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Centre number						Candidate number				
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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 6 JUNE 2011: 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, centre number and candidate number in the boxes on the first page. 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.**

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.**
-

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- 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.**

Match each description (A), (B) and (C) with the correct court by putting a tick in the correct box. [3]

		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					

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

Which track?

- **Informal**
- **DIY**
- **Under £5,000**
- **District Judge**

	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			[1]
4	The fast track will hear claims which are generally between values of £5,000 and £15,000			[1]
5	Cases in the multi-track will usually be heard by a District Judge			[1]

6-7 Although the newspaper page opposite 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.

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	

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!**

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 following four clues to work out and write down what type of funding they represent.

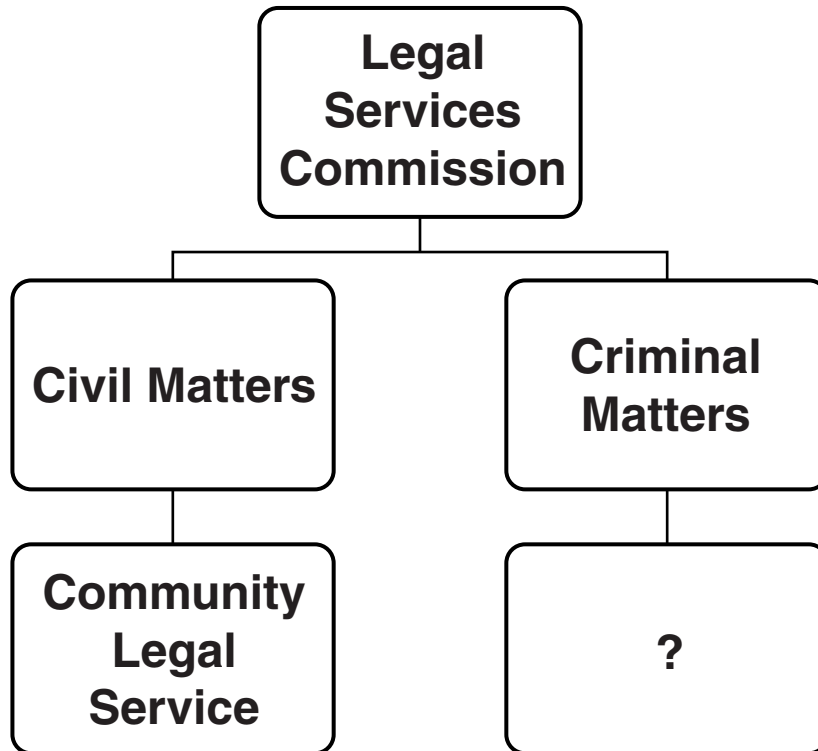
Clues:

- **Success fee**
- **Loser pays winner's costs**
- **ATE insurance**
- **Lawyer risks getting nothing**

Type of funding _____ [1]

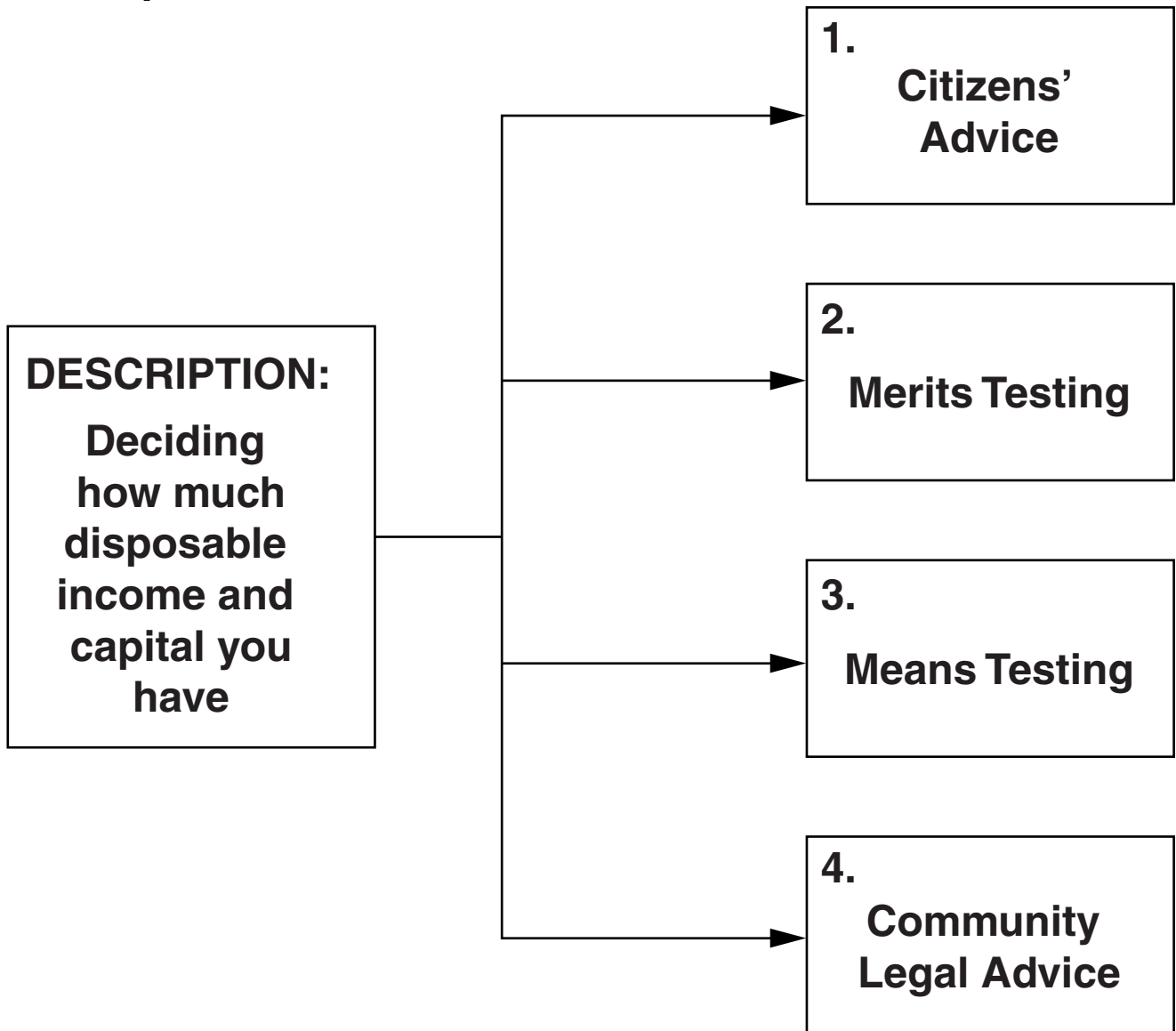
10 Referring to the clues in Question 9, what does ATE stand for? [1]

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]

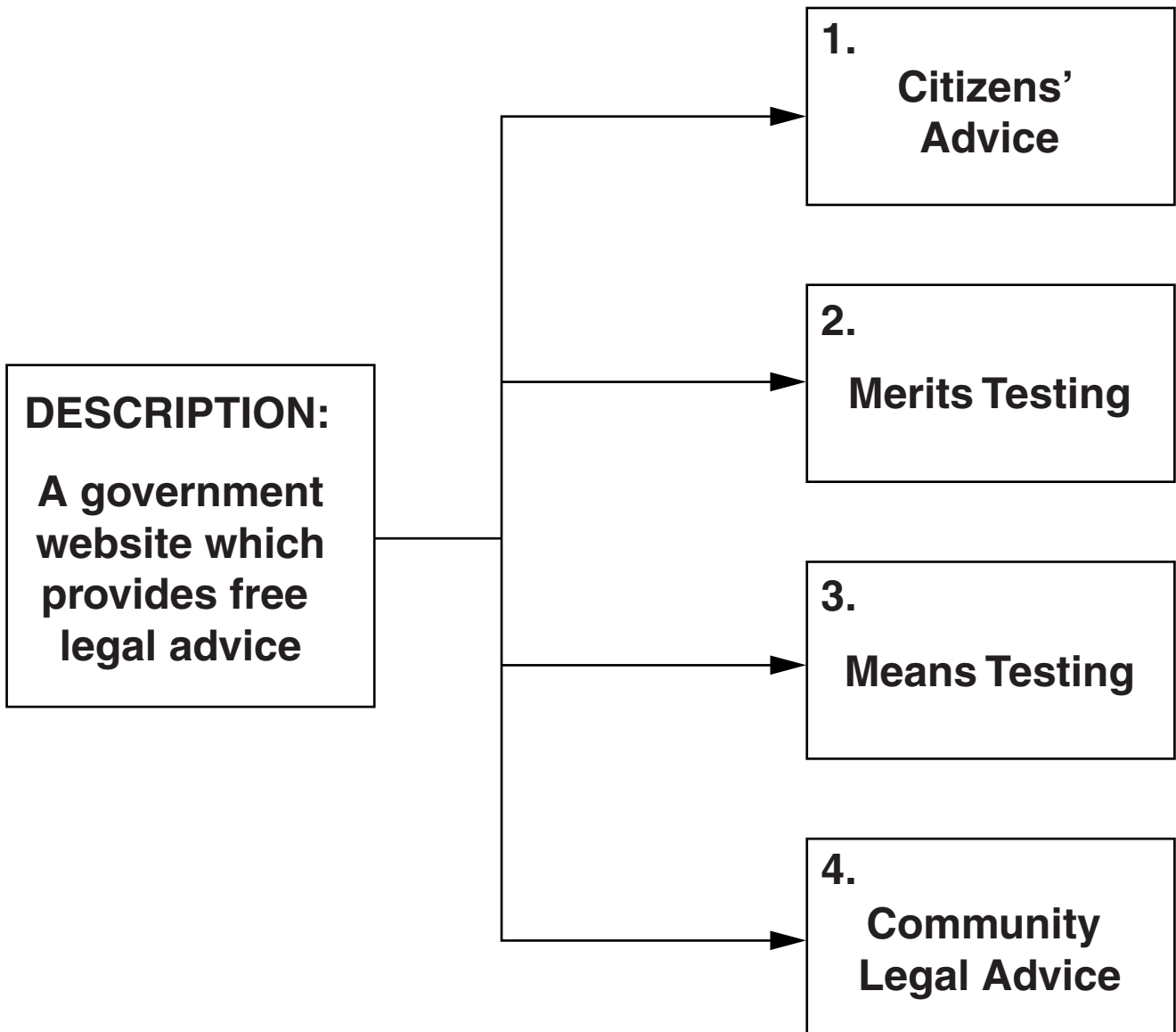
12 Not everyone is entitled to legal aid. Generally speaking, the better off you are the less likely you are to be entitled. The Legal Services Commission uses different forms of testing to see who deserves to be helped.



Select the number which best fits the description. [1]

	TICK
1	
2	
3	
4	

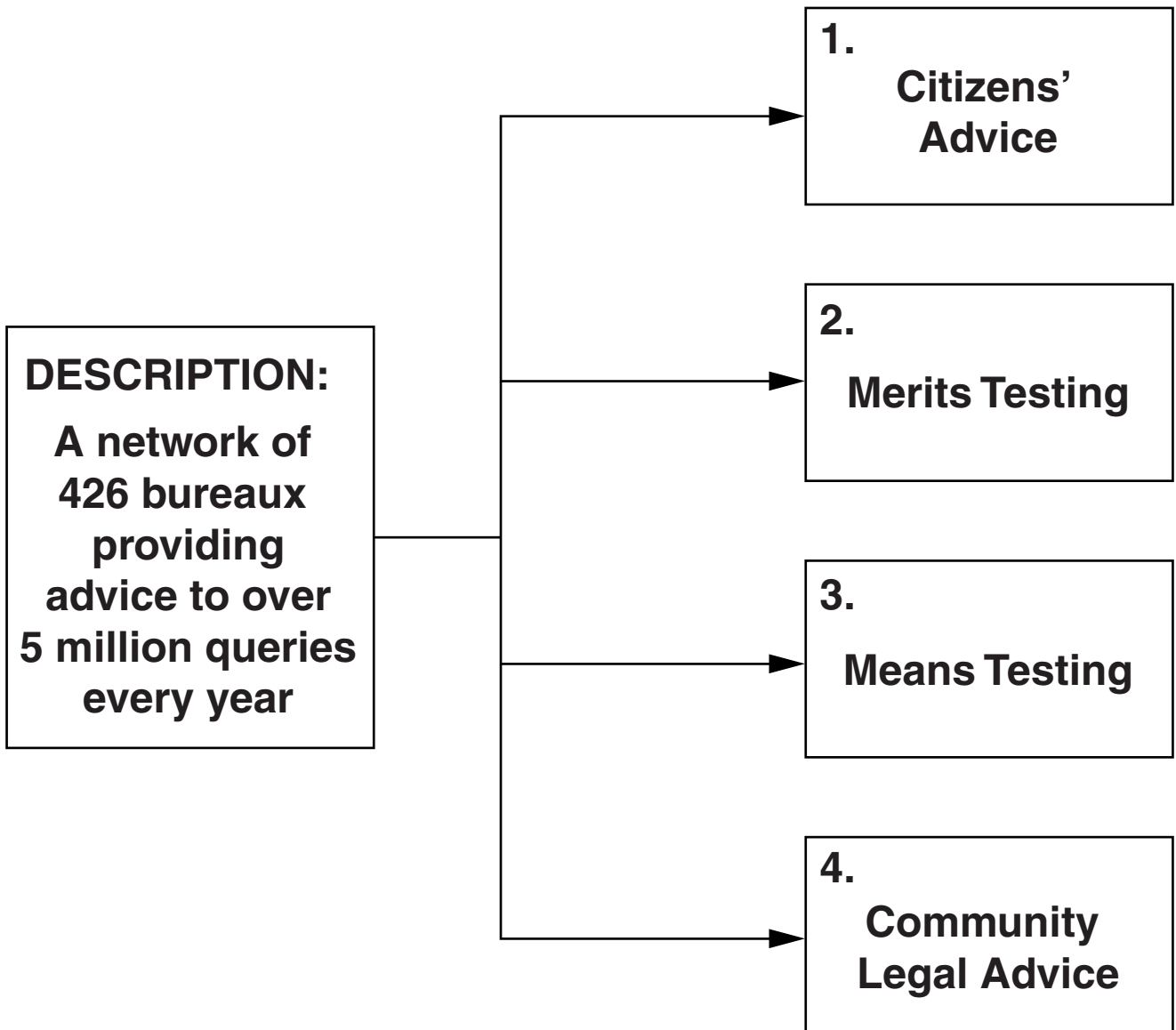
13 One of the other aims of the Woolf reforms was to encourage the availability of alternative sources of legal advice other than lawyers. A significant contribution has been made through a new website.



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.

Features

- **Legally qualified chairman**
- **Representative of Confederation of British Industries**
- **Representative of Trades Union Congress**

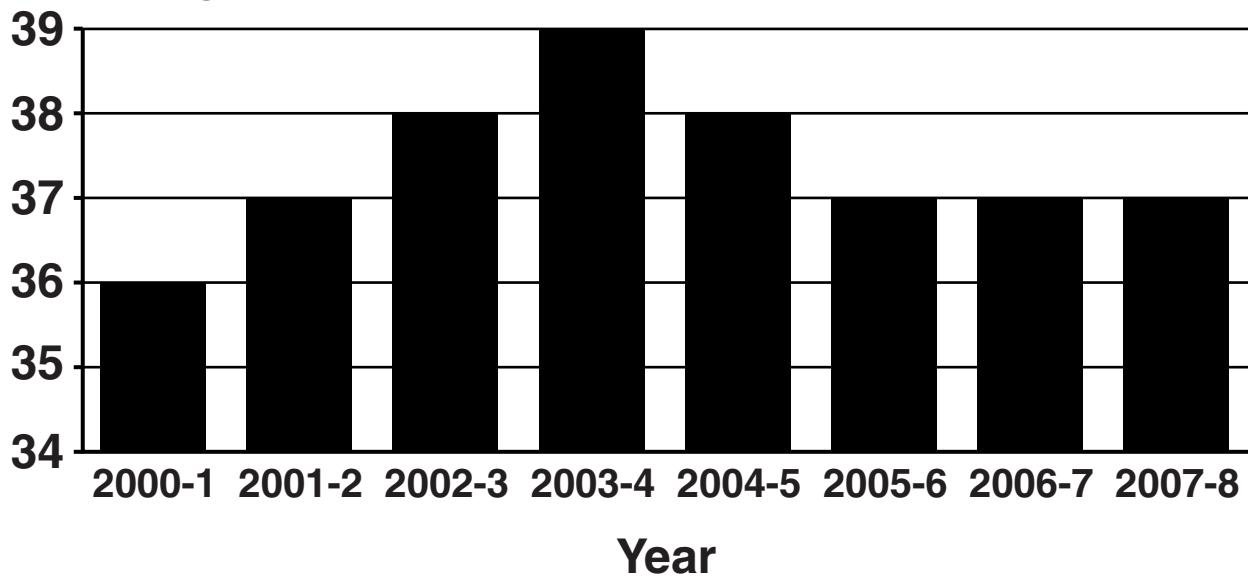
What type of tribunal is represented by these features? [1]

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17 There are a number of alternatives to the civil courts. The most formal of these are tribunals. Tribunals are used for specific types of dispute. Tribunals are very important as they often protect the welfare rights of some of the most vulnerable people in society. People can use tribunals to appeal against decisions which have denied them the right to certain welfare benefits like Child Support, Disability Living Allowance, Incapacity Benefit, Income Support, and Jobseeker's Allowance. As the table shows, over one third are successful in getting the original decision overturned.

PERCENTAGE OF CASES OVERTURNED AT HEARING

Percentage



Discuss ONE other advantage of the system of tribunals.

[3]

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.

For each question place a tick in the correct box.

	FEATURE	SOLICITOR	BARRISTER	LEGAL EXECUTIVE
18	Governing body is the Bar Council			
19	Can become a graduate member after stage 2			
20	Work from sets of chambers			
21	Will need to do a two-year training contract			
22	In 2007–08 there were 108,407 in this profession			

[1]

[1]

[1]

[1]

[1]

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?

[1]

	TICK
12	
22	
32	

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? [1]

	TICK
27	
37	
47	



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? [1]

	TICK
60	
90	
110	

27 Circle the correct answers in the following text.

“Human rights are the basic rights we all have simply because we are HUMAN / ALIVE / EQUAL; they are the fundamental things which human beings need in order to flourish and participate fully in society. Human rights belong to everyone, regardless of their circumstances. They cannot be given away or taken away from you by anybody, although some rights can be REMOVED / RESTRICTED / LOST in certain circumstances. For example, your right to FREEDOM OF RELIGION / LIBERTY / FREEDOM OF SPEECH can be limited if you are convicted of a crime. They primarily regulate the relationship between the state and individuals. Human rights are underpinned by a set of common values, including fairness, respect, equality, dignity and autonomy. Human rights declarations, conventions and laws are the starting point for making these values real in people’s lives.”

Source: Right Here, Right Now – Teaching Citizenship through Human Rights

[3]

28 From the dates below, write the appropriate date next to the correct event in the table.

Dates

1950

1988

1948

1966

EVENT	ANSWER
<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]

DESCRIPTION	TYPE OF FREEDOM	TICK
<p>This freedom stops you having your telephone ‘bugged’ by the police unless you are a suspected terrorist.</p>	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.

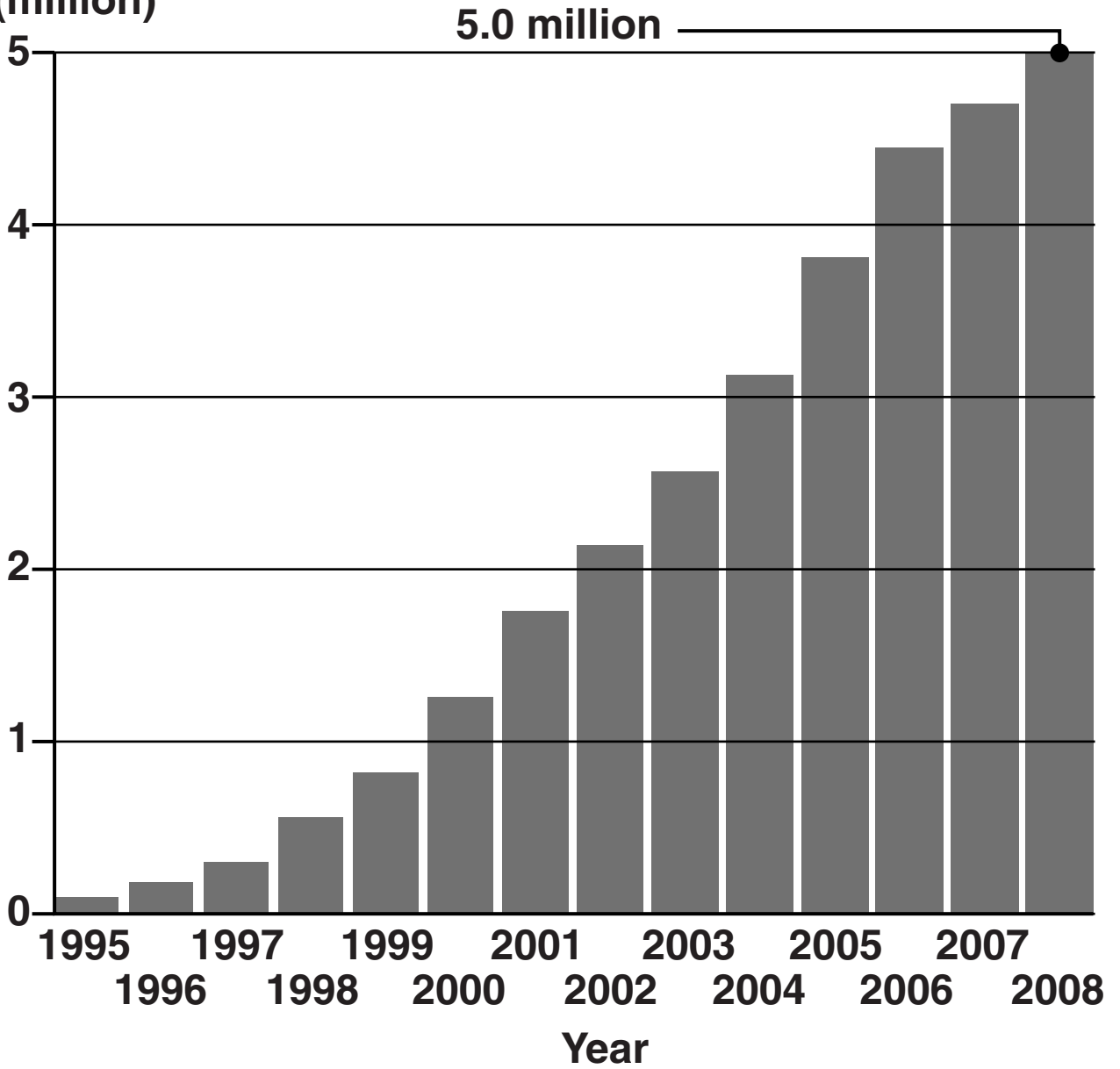
Evaluate the data opposite to answer this true/false question.

	TRUE	FALSE
The number of national DNA database records roughly doubled between 2003 and 2008		

[1]

PROFILES ON THE NATIONAL DNA DATABASE

Number of individual DNA records (million)



34 In 2009 the National DNA Database (NDNAD) contained profiles of approximately 4.8 million people (*Hansard, May 2009*). This represents 7% of the entire population of the UK which is a far higher figure than any other European or major industrialised country. In the USA the figure only represents 0.5% of the population.

In May 2008 the European Court of Human Rights gave a landmark ruling on the lawfulness of keeping records of people who may have been arrested and/or charged but never convicted. The court's Grand Chamber said this was unlawful as it goes against the right to privacy under the European Convention of Human Rights. Consequently, 857,000 records look as though they will have to be deleted from the records.

Discuss ONE argument AGAINST keeping a DNA database.

[3]

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