

General Certificate of Secondary Education

B141

LAW

Unit B141: The nature of law. Criminal courts and criminal processes

Specimen Paper

Time: 1 hour

Candidates answer on the question paper.

Additional materials: None

Candidate
Forename

Candidate
Surname

Centre
Number

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Candidate
Number

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INSTRUCTIONS TO CANDIDATES

- Write your name in capital letters, your Centre Number and Candidate Number in the boxes above.
- Use black ink. Pencil may be used for graphs and diagrams only.
- Read each question carefully and make sure you know what you have to do before starting your answer.
- Answer **all** the questions.
- Do not write in the bar codes.
- Do not write outside the box bordering each page.
- Write your answer to each question in the space provided.

INFORMATION FOR CANDIDATES

- The number of marks for each question is given in brackets [] at the end of each question or part question.
- Your quality of written communication is assessed on the question marked with an asterisk (*).
- The total number of marks for this paper is 60.

FOR EXAMINER'S USE	
1	
2	
3	
4	
TOTAL	

This document consists of **8** printed pages.

Answer **all** questions.

1 (a) Law is one of the basic elements of a society.

Identify **three** reasons why we need law.

Reason 1

Reason 2

Reason 3 [3]

(b) Match the type of law to the law making body in the table below. Place the appropriate number next to each letter in the grid below.

A	
B	
C	

1	Judges reform the law of murder after a defendant appeals against his conviction.
2	A regulation is passed which says that instead of asking for a pint of beer in a pub customers will have to ask for a half-litre.
3	A statute is passed to say all students must go to school on Saturdays.

A	Parliament
B	Case law and the doctrine of precedent
C	European Union law

[3]

[Total: 6]

2 (a) Identify **three** powers which the police have under the **Police and Criminal Evidence Act 1984** from the list below. Write your answer below.

- Search
- Legal advice
- Bail
- Arrest
- Stop
- Prison

Power 1.....

Power 2.....

Power 3..... [3]

(b)* Read the following scenario and answer the question which follows.

Ludmilla is walking along the High Street when PC Smythe, who is on duty but in plain clothes, grabs her aggressively. He says that he saw Ludmilla steal make-up from a shop and hide it in her sock. PC Smythe tells Ludmilla to take off her shoes but Ludmilla punches him in the face as she does not realise that he is a police officer and then she runs away. PC Smythe does not make any record of what happened in his police notebook.

Explain **two** reasons why PC Smythe’s search of Ludmilla is not lawful.

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..... [6]

(c) State **three** items of clothing which a police officer is entitled to ask a suspect to remove if they are to be searched in a public place.

Item 1

Item 2

Item 3 [3]

(d) Some people think the police have too many powers. Other people believe that police need those powers to be able to do their job and keep people safe.

Identify **three** ways in which the law tries to balance individual rights with police powers.

Way 1

Way 2

Way 3 [3]

(e) Discuss the extent to which the law succeeds in balancing individual rights with police powers.

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..... [3]

[Total: 18]

3 (a) Whenever a criminal pleads guilty or is convicted of an offence, an important part of the criminal process is for the court to decide on a sentence.

(i) Identify **three** of the aims of sentencing which are set out in the **Criminal Justice Act 2003**.

Aim 1

Aim 2

Aim 3 [3]

(ii) Discuss what the **three** aims of sentencing identified in (a)(i) are seeking to achieve.

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(b) Identify the most appropriate sentence for each of the following **three** scenarios. Fill in the table with the most appropriate sentence from the list below.

- Suspended sentence
- Community order
- Disqualification from driving
- Mandatory life sentence
- Electronic tagging

Scenario		Most appropriate sentence
A	Fred, aged 40, has been convicted of the murder of a man after a fight broke out at a football match where they were rival fans.	
B	Carmel, aged 17, has sprayed graffiti on park benches.	
C	Akshay, aged 25, is caught drink driving on his way home from an office party.	

[3]

[Turn over

(c) Explain **two** features of the following sentences.

Mandatory Life Sentence

Feature 1

.....

Feature 2

.....

Community Order

Feature 1

.....

Feature 2

.....

Disqualification from driving

Feature 1

.....

Feature 2

..... [6]

[Total: 18]

4 Magistrates are one of the types of lay people found in the criminal justice system. There are about 29,000 of them sitting in Magistrates' Courts.

(a) Identify **three** of the requirements which have to be met before a person can be appointed as a magistrate.

Requirement 1

.....

Requirement 2

.....

Requirement 3

..... [3]

(b) Read the following passage and fill in the missing words from the list below.

- six
- three
- summary
- indictable
- legal adviser
- district judge

Lay magistrates usually sit in groups of and deal with all
..... offences. Sometimes the case is heard by a
..... who is a qualified lawyer and who sits alone.

[3]

(c) Fergus has been charged with an offence triable either way (one that can be tried in Magistrates' Court or in the Crown Court).

Explain **three** issues which Fergus might consider when choosing which court in which he can be tried.

Issue 1

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Issue 2

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Issue 3

..... [3]

Unit B141: The nature of law. Criminal courts and criminal processes

Specimen Mark Scheme

The maximum mark for this paper is 60.

Question Number	Answer	Marks																								
<p>1(a)</p> <p>1(b)</p>	<p>Law is one of the basic elements of a society. Identify <u>three</u> reasons why we need law.</p> <p>Assessment Objective 1 1 mark for each reason (maximum 3 marks) Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • Law helps to create public order by setting limits of what is acceptable • It helps to protect individual liberties by giving people rights when they are charged with criminal offences • It helps to regulate relationships between people so there is fairness and equality • It sets standards, particularly for those who owe responsibilities to other people • It provides remedies for wrongs suffered so that people can be compensated in civil law and those who break the criminal law can be punished <p>Credit any other relevant response.</p> <p>Match the type of law to the law making body in the table below. Place the appropriate number next to each letter in the grid below.</p> <table border="1" data-bbox="670 1016 1007 1122"> <tr><td>A</td><td></td></tr> <tr><td>B</td><td></td></tr> <tr><td>C</td><td></td></tr> </table> <table border="1" data-bbox="328 1167 785 1576"> <tr><td>1</td><td>Judges reform the law of murder after a defendant appeals against his conviction.</td></tr> <tr><td>2</td><td>A regulation is passed which says that instead of asking for a pint of beer in a pub customers will have to ask for a half-litre.</td></tr> <tr><td>3</td><td>A statute is passed to say all students must go to school on Saturdays.</td></tr> </table> <table border="1" data-bbox="820 1167 1278 1576"> <tr><td>A</td><td>Parliament</td></tr> <tr><td>B</td><td>Case law and the doctrine of precedent</td></tr> <tr><td>C</td><td>European Union law</td></tr> </table> <p>Assessment Objective 3 1 mark for each correct item identified (maximum 3 marks) Candidates will successfully match any or all of the following:</p> <table border="1" data-bbox="670 1776 1007 1881"> <tr><td>A</td><td>3</td></tr> <tr><td>B</td><td>1</td></tr> <tr><td>C</td><td>2</td></tr> </table>	A		B		C		1	Judges reform the law of murder after a defendant appeals against his conviction.	2	A regulation is passed which says that instead of asking for a pint of beer in a pub customers will have to ask for a half-litre.	3	A statute is passed to say all students must go to school on Saturdays.	A	Parliament	B	Case law and the doctrine of precedent	C	European Union law	A	3	B	1	C	2	<p>[3]</p> <p>[3]</p>
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Question Number	Answer	Marks
<p>2(a)</p> <p>(b)*</p>	<p>Identify <u>three</u> powers which the police have under the <u>Police and Criminal Evidence Act 1984</u> from the list below. Write your answer below.</p> <ul style="list-style-type: none"> • Search • Legal advice • Bail • Arrest • Stop • Prison <p>Assessment Objective 1 1 mark for each correct power identified (maximum 3 marks) Candidates will identify the following:</p> <ul style="list-style-type: none"> • Stop • Search • Arrest <p>Read the following scenario and answer the question which follows. Ludmilla is walking along the High Street when PC Smythe, who is on duty but in plain clothes, grabs her aggressively. He says that he saw Ludmilla steal make-up from a shop and hide it in her sock. PC Smythe tells Ludmilla to take off her shoes but Ludmilla punches him in the face as she does not realise that he is a police officer and then she runs away. PC Smythe does not make any record of what happened in his police notebook. Explain <u>two</u> reasons why PC Smythe's search of Ludmilla is not lawful.</p> <p>Assessment Objective 2 0 marks – no response or no response worthy of credit. 1-2 marks - basic points made with basic communication. The response lacks organisation, structure and accuracy of spelling, punctuation and grammar. 3-4 marks - points made with some elaboration and adequate communication. The response is adequately organised, structured and with some errors of spelling, punctuation and grammar. 5-6 marks - points explained with good reasoning and with effective communication through discussion. The response is well organised, structured, with few errors in grammar, punctuation and spelling.</p> <p>Candidates will explain any two of the following:</p> <p>(i)</p> <ul style="list-style-type: none"> • PC Smythe does not give his name and station when he grabs hold of Ludmilla • Under PACE this is something a police officer must do • It is especially important if the police officer is on duty but is not wearing a uniform 	<p>[3]</p>

Question Number	Answer	Marks
	<p>(ii)</p> <ul style="list-style-type: none"> • PC Smythe has to have reasonable grounds to suspect Ludmilla is in possession of stolen goods • PC Smythe has grabbed Ludmilla aggressively and this may make the search unlawful <p>(iii)</p> <ul style="list-style-type: none"> • PC Smythe has asked Ludmilla to remove her shoes • This goes beyond the powers in s2(9) PACE and he needs to do this out of public view e.g. in a police van <p>Credit any other relevant answer.</p>	[6]
(c)	<p>State <u>three</u> items of clothing which a police officer is entitled to ask a suspect to remove if they are to be searched in a public place.</p> <p>Assessment Objective 1 1 mark for each correct item identified (maximum 3 marks) Candidates will identify the following:</p> <ul style="list-style-type: none"> • Outer coat • Jacket • Gloves 	[3]
(d)	<p>Some people think the police have too many powers. Other people believe that police need those powers to be able to do their job and keep people safe.</p> <p>Identify <u>three</u> ways in which the law tries to balance individual rights with police powers.</p> <p>Assessment Objective 1 Candidates will identify any of the following:</p> <ul style="list-style-type: none"> • PACE and the Codes of Practice mean police behaviour is better regulated and they are accountable – this protects both the police and the individual • If an individual feels the police have exceeded their powers there are plenty of ways in which they can complain • Having clear powers for the police helps us all feel safer, especially in relation to crimes of serious violence or terrorism • Other laws ensure individuals cannot be subject to discrimination by the police • In exercising their powers police still have to comply with the Human Rights Act 1998 which protects individuals <p>Credit any other relevant response.</p>	[3]
(e)	<p>Discuss the extent to which the law succeeds in balancing individual rights with police powers.</p> <p>0 marks for no response or no response worthy of credit. 1 mark for a basic answer 2 marks for some reasoning 3 marks for good reasoning</p>	

Question Number	Answer	Marks
	<p>Assessment Objective 3</p> <p>Candidates will discuss any of the following (credit should be given for both breadth and depth):</p> <ul style="list-style-type: none"> • The police need to do their job but they have to protect human rights – for example they cannot ask people to remove headwear in public as it may be worn for religious reasons – this protects the individual • If PACE and the Codes of Practice did not exist it would be very hard to investigate crimes – this helps the police do their job • Having clear rules means that people can know what the police are allowed to do – this helps the individual and stops the police taking advantage • If law is followed a conviction is unlikely to be appealed and this gives the law certainty – this is good for the individual as they know they deserved to be caught, it is good for the police as they know they did their job correctly and it is good for society as it shows us where the lines are and that the law can be trusted • Any other relevant comment <p>Credit any other relevant response.</p>	[3]
<p>3(a)</p> <p>(i)</p> <p>(a)(ii)</p>	<p>Whenever a criminal pleads guilty or is convicted of an offence, an important part of the criminal process is for the court to decide on a sentence.</p> <p>Identify <u>three</u> of the aims of sentencing which are set out in the <u>Criminal Justice Act 2003</u>.</p> <p>Assessment Objective 1</p> <p>1 mark for each aim identified (maximum 3 marks)</p> <p>Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • Retribution or punishment • Deterrence • Reform and rehabilitation • Public protection • Reparation • Denunciation <p>Discuss what the <u>three</u> aims of sentencing identified in <u>(a)(i)</u> are seeking to achieve.</p> <p>Assessment Objective 3</p> <p>For each aim discussed:</p> <p>0 marks for no response or no response worthy of credit.</p> <p>1 mark for basic points</p> <p>2 marks for elaboration</p> <p>Maximum 2 marks for each aim discussed (maximum for question: 6 marks)</p> <p>Candidates will discuss any of the following (credit should be given for both breadth and depth):</p> <ul style="list-style-type: none"> • Retribution or punishment - there is a need to punish those who break the law ('an eye for an eye') but a sentence should be proportionate and not just be revenge 	[3]

Question Number	Answer	Marks
	<ul style="list-style-type: none"> • Deterrence - this tries to reduce crime by deterring the individual from re-offending, by putting other potential offenders off and by teaching people in society that something bad will happen if they break a law • Reform and rehabilitation – this tries to teach offenders the errors of their ways and should be accompanied by rehabilitation which gives them education and skills so that when they rejoin society they can fit in and earn a living so as to encourage them not to revert to crime • Public protection - really dangerous offenders can be removed from society and this makes society safer • Reparation - this makes an offender give something back to society, often as unpaid work; it can even mean supervised meetings between offender and victim so that both sides can talk about their experiences and move on • Denunciation - this allows a criminal to be identified; society can express their disapproval of what the criminal has done which enforces legal and moral boundaries and it reflects the blameworthiness of the offender <p>Credit any other relevant response.</p>	[6]

Question Number	Answer	Marks												
(b)	<p>Identify the most appropriate sentence for each of the following <u>three</u> scenarios. Fill in the table with the most appropriate sentence from the list below.</p> <ul style="list-style-type: none"> • Suspended sentence • Community order • Disqualification from driving • Mandatory life sentence • Electronic tagging <table border="1" data-bbox="328 607 1310 947"> <thead> <tr> <th data-bbox="328 607 483 707">Scenario</th> <th data-bbox="483 607 1086 707"></th> <th data-bbox="1086 607 1310 707">Most appropriate sentence</th> </tr> </thead> <tbody> <tr> <td data-bbox="328 707 483 808">A</td> <td data-bbox="483 707 1086 808">Fred, aged 40, has been convicted of the murder of a man after a fight broke out at a football match where they were rival fans.</td> <td data-bbox="1086 707 1310 808">Mandatory life sentence</td> </tr> <tr> <td data-bbox="328 808 483 880">B</td> <td data-bbox="483 808 1086 880">Carmel, aged 17, has sprayed graffiti on park benches.</td> <td data-bbox="1086 808 1310 880">Community order</td> </tr> <tr> <td data-bbox="328 880 483 947">C</td> <td data-bbox="483 880 1086 947">Akshay, aged 25, is caught drink driving on his way home from an office party.</td> <td data-bbox="1086 880 1310 947">Disqualification from driving</td> </tr> </tbody> </table> <p>Assessment Objective 2 1 mark for each correct sentence identified (maximum 3 marks)</p>	Scenario		Most appropriate sentence	A	Fred, aged 40, has been convicted of the murder of a man after a fight broke out at a football match where they were rival fans.	Mandatory life sentence	B	Carmel, aged 17, has sprayed graffiti on park benches.	Community order	C	Akshay, aged 25, is caught drink driving on his way home from an office party.	Disqualification from driving	[3]
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C	Akshay, aged 25, is caught drink driving on his way home from an office party.	Disqualification from driving												
(c)	<p>Explain <u>two</u> features of the following sentences.</p> <p>Assessment Objective 2</p> <p>For each sentence explained: 0 marks for no response or no response worthy of credit 1 mark each for one basic point explained 2 marks each for more than one point well explained (maximum 6 marks)</p> <p>Candidates will explain any of the following;</p> <ul style="list-style-type: none"> • Mandatory life sentence – this must be given on conviction for murder if there are no defences. It is usually a minimum of 12 years but can mean the person is never released. If they are released they are on licence for the rest of lives so they can go back to prison if they commit any other offence and they carry a life long stigma which can affect their social status and their economic prospects in terms of employment • Community orders – these are given to young offenders over the age of 16. Different sentences are combined depending on the individual offender but may include unpaid work, taking a course at an Attendance centre, getting help if drink or drugs are a problem, an Action Plan Order, an exclusion order or a curfew order • Disqualification from driving - given for more serious driving offences or accumulations (e.g. speeding tickets), licence taken away, implications for cost and availability of insurance. <p>Credit any other relevant response.</p>	[6]												

Question Number	Answer	Marks
<p>4</p> <p>(a)</p> <p>(b)</p> <p>(c)</p>	<p>Magistrates are one of the types of lay people found in the criminal justice system. There are about 29,000 of them sitting in Magistrates' Courts.</p> <p>Identify <u>three</u> of the requirements which have to be met before a person can be appointed as a magistrate.</p> <p>Assessment Objective 1 1 mark for each requirement identified (maximum 3 marks) Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • They must have the six key qualities identified by the Lord Chancellor – good character, understanding and communication skills, social awareness, maturity and sound temperament, sound judgment, commitment and reliability • They must be between 18 and 65 when appointed • They must commit to sitting for at least 26 half days each year • They must not be people disqualified from being magistrates e.g. police officers, members of the armed forces and traffic wardens <p>Credit any other relevant response.</p> <p>Read the following passage. Lay magistrates usually sit in groups of <u>THREE</u> and deal with all <u>SUMMARY</u> offences. Sometimes the case is heard by a <u>DISTRICT JUDGE</u> who is a qualified lawyer and who sits alone. Fill in the gaps in the passage choosing the most appropriate word from the list below.</p> <ul style="list-style-type: none"> • six • three • summary • indictable • legal adviser • district judge <p>Assessment Objective 1 1 mark for identifying each missing word correctly (maximum 3 marks) Candidates will identify up to three of the missing words in the correct place.</p> <p>Fergus has been charged with an offence triable either way (one that can be tried in Magistrates' Court or in the Crown Court). Explain <u>three</u> issues which Fergus might consider when choosing which court in which he can be tried.</p> <p>Assessment Objective 2 1 mark for each aspect explained (maximum 3 marks) Candidates will explain any of the following reasons.</p> <ul style="list-style-type: none"> • A case will be heard more quickly in the magistrates' court • A case is less likely to appear in the media in the magistrates' court 	<p>[3]</p> <p>[3]</p>

Question Number	Answer	Marks												
(d)	<ul style="list-style-type: none"> • A sentence may be lower although the magistrates can send a case to the crown court if they feel their sentencing powers are insufficient for the seriousness of the offence • A case will be heard by a jury in the crown court • Acquittal rates are much higher in the crown court <p>Credit any other relevant response.</p> <p>Magistrates are sometimes said to be middle-aged, middle class and middle minded.</p> <p>Identify whether the following statements about magistrates are true or false by putting a tick in the appropriate box.</p> <p>Assessment Objective 1 1 mark for each correct tick (maximum 3 marks) Candidates will tick the boxes as follows:</p> <table border="1" data-bbox="328 779 1297 1055"> <thead> <tr> <th></th> <th>TRUE</th> <th>FALSE</th> </tr> </thead> <tbody> <tr> <td>More women than men are magistrates</td> <td></td> <td>✓</td> </tr> <tr> <td>You do not need to have a university degree to be a magistrate</td> <td>✓</td> <td></td> </tr> <tr> <td>If you vote Conservative you are more likely to be chosen as a magistrate</td> <td></td> <td>✓</td> </tr> </tbody> </table>		TRUE	FALSE	More women than men are magistrates		✓	You do not need to have a university degree to be a magistrate	✓		If you vote Conservative you are more likely to be chosen as a magistrate		✓	[3]
	TRUE	FALSE												
More women than men are magistrates		✓												
You do not need to have a university degree to be a magistrate	✓													
If you vote Conservative you are more likely to be chosen as a magistrate		✓												
(e)	<p>Discuss <u>three advantages</u> of using magistrates for criminal cases.</p> <p>Assessment Objective 3 For each advantage discussed: 0 marks for no response or no response worthy of credit. 1 mark for a basic point 2 marks for elaboration Maximum 2 marks for each advantage discussed. Candidates will discuss any of the following (credit should be given for both breadth and depth):</p> <ul style="list-style-type: none"> • Advantages of using magistrates for criminal cases: • They are a cross section of the local community • There is a good balance between men and women • The ethnic balance is improving • They represent common sense and justice by the people • They live and/or work locally so they understand the area and its problems • They are only paid expenses so they are very cheap • They deal with cases more quickly • They have a good level of training which is regularly reviewed • They have access to a legal adviser to help them with the law • Statistics show few of their decisions are appealed • They want to do something to help society <p>Credit any other relevant response.</p>	[6]												
Paper Total		[60]												

Assessment Objectives Grid (includes QWC*)

Question	AO1	AO2	AO3	Total
1	3	0	3	6
2	9	6*	3	18
3	3	9	6	18
4	9	3	6	18
Totals	24 (40%)	18 (30%)	18 (30%)	60