

Tuesday 29 May 2012 – Afternoon

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 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

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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**.

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..... [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

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Reason 2

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[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

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Search 2

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Search 3

..... [3]

(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.

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..... [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

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Factor 2

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Factor 3

..... [3]

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

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..... [6]

(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

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Purpose 2

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A Secure Training Centre

Purpose 1

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Purpose 2

..... [6]

[Total: 18]

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

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..... [3]

[Total: 18]

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