

OCR

Oxford Cambridge and RSA

Tuesday 19 May 2015 – 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) The police have certain powers when detaining a suspect at a police station.

Identify **three** of these powers.

1

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2

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3

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[3]

- (b) Select the correct area of police powers which matches the most appropriate feature. Write the appropriate **number** next to each **letter** in the grid below.

Area of Police Powers	
A	Detention
B	Arrest
C	Stop and Search

Feature	
1	Must be in a public place
2	Give evidence in court
3	Use the necessity test
4	To be able to consult the Codes of Practice

A	
B	
C	

[3]

2 (a) One way of classifying the law is by dividing it into civil and criminal law.

Explain **one** difference between civil and criminal law.

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..... [3]

(b) Read the following passage.

Fill in the missing words from the list below.

- area
- common
- classic
- elected
- experts
- source

Domestic laws in England and Wales are passed in a variety of ways depending upon the they come from. One of the main types of law is judge-made law sometimes known as law or precedent. This has been criticised as being undemocratic since the judges who create this type of law are not

[3]

- (c) (i) There are a series of stages that a bill must pass through during the legislative process in the **House of Commons**.

Identify any **three** of these stages.

- 1
- 2
- 3 **[3]**

- (ii) Explain **two** criticisms of the process of using legislation to pass laws.

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- 2
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..... **[6]**

(iii) Explain **one** advantage of using an Order in Council to pass laws.

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..... [3]

- 3 (a) The Duty Solicitor Scheme provides an essential support facility for people accused of criminal acts.

One feature of this scheme is the right to free initial advice at the police station. Identify **three other** features.

1

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[3]

- (c) (i) When sentencing a defendant, a magistrate or judge will look at whether there were any aggravating or mitigating factors when the crime was committed.

Write the most appropriate **factor** next to the correct statement in the table below.

Statement	Aggravating or Mitigating Factor
The use of homophobic language by the defendant.	
The victim of an assault was elderly and disabled.	
The defendant pleaded guilty at the beginning of the trial.	

[3]

- (ii) There are various aims and objectives of sentencing. These aims and objectives are used differently depending on whether the defendant is a young offender or an adult offender.

Explain how the courts treat young offenders **and** adult offenders differently when considering the following aims.

Punishment of offenders

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Reform of offenders

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[6]

4 (a) Magistrates are an important and effective part of the criminal justice system.

Identify **three** roles of magistrates in court.

1

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2

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3

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[3]

(b) Identify whether the following statements in relation to magistrates are true or false by putting a **tick** in the appropriate box below.

Statement	True	False
A person can apply to be a magistrate up to the age of 70 years.		
A blind person cannot become a magistrate.		
The Lord Chancellor appoints magistrates on the advice of local advisory committees.		

[3]

- (c) Any citizen who wishes to be appointed as a magistrate must demonstrate that they have the six key qualities that were identified in 1998 by the then Lord Chancellor.

Identify and explain **two** of these key qualities.

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[6]

(d)* Brendan, aged 19 years, is a single parent and has recently lost his job. He has been charged with the theft of baby food from a local supermarket. Theft is a triable either way offence. This means Brendan can ask for the trial to be held in either the Magistrates' or Crown Court.

Discuss **two** reasons why Brendan may not want his trial to be held in the **Magistrates' Court**.

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END OF QUESTION PAPER

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