

Candidate forename						Candidate surname					
Centre number						Candidate number					

OXFORD CAMBRIDGE AND RSA EXAMINATIONS
GCSE
B141/01
LAW

**The Nature of Law. Criminal Courts
and Criminal Processes**

TUESDAY 29 MAY 2012: Afternoon
DURATION: 1 hour
plus your additional time allowance

MODIFIED ENLARGED

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. HB pencil may be used for graphs and diagrams only.**
- **Answer ALL the questions.**
- **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).**

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.**
- **Your quality of written communication is assessed on the question marked with an asterisk (*).**

BLANK PAGE

QUESTION 1 BEGINS ON PAGE 4

Answer ALL questions.

- 1 (a) The civil law seeks to compensate an injured party while the criminal law seeks to punish an offender.**

Identify THREE other differences between the civil and criminal law.

Difference 1 _____

Difference 2 _____

Difference 3 _____

_____ **[3]**

- (b) Match the type of delegated legislation to the most appropriate method by which it would be passed. Place the appropriate NUMBER next to each letter in the grid below.

A	
B	
C	

TYPE OF DELEGATED LEGISLATION	
A	Order in Council
B	Statutory Instrument
C	Bylaw

METHOD	
1	Enacted by a local authority or public body
2	Enacted through emergency legislation
3	Enacted by a government minister and their civil servants

[3]

[Total: 6]

- 2 (a) Explain ONE reason why the police cannot stop and search a suspect under Code A of the Police and Criminal Evidence Act 1984.**

[3]

(b) Pablo is aged 16 and has a learning difficulty. He has been arrested on suspicion of murder. He is immediately taken to the police station for questioning. After seven hours the custody officer takes Pablo's details and the reason for his arrest. He decides to detain Pablo for further questioning. Pablo is taken to a cold, damp police cell with no light because it is broken. When Pablo is later interviewed he asks to telephone his mother and to speak to his solicitor, but he is told he will have to wait until the next day.

(i) Read the following passage and fill in the missing words from the list below.

- District**
- Magistrate**
- High**
- Recorder**
- Circuit**
- Crown**

If Pablo is charged with murder, his trial will be held in the _____ court. The case will normally be heard by a _____ judge sitting alone. Sometimes a part-time judge known as a _____ will sit on these trials. [3]

(ii) Explain TWO reasons why Pablo's detention was not lawful.

Reason 1 _____

Reason 2 _____

[6]

- (iii) Pablo is later searched during his detention at the police station.

Identify the **THREE** types of searches which can be carried out by the police on Pablo in the police station.

Search 1 _____

Search 2 _____

Search 3 _____

_____ [3]

QUESTION 2(b)(iv) BEGINS ON PAGE 10

- (iv) If Pablo is convicted of murder he may have two grounds of appeal: either against the verdict or against the sentence.

Discuss how ONE of these appeal routes operate.

[3]

[Total: 18]

3 (a) When a judge or magistrate passes a sentence they will look not only at the types of sentence available but they will also look at other aggravating factors which influence the sentence.

(i) Identify THREE aggravating factors that would influence sentencing.

Factor 1 _____

Factor 2 _____

Factor 3 _____

_____ **[3]**

QUESTION 3(a)(ii) BEGINS ON PAGE 12

(ii) Discuss what any TWO of these factors influencing sentencing are seeking to achieve.

[illegible]

(b) (i) Identify the most appropriate sentence for each of the following THREE scenarios that would be appropriate for a young offender. Fill in the table with the most appropriate sentence from the list below.

- **Reparation Order**
- **A fine of £2,000**
- **Youth Rehabilitation Order**
- **Referral Order**
- **Custodial Sentence**

SCENARIO		MOST APPROPRIATE SENTENCE
A	The young offender is treated for drug or substance abuse.	
B	The young offender is convicted for a serious crime such as murder or a serious assault.	
C	The young offender is required to clear graffiti from a school wall.	

[3]

- (ii) Explain TWO purposes of each of the following.

A YOUNG OFFENDER'S INSTITUTION

Purpose 1 _____

Purpose 2 _____

A LOCAL AUTHORITY SECURE CHILDREN'S HOME

Purpose 1 _____

Purpose 2 _____

A SECURE TRAINING CENTRE

Purpose 1 _____

Purpose 2 _____

_____ [6]

[Total: 18]

- 4 (a) Identify **THREE** reasons which would disqualify a person from sitting on a jury for **TEN** years under the **CRIMINAL JUSTICE ACT 2003**.

Reason 1 _____

Reason 2 _____

Reason 3 _____

_____ [3]

- (b) Identify whether the following statements about jury vetting are true or false by putting a **TICK** in the appropriate box.

STATEMENT		TRUE	FALSE
i	The defence are not allowed to vet a potential member of the jury.		
ii	The police are allowed to make routine checks into a juror's background.		
iii	The prosecution can ask for a member of the jury not to sit in a trial if the case involves issues of national security or terrorism.		

[3]

- (c) There may be occasions where it is not practical for a citizen to sit on a jury and therefore they can be asked to be excused.**

Explain ONE reason why a citizen may be excused from jury service.

[3]

[illegible]

(ii) Discuss ONE alternative to using a jury in a criminal trial.

[3]

[Total: 18]

BLANK PAGE

Copyright Information

OCR is committed to seeking permission to reproduce all third-party content that it uses in its assessment materials. OCR has attempted to identify and contact all copyright holders whose work is used in this paper. To avoid the issue of disclosure of answer-related information to candidates, all copyright acknowledgements are reproduced in the OCR Copyright Acknowledgements Booklet. This is produced for each series of examinations and is freely available to download from our public website (www.ocr.org.uk) after the live examination series.

If OCR has unwittingly failed to correctly acknowledge or clear any third-party content in this assessment material, OCR will be happy to correct its mistake at the earliest possible opportunity.

For queries or further information please contact the Copyright Team, First Floor, 9 Hills Road, Cambridge CB2 1GE.

OCR is part of the Cambridge Assessment Group; Cambridge Assessment is the brand name of University of Cambridge Local Examinations Syndicate (UCLES), which is itself a department of the University of Cambridge.