



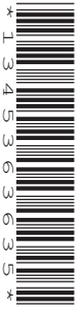
Oxford Cambridge and RSA

Monday 10 June 2024 – Morning

A Level Law

H418/03 The nature of law and human rights

Time allowed: 2 hours



You must have:

- the OCR 12-page Answer Booklet

INSTRUCTIONS

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **four** questions in total:
- Answer **one** question in Section A.
- Choose **one** part in Section B. Answer the **three** questions for that part.

INFORMATION

- The total mark for this paper is **80**.
- The marks for each question are shown in brackets [].
- Quality of extended response will be assessed in questions marked with an asterisk (*).
- This document has **4** pages.

ADVICE

- Read each question carefully before you start your answer.

SECTION A

The nature of law

Answer **one** question using examples from your full course of study.

- 1 'Justice is a theoretical goal which is difficult to achieve in practice'.

Discuss the extent to which this statement is reflected in the English legal system. **[20]**

- 2 'One function of law in society is to provide a mechanism of social control'.

Discuss the extent to which the law is an effective mechanism of social control. **[20]**

SECTION B**Human rights law**Choose **Part 1** or **Part 2****Part 1**Answer the **three** questions.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Kobe is a foreign student studying at a UK university. He is accused of a serious assault by another student, Zayn. He is arrested and interviewed by police. When Kobe asks for a translator he is told that his English 'must be good enough' because he is a student at a British university. He is not told about his basic rights, including the right to a solicitor. The police have some CCTV images which they claim show Kobe in the vicinity of the assault at the relevant time. They refuse to give copies of the images to Kobe. The trial is delayed by 18 months and Kobe is unable to access legal assistance other than two hours of initial advice under legal aid. At the trial a witness claims to have heard Kobe threaten 'to beat Zayn up'. The witness is allowed to give his evidence anonymously and Kobe does not know who it is. Kobe is found guilty of the assault.

Following a serious assault, the police have been issued with a description of a suspect aged in his forties who is wearing a football scarf. Police Constable (PC) Smith is patrolling the town centre when he sees Henry, a known troublemaker, who has a criminal record for theft. Henry is wearing a football shirt, but he has no scarf and is only 25 years old. PC Smith approaches Henry and searches him saying "been up to your old tricks again Henry?" PC Smith does not give Henry any explanation for the search. Henry tells PC Smith that he has spent the whole day with his friend, Felix. Later that day, PC Smith goes to Felix's home where he finds him in his front garden. He enters the garden and tells Felix, falsely, that Henry has named him as the person who committed the assault and searches him. As he questions Felix, PC Smith secretly switches on his body camera and films him. Felix is angry at Henry and starts making allegations blaming him.

- 3** Advise Kobe whether his right to a fair trial under Article 6 has been breached. **[20]**
- 4** Advise both Henry and Felix whether their searches by PC Smith were lawful under the Police and Criminal Evidence Act 1984, and also whether the recordings from the body camera could be used as evidence in any trial. **[20]**

Essay question on human rights law

- 5*** The judicial interpretation of the rights within Article 8 has become so broad that it lacks any useful certainty.

Discuss the extent to which you agree with this view of Article 8. **[20]**

Part 2

Answer the **three** questions.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Jamal, Riley and Mei are all members of a pressure group which campaigns and protests for better public health care services. They all take part in a protest against the building of a new private clinic on the outskirts of the town. During the protest and shortly afterwards the following events occur:

- Jamal and some other group members block the site entrance, so that building work cannot begin. Jamal is arrested.
- Riley enters the site vehicle park and lets the air out of the tyres of all the trucks. Riley is also arrested.
- Mei organises a small protest outside the local council offices. She sits alone with a placard saying, 'Save Our Local Health Care'. Mei is arrested for being 'too disruptive'.
- Jamal is a teacher. Shortly after the protest, his boss, Sasha, hears about his involvement in the protest. She sacks Jamal for belonging to a 'dangerous political organisation'.

Sunnyside Hotel is being used to house asylum seekers. An extremist group called *Britain4Brits* gathers outside the hotel in a large crowd. The following events happen:

- Amos and three others break into the hotel wearing masks and carrying sticks. They shout at the guests in the dining room and smash a table with their sticks.
- Amos sprays graffiti on the wall saying 'Migrants Go Home'.
- Jane occupies a lift in the hotel, damaging the door so that no-one can use it.
- Sara is outside the hotel shouting abuse and throwing stones at a taxi bringing new migrants to the hotel.

Amos, Jane and Sara are all arrested by the police.

6 Advise Jamal, Riley, and Mei whether there have been any breaches of their rights under Article 11 of the ECHR in each of the cases above. **[20]**

7 Advise Amos, Jane, and Sara which public order offences they are most likely to be charged with. **[20]**

Essay question on human rights law

8* The judicial interpretation of the rights within Article 8 has become so broad that it lacks any useful certainty.

Discuss the extent to which you agree with this view of Article 8. **[20]**

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