treatment</b>	
<b>Article 8 the right to respect for private and family life</b>	
<b>Article 6 the right to a fair trial</b>	
<b>Article 11 freedom of peaceful assembly and association</b>	
<b>Article 2 the right to life</b>	
<b>Article 10 freedom of expression</b>	
<b>Article 5 the right to liberty apart from lawful arrest</b>	

**[1]**

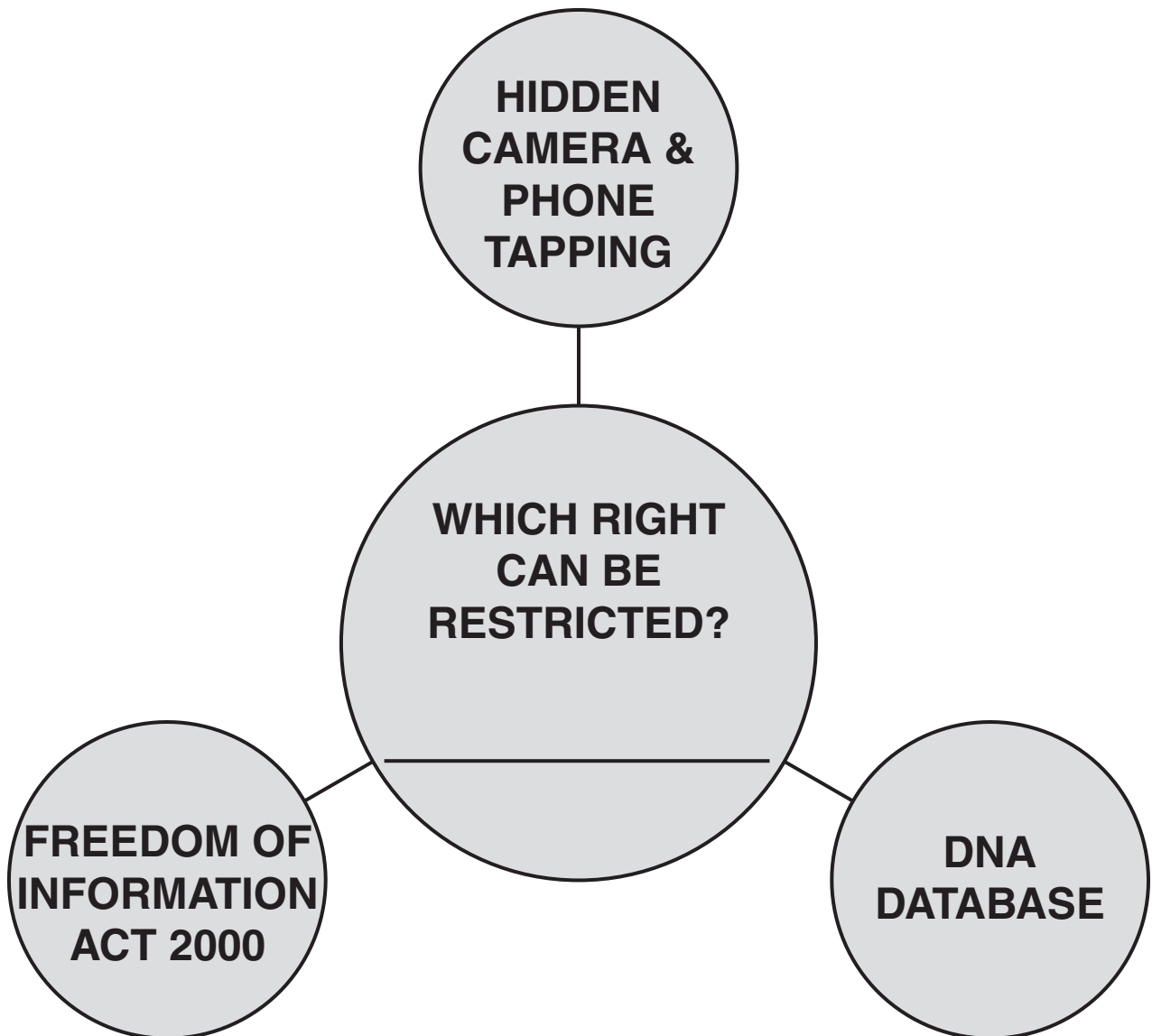
**18 An important aspect of understanding human rights involves being aware that rights may sometimes be subject to lawful restrictions. This is done in order to stop people claiming that their human rights allow them to do things which are objectionable.**

**(a) Using the restriction clues in the outer circles, state which RIGHT the restrictions apply to. Write your answer in the central circle below.**



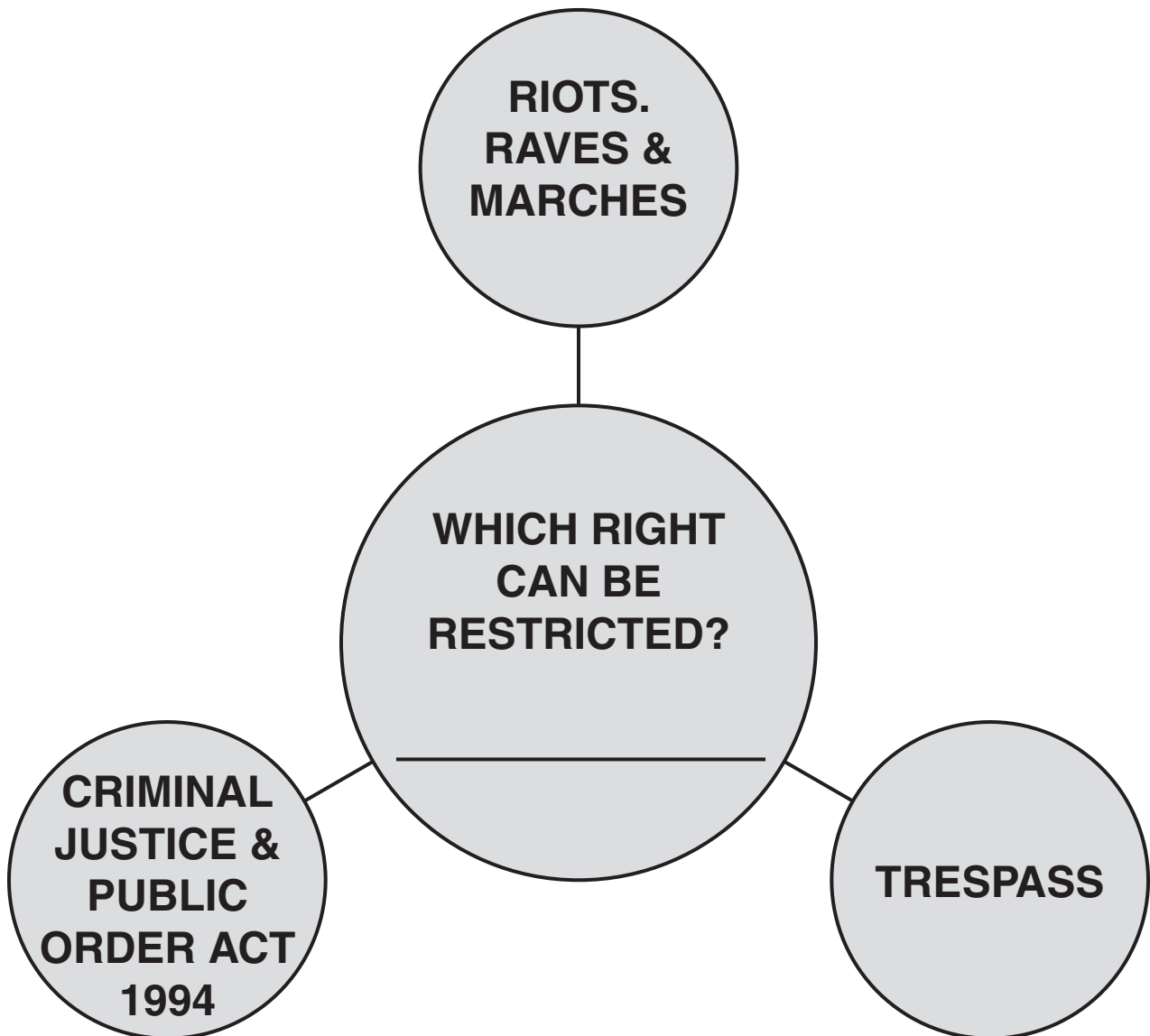
**[1]**

(b) Using the restriction clues in the outer circles, state which RIGHT the restrictions apply to. Write your answer in the central circle below.



[1]

(c) Using the restriction clues in the outer circles, state which RIGHT the restrictions apply to. Write your answer in the central circle below.



[1]

**19 Select THREE human rights from the following list which are protected in the HUMAN RIGHTS ACT 1998.**

- **strike**
- **discrimination**
- **work**
- **slavery**
- **travel**
- **fair trial**

**Human Right 1** \_\_\_\_\_

**Human Right 2** \_\_\_\_\_

**Human Right 3** \_\_\_\_\_ **[3]**

**20 The most fundamental of all human rights must be the right to life. Consequently, there are very few circumstances where this right can be restricted.**

**However, some people argue that the right to life carries a corresponding ‘right to die’. Diane Pretty suffered from a degenerative condition called motor neurone disease and faced a horrible death. She was incapable (physically) of killing herself and wanted her husband to help her die before her suffering became too much. She took her case to the European Court of Human Rights to seek an assurance that if her husband helped her to die he would not be charged with a crime called ‘assisting suicide’. The court looked at lots of arguments for and against the practice known as euthanasia, which is acting to bring about the end of a person’s life, but they decided such an act would be unlawful. Diane Pretty died on 11 May 2002 at the Pasque Hospice in Luton. Her husband claimed that her death was not peaceful and painless, saying that she endured breathing difficulties, pain and distress.**

**Discuss the arguments FOR a law allowing euthanasia. In writing your answer consider which rights and restrictions under the HUMAN RIGHTS ACT 1998 might have been relevant to this case.**

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