

GENERAL CERTIFICATE OF SECONDARY EDUCATION

LAW

Civil Courts and Civil Processes. Civil Liberties and Human Rights

B142



Candidates answer on the question paper.

OCR supplied materials:
None

Other materials required:
None

Monday 6 June 2011
Morning

Duration: 1 hour



Candidate forename		Candidate surname	
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Centre number						Candidate number				
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INSTRUCTIONS TO CANDIDATES

- Write your name, centre number and candidate number in the boxes above. Please write clearly and in capital letters.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully. Make sure you know what you have to do before starting your answer.
- 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).
- Answer **all** the questions.
- Do **not** write in the bar codes.

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question.
- The total number of marks for this paper is **60**.
- This document consists of **24** pages. Any blank pages are indicated.

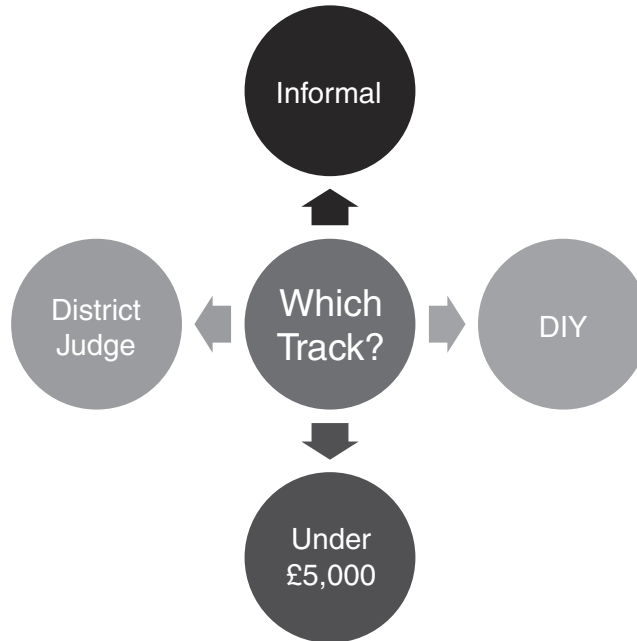
- 1 There are lots of different civil courts. Some of them are trial courts where cases are decided and some of them are appeal courts where disagreements over points of law are resolved. It should be possible to identify a court from a description of its function.

		Court of Appeal (Civil Division)	The Supreme Court	Chancery Division of the High Court	Queen's Bench Division of the High Court	The County Court
A	Deals with some family matters like divorce and adoption proceedings					
B	Deals with Tort and Contract claims of high value and also houses other courts such as the Admiralty Court.					
C	Deals with intellectual property like copyright, trade marks and patents					

Match each description **(A)**, **(B)** and **(C)** with the correct court by putting a tick in the correct box.

[3]

2 Use the words in the following diagram to identify which track is being referred to. Tick the correct box in the table below.



	Tick
Small claims track	
Fast track	
Multi-track	

[1]

3-5 One of the most important elements of the Woolf reforms was the introduction of the track system. This system allows cases to be allocated to the most appropriate track based on the nature and complexity of the law involved, the value of the claim and the expertise of the judges needed.

Decide whether the following statements are true or false based on your knowledge of civil procedure. Tick the correct boxes in the table below.

		True	False
3	The small claims track involves strict rules of evidence and is the best place to bring a defamation action		
4	The fast track will hear claims which are generally between values of £5,000 and £15,000		
5	Cases in the multi-track will usually be heard by a District Judge		

[1]

[1]

[1]

6-7 Although the newspaper page below is made up, the events and dates are an accurate description of a very famous legal case. The details in the newspaper story also hold clues about the area of law which might be involved.

THE PAISLEY NEWS

27TH August 1928

EXCLUSIVE NEWS TODAY

SNAIL CAUSES CAFÉ CHAOS

Café to Blame?

It is traditional to serve ginger beer in a bottle made of thick glass which is not see through. Hence, the café owners could not see through the glass bottle to check its contents.



Yesterday, 26th August 1928, a lady was taken to the Wellmeadow Café by a friend. The friend bought her a bottle of ginger beer and she drank some of it as part of an ice cream float. However, to her horror, when the friend poured the rest into her glass, out plopped the remains of a decomposing snail!

What Next?

The lady in question has suffered greatly from both the shock and the consequent gastroenteritis. She has instructed well-known local solicitor, Walter Leechman, to sue the manufacturer of the ginger beer as she had no contract with the café.

HAVE YOU HAD A SNAIL RELATED ACCIDENT?

WG Leechman & Co are ready to take your instructions ... NOW!



6 Select the correct area of law, using the facts in the story.

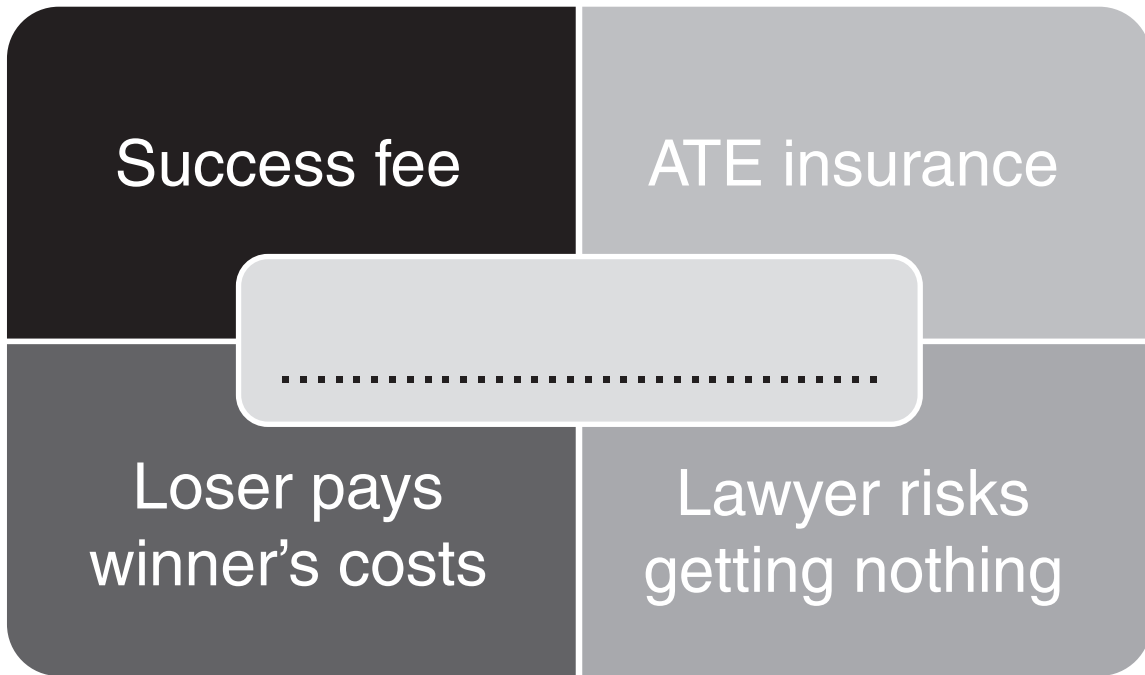
[1]

	Tick
Contract law	
The tort of negligence	
Environmental law	
Food hygiene law	

7 If the case happened today and the lady was to sue for damages of £10,000 which track and court would she sue in? [1]

	Tick
Fast track and High Court	
Small claims track and County Court	
Multi-track and High Court	
Fast track and County Court	

- 9 One of the biggest problems with taking a civil case to court is the cost. Funding a civil case can be very expensive and legal aid is rarely available. However, a number of alternative methods of funding have developed.

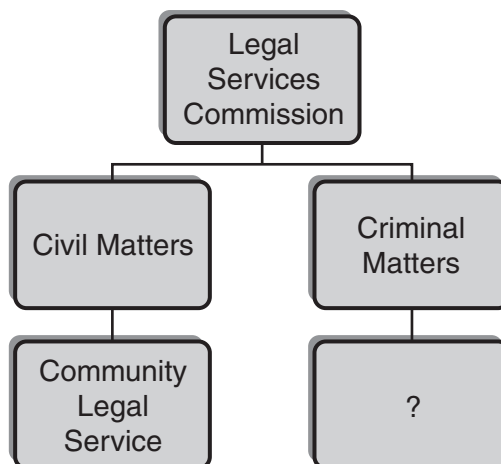


Use the clues to work out which type of funding this diagram represents. Write your answer in the centre box. [1]

- 10 Referring to the diagram in Question 9, what does ATE stand for? [1]

.....

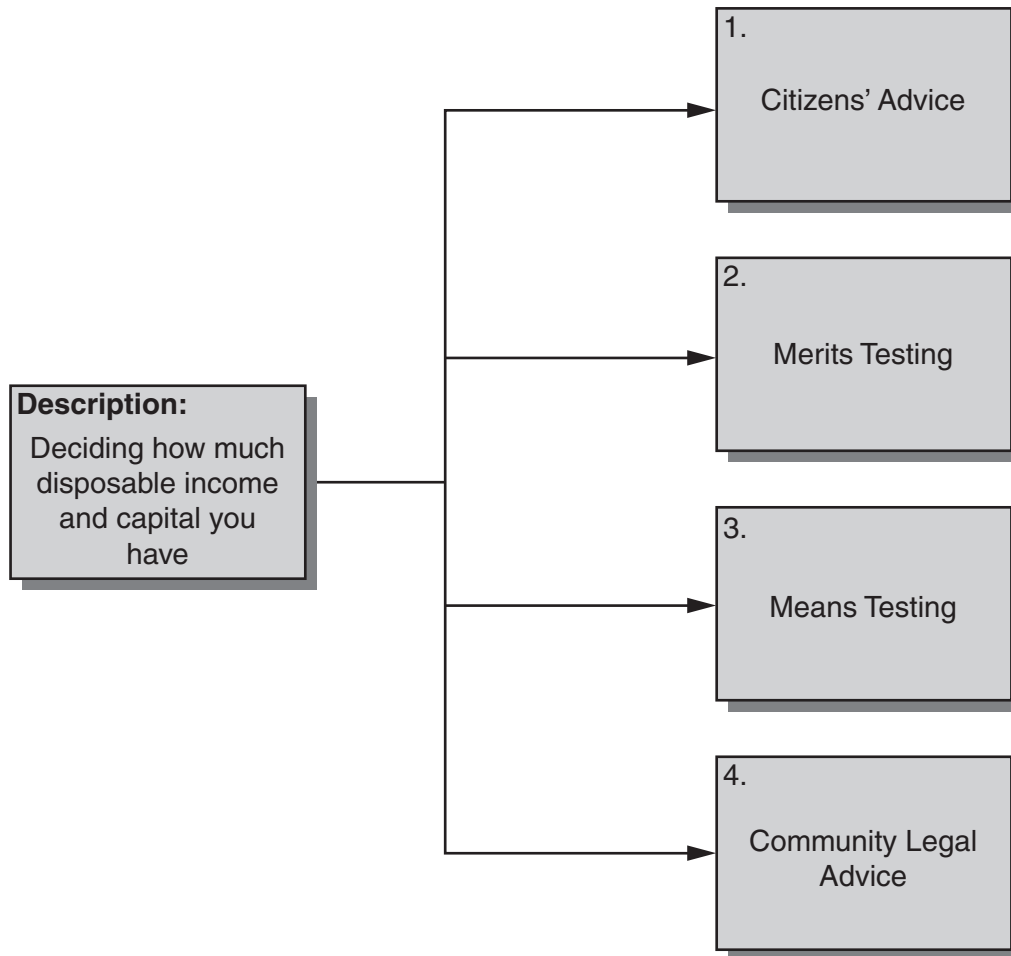
- 11 Where legal aid is available to help fund a case it is managed by the Legal Services Commission. The Commission has two services; one to deal with funding criminal cases and one for civil cases.



Which is the missing legal aid agency? [1]

.....

- 12 Not everyone is entitled to legal aid. Generally speaking, the better off you are the less likely you are to be entitled. The Legal Services Commission uses different forms of testing to see who deserves to be helped.

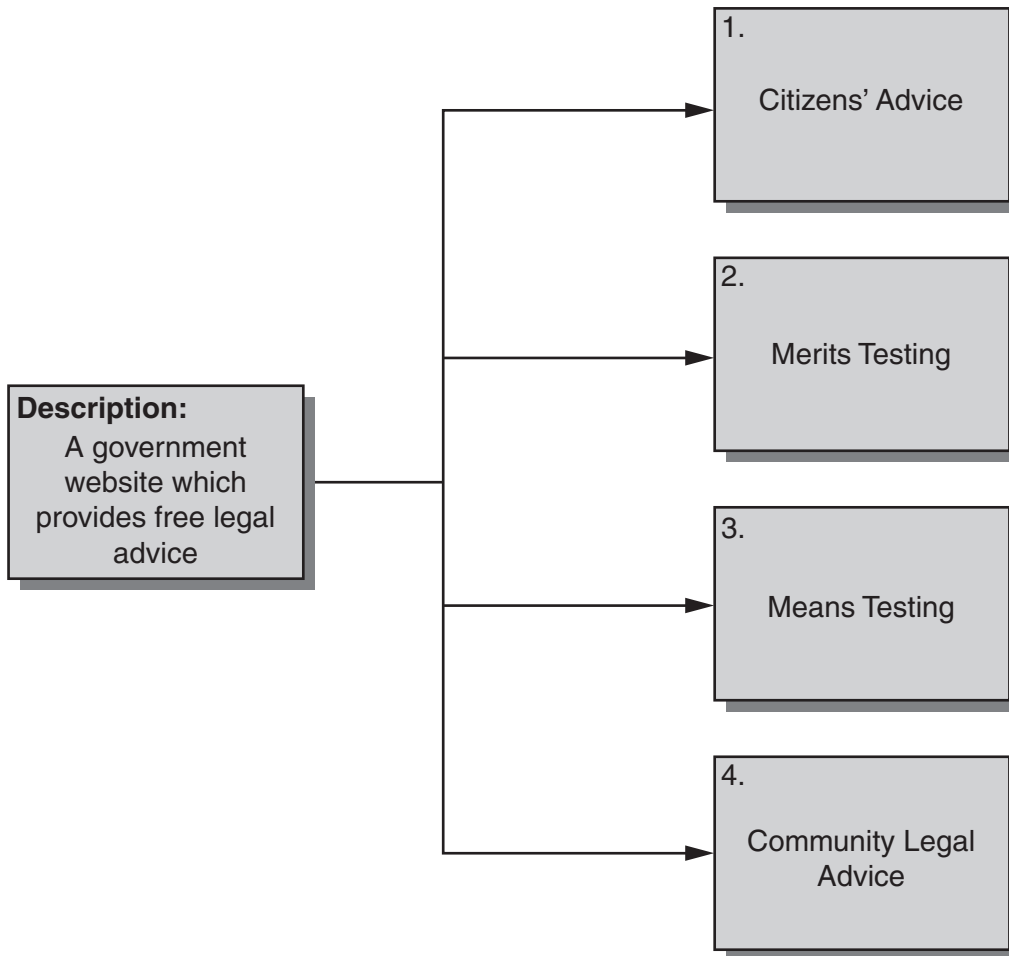


Select the number which best fits the description.

[1]

	Tick
1	
2	
3	
4	

13 One of the other aims of the Woolf reforms was to encourage the availability of alternative sources of legal advice other than lawyers. A significant contribution has been made through a new website.

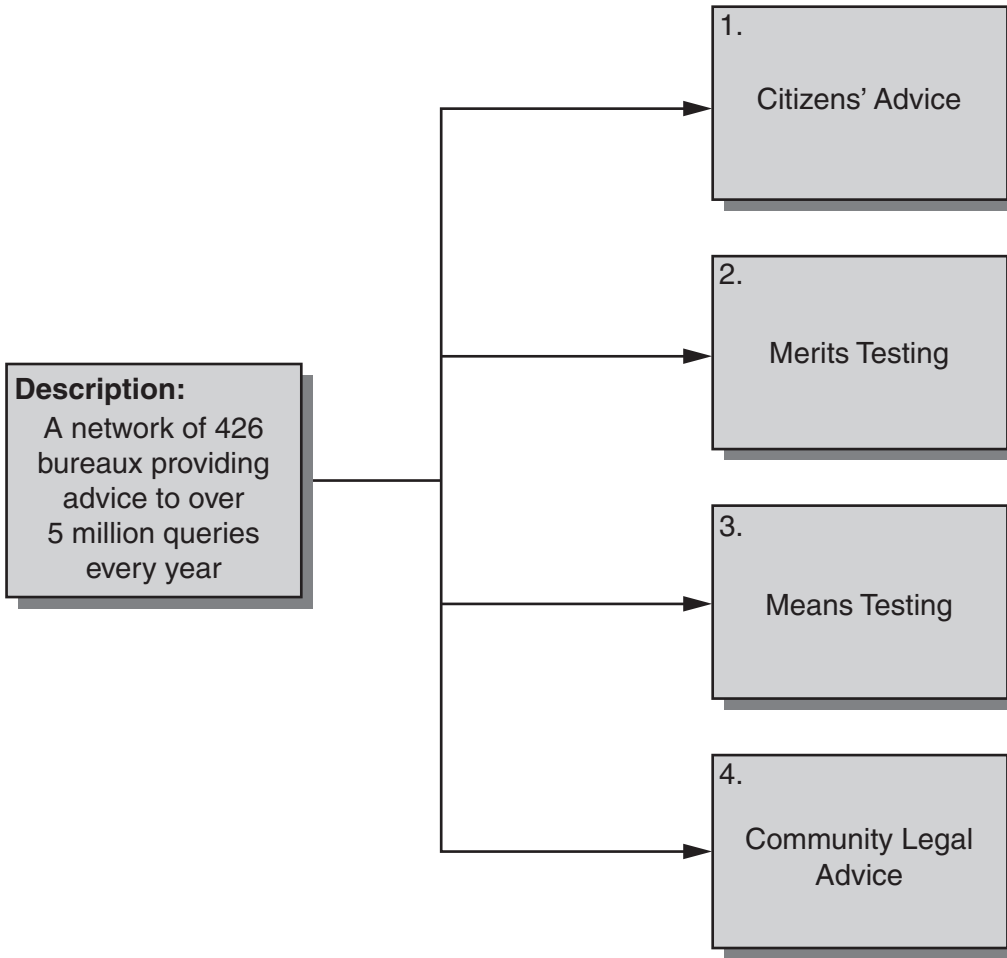


Select the number which best fits the description.

[1]

	Tick
1	
2	
3	
4	

14 A very successful alternative source of legal advice is the voluntary sector. This question describes one of the most successful voluntary providers of legal advice.



Select the number which best fits the description.

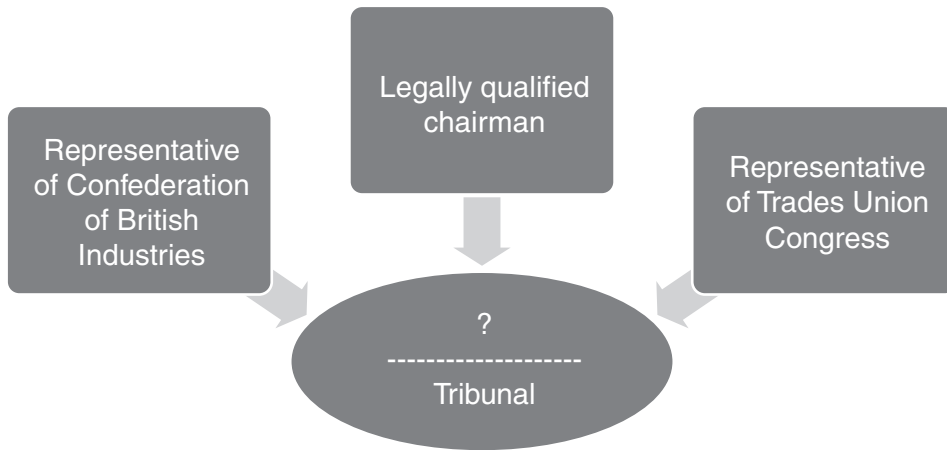
[1]

	Tick
1	
2	
3	
4	

- 15 State the method of testing which determines whether it is in the public interest to fund your case and what your chances of winning are. [1]

.....

- 16 There are a number of alternative methods of resolving a dispute without going to court. These are referred to as alternative dispute resolution (ADR). They range from informal methods, such as negotiation, to quite formal processes which are not dissimilar to going to court, known as alternative adjudication. Tribunals are a significant form of alternative adjudication. They are forums in which disputes in particular fields are resolved by a panel of people who have some expertise in the area concerned.



What type of tribunal is represented by these features? [1]

.....

18-22 In England and Wales there are different ways to train and practise as a lawyer. Most solicitors are graduate lawyers who usually practice in firms ranging from small local firms, which offer a wide range of general services, to large city firms with many partners who specialise more narrowly. The barristers' profession is much smaller and consists of highly trained advocates who usually specialise in court work or giving expert opinions. Legal executives tend to work in a supportive role helping solicitors in specialised areas of practice although they are also entitled to appear in certain court proceedings and even become judges if suitably qualified.

Use your knowledge of the training and practice of lawyers to answer the following questions.

	Feature	Solicitor	Barrister	Legal Executive	
18	Governing body is the Bar Council				[1]
19	Can become a graduate member after stage 2				[1]
20	Work from sets of chambers				[1]
21	Will need to do a two-year training contract				[1]
22	In 2007–08 there were 108,407 in this profession				[1]

For each question place a tick in the correct box.

23



This picture shows the new Supreme Court which is the highest appeal court in the English legal system with the exception of matters arising under European Union (EU) law. Which figure is closest to the number of judges who sit in this court?

	Tick
12	
22	
32	

[1]

24



This picture shows the Royal Courts of Justice in the Strand in London. This is where the Court of Appeal sits. Which figure is closest to the number of judges who sit in the two divisions of this court?

	Tick
27	
37	
47	

[1]

25

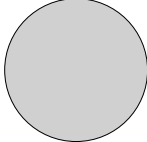
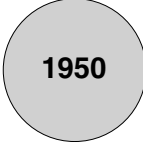
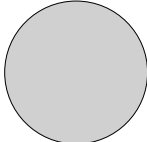
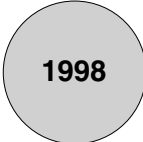
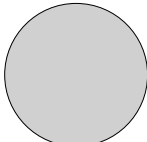
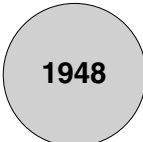
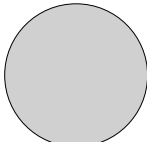
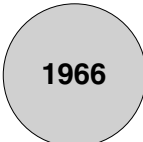


This picture shows a High Court Judge in his traditional red gown. Taking all three divisions of the High Court, which figure is closest to the total number of High Court Judges?

	Tick
60	
90	
110	

[1]

- 28 Demonstrate your understanding of the development of human rights law by writing the appropriate date next to the correct event on the chart.

Event	Answer	Date
<p>The United Kingdom passes the Human Rights Act which creates, for the first time, human rights which are directly enforceable in domestic courts</p>		
<p>Following the horrors of World War Two, the United Nations adopts the Universal Declaration on Human Rights</p>		
<p>Citizens in the UK gain the 'right of petition' which allows them to take a case to the European Court of Human Rights</p>		
<p>The Council of Europe creates regional human rights in Europe by adopting the European Convention on Human Rights</p>		

[4]

30-32 Even before the **Human Rights Act** English law protected certain fundamental freedoms. However, these freedoms are also subject to lawful restrictions in some circumstances. Demonstrate your understanding of these fundamental freedoms and restrictions by identifying the correct answer based on the description given.

30	Description	Type of Freedom	Tick
	This freedom allows (for example) broadcasting of programmes on the television and radio in order to hold the government to account unless it goes against the interests of national security.	Freedom of Expression	
		Freedom of the Person	
		Freedom of Association and Assembly	
		Freedom of Thought, Belief & Religion	
		Freedom of Information	

[1]

31	Description	Type of Freedom	Tick
	This freedom allows you (for example) to join a trade union and go on strike provided the strike is legal.	Freedom of Information	
		Freedom of Thought, Belief & Religion	
		Freedom of Association and Assembly	
		Freedom of the Person	
		Freedom of Expression	

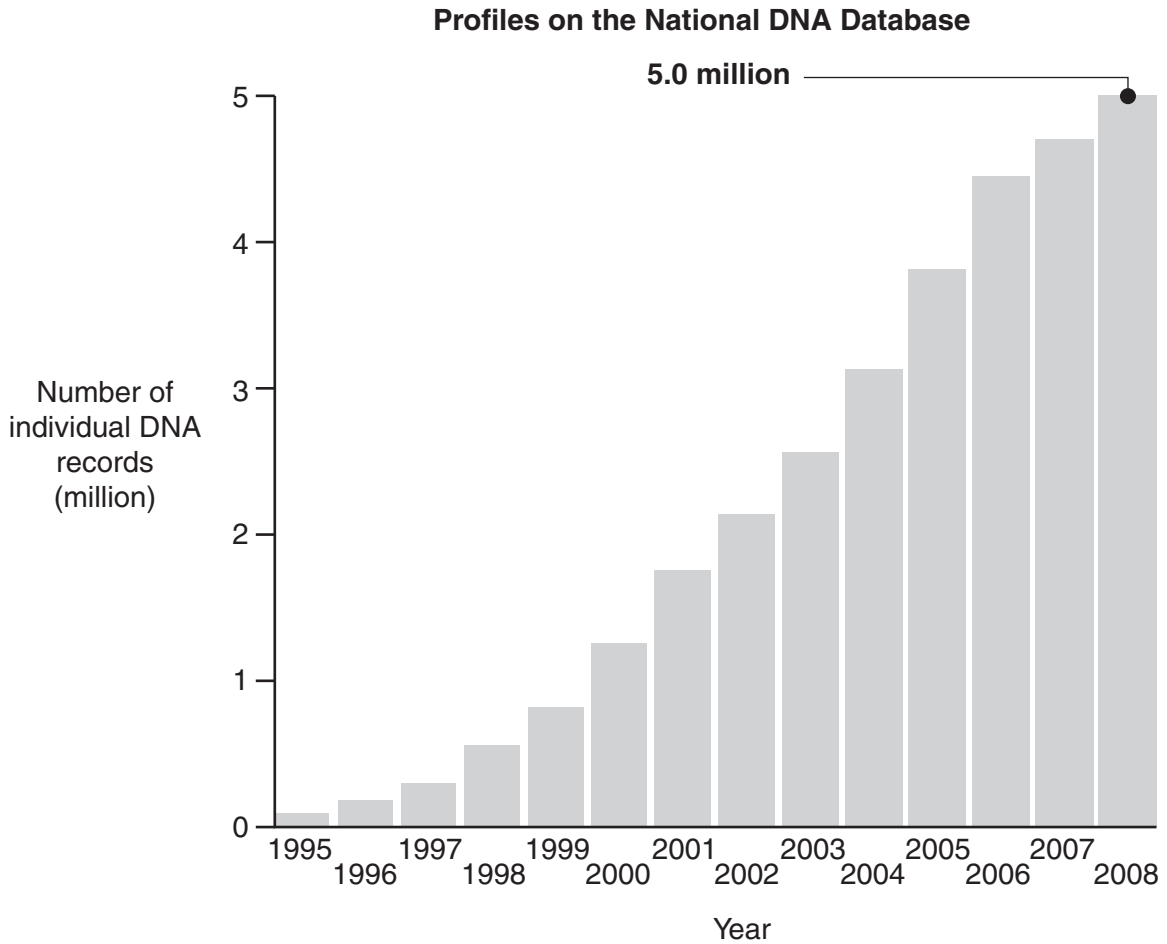
[1]

32	Description	Type of Freedom	Tick
	This freedom stops you having your telephone 'bugged' by the police unless you are a suspected terrorist.	Freedom of the Person	
		Freedom of Information	
		Freedom of Association and Assembly	
		Freedom of Thought, Belief & Religion	
		Freedom of Expression	

[1]

33 The DNA debate is an argument which has received a lot of media attention recently. Some people argue that the size of the national DNA database (NDNAD) cannot be justified and discriminates against certain groups. Others believe that it provides a vital tool to the police in the fight against crime and that you have nothing to fear if you have not done anything wrong.

Evaluate the following data to answer this true/false question.



The number of national DNA database records roughly doubled between 2003 and 2008	True	False

[1]

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