

**Friday 24 May 2013 – Morning**

**GCSE LAW**

**B141/01** The Nature of Law: Criminal Courts and Criminal Processes

Candidates answer on the Question Paper.

**OCR supplied materials:**

None

**Other materials required:**

None

**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. 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).
- Do **not** write in the bar codes.

**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 (\*).
- This document consists of **12** pages. Any blank pages are indicated.

Answer **all** questions.

- 1 (a) When arresting a suspect the police must have reasonable grounds for believing it is necessary to arrest them. This is called the necessity test.

Give **three** reasons why the police would believe an arrest is necessary under this test.

Reason 1 .....

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Reason 2 .....

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Reason 3 .....

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[3]

- (b) Select the correct timing of the police's power of detention to match the most appropriate definition. Write the appropriate **letter** next to each **number** in the grid below. [3]

<b>1</b>	
<b>2</b>	
<b>3</b>	

<b>Timing</b>	
<b>A</b>	96 hours
<b>B</b>	12 hours
<b>C</b>	36 hours
<b>D</b>	24 hours
<b>E</b>	6 hours

<b>Definition</b>	
<b>1</b>	The usual maximum time the police can detain a suspect.
<b>2</b>	If a suspect is charged with a serious offence, the detention can be extended to this time.
<b>3</b>	The first review of a suspect must be made by this time.

2 (a) Before an Act is debated in Parliament a bill is written.

Identify **three** different types of bill.

Type 1 .....

Type 2 .....

Type 3 .....

[3]

(b) (i) Read the following passage about judicial precedent.

Fill in the correct terms from the list below.

- location
- ruling
- obiter dicta
- hierarchy
- ratio decidendi
- legislation

The part of the judge’s decision which is binding on future cases is known as the ..... This type of source of law is known as judicial precedent.

If, during their decision, the judge talks about similar linked areas of law, but these do not directly relate to the decision, this is called ..... Whether the decision binds another court depends upon the ..... of the courts.

[3]

(ii) There are three different types of judicial precedent.

Identify these **three** different types.

Type 1 .....

Type 2 .....

Type 3 .....

[3]

(iii) Explain **two** problems with the process of judicial precedent.

Problem 1 .....

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Problem 2 .....

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[6]

(iv) One way in which a court can avoid judicial precedent is through a process known as **distinguishing**.

Discuss how the courts use the process of distinguishing.

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[3]

3 (a) Adult offenders are defined as being over the age of 21. Depending on the seriousness of the offence that has been committed, judges have three main types of sentence available to deal with adult offenders.

(i) Identify **three** types of sentencing a judge can use for adult offenders.

Type 1 .....

Type 2 .....

Type 3 .....

[3]

(ii) Choose **two** of the types of sentencing available to judges for dealing with adult offenders.

Discuss how, in practice, judges use each of these two types of sentence.

Type 1 .....

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Type 2 .....

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[6]

- (b) (i) Match each classification of offence in the list below with the most appropriate definition in the grid.

Write the most appropriate **classification** next to the correct definition in the grid below.

[3]

- Summary offence
- Indictable offence
- Triable either way offence

Definition		Most appropriate classification
<b>A</b>	This is the most serious type of offence which will be tried in the Crown Court in front of a jury.	
<b>B</b>	This type of offence can be tried in the Magistrates' Court or the Crown Court.	
<b>C</b>	This type of offence is not tried by a jury and carries a maximum sentence of up to six months imprisonment.	

- (ii) Explain how the criminal appeal process works for a defendant in each of the following situations:

An appeal from the Magistrates' Court

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An appeal from the Crown Court.

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[6]

- 4 (a) Certain citizens are disqualified permanently from sitting on a jury under the **Criminal Justice Act 2003**.

Identify whether the following statements about permanent disqualification are true or false by putting a **tick** in the correct box. [3]

	Statement	True	False
<b>A</b>	A person who is on bail in criminal proceedings is permanently disqualified from jury service.		
<b>B</b>	A person who has been sentenced to imprisonment for life, but who has been released early, is permanently disqualified from jury service.		
<b>C</b>	A person who works for the Crown Prosecution Service (CPS) is permanently disqualified from jury service.		

- (b) Once summoned for jury service in the Crown Court, potential jurors have a further selection process to go through.

Identify **three** steps in the jury selection process in the Crown Court.

Step 1 .....

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Step 2 .....

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Step 3 .....

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[3]



(c) (i) Explain **three** features of the role that juries play in **criminal** trials.

Feature 1 .....

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Feature 2 .....

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Feature 3 .....

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[6]



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