



GCE A level

1254/02

LAW – LA4

**UNIT 4: Understanding Law in Context:
Freedom, the State and the Individual
OPTION 2: Criminal Law and Justice**

A.M. FRIDAY, 14 June 2013

2½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions from Section A and **one** question from Section B.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded that assessment will take into account the quality of written communication used in your answers.

You are reminded that this paper contains a synoptic element in Section B and so will test understanding of the connections between the different elements of the subject.

SECTION A

Answer two questions from this section.

1. “The Crown Prosecution Service provides quality, efficiency and justice.” Discuss. [25]
2. “The so-called defence of intoxication is just the courts’ way of showing mercy to defendants who never meant to do any real harm.” Discuss. [25]
3. To what extent does the youth justice system in England and Wales make allowances for the fact that young people may be more vulnerable and less responsible than adults? [25]
4. “The law relating to bail is still balanced in favour of the accused, but only by a small margin.” Discuss. [25]

SECTION B

Answer one question from this section.

5. Study the text below and answer the questions based on it.

“Necessity is a grey area in the criminal law. Its authority rests upon an old case of cannibalism at sea, a trades union dispute over whether fire engines are allowed to ignore a red light, and the recent tragedy of conjoined twins. The courts are reluctant to state that it exists as a specific defence. Legislation seems impossible. How could any government promote a bill to legalise breaking the law, however compelling the circumstances? If necessity exists, it must remain in the twilight of obscurity, able to be brought into play in the rare instance when it can truly be said that the accused averted a greater evil by acting as he did.”

- (a) Explain what is meant by the defence of necessity. [11]
- (b) Evaluate the importance of precedent in the development of the criminal law. [14]

6. Study the text below and answer the questions based on it.

“The starting point for a court is the established common law presumption that a mental element, traditionally labelled mens rea, is an essential ingredient unless Parliament has indicated a contrary intention either expressly or by necessary implication. The Common Law presumes that, unless Parliament indicated otherwise, the appropriate mental element is an unexpressed ingredient of every statutory offence.”

[Lord Nicholls of Birkenhead in *B (A minor) v DPP* (2000)]

- (a) Explain the nature of strict liability. [11]
- (b) Evaluate the use of aids to statutory interpretation when determining the intention of Parliament. [14]