



Oxford Cambridge and RSA

Monday 6 June 2022 – Morning

A Level Law

H418/01 The legal system and criminal law

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 **five** questions in total:
Answer **one** question from Questions 1 and 2 and **one** question from Questions 3 and 4 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 legal system**

Answer **two** questions (**one** from questions **1–2** and **one** from questions **3–4**).

Answer **one** question from questions **1–2**.

- | | | |
|----------|------------------------------------------------------------------|------------|
| 1 | Explain the pre-trial procedure for triable either way offences. | [8] |
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 | | |
| 2 | Describe the roles of superior judges in civil cases. | [8] |

Answer **one** question from questions **3–4**.

- | | | |
|----------|----------------------------------------------------------------------|-------------|
| 3 | Discuss the disadvantages of using juries in criminal cases. | [12] |
|
 | | |
| 4 | Discuss the advantages of using the courts to solve a civil dispute. | [12] |

SECTION B**Criminal law**

Choose **Part 1** or **Part 2**.

Part 1

Answer the **three** questions below.

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

Alex is in a nightclub. He wants to buy a drink but realises he has no money. He sees Beth at the bar with a £10 note in her hand. Alex pushes Beth and she drops the £10 note. Before Alex can take the £10 note another customer picks it up and gives it back to Beth. Alex goes to the toilet. Tom is washing his hands and his wallet is on the sink in front of him. Alex says 'Give me that or I'll punch you!' Tom gives Alex the wallet saying, 'Take it. I'm not scared of you.' Alex leaves the toilet with Tom's wallet. Tom tells Taylor, a door supervisor, what has happened. Taylor sees Alex and goes towards him. Alex kicks Taylor hard in the stomach and she drops her mobile phone. Alex picks it up and runs outside.

Kareem is a drug dealer who is owed a lot of money by Eve and Charlie. They both refuse to pay the money back, so he decides to kill them. When Kareem sees Eve in a supermarket car park, he drives his car straight at her killing her instantly. Kareem knows that Charlie is due to travel to France the next day by ferry, so he plants a bomb on it in order to kill him. However, Charlie is ill on the day of travel and stays at home. The bomb explodes on the ferry killing many passengers. Kareem decides to try and frighten Charlie into repaying the money. He sets fire to the garage at the side of Charlie's house. However, the fire gets out of control and spreads to the house killing Charlie who was asleep upstairs.

- 5 Advise whether Alex is criminally liable for robbery. [20]
- 6 Advise whether Kareem has the required *mens rea* to convict him for the deaths of Eve, the ferry passengers, and Charlie.
You do not need to discuss the specific crimes. [20]

Essay question on criminal law

- 7* 'The current law relating to self-defence is easily criticised and needs to be reformed urgently.'

Discuss the extent to which this statement is accurate. [20]

Part 2

Answer the **three** questions below.

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

Jack and his partner Sara are heavy drinkers. Jack has been advised by his doctor to reduce his drinking or risk causing serious damage to his health. Jack ignores the advice and continues to drink regularly. Recently, he has been diagnosed with alcohol dependence syndrome and depression. One Saturday night, after Jack has drunk two bottles of vodka, he suddenly accuses Sara of deliberately smashing a framed photograph of his parents. Sara denies this, but Jack lashes out in a violent rage and hits Sara over the head with a heavy metal ashtray killing her instantly.

Anika is an art dealer who wants to buy a specific painting from Nina, a famous artist. However, the painting is too expensive for Anika, so she decides to steal it from Nina's art gallery. When she thinks no-one is watching, Anika walks over to the painting. She leans across and puts her hands on the frame, getting ready to lift it off the wall. However, Nina sees her and shouts: 'Please don't touch!' Anika leaves empty-handed. Later that day she returns to steal the painting. As she approaches the entrance to the gallery, Anika notices two security guards patrolling the building. She turns around and does not enter the art gallery. Nina is so concerned that the painting might be stolen that she swaps the original with a copy. That night, Anika breaks into the gallery and takes the painting.

- 8 Advise whether Jack can avoid liability for murder by using the defence of diminished responsibility. [20]
- 9 Advise whether Anika is criminally liable for the crime of attempted theft in relation to the painting. **You do not need to discuss any other crimes in your answer.** [20]

Essay question on criminal law

- 10* 'The current law relating to self-defence is easily criticised and needs to be reformed urgently.'

Discuss the extent to which this statement is accurate. [20]

END OF QUESTION PAPER

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Friday 26 May 2023 – Morning

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INFORMATION

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ADVICE

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SECTION A

The legal system

Answer Question 1 **or** Question 2. Then answer Question 3 **or** Question 4.

Answer Question 1 **or** Question 2.

- | | | |
|----------|------------------------------------------------------------------------|------------|
| 1 | Describe the role of an Employment Tribunal. | [8] |
|
 | | |
| 2 | Explain the different ways of obtaining privately funded civil advice. | [8] |

Answer Question 3 **or** Question 4.

- | | | |
|----------|------------------------------------------------------------------------|-------------|
| 3 | Discuss the disadvantages of using mediation to solve a civil dispute. | [12] |
|
 | | |
| 4 | Discuss the advantages of judicial independence. | [12] |

SECTION B**Criminal law**

Choose **Part 1** or **Part 2**.

Part 1

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Yana is in a coffee shop. On the counter is a tray of cakes with a sign that reads: 'Free cakes. Please take one.' Yana eats a cake and puts another two in her pocket to eat later. Outside the shop, Yana sees an employee putting some out-of-date sandwiches into a rubbish bin. She takes a packet of sandwiches out of the bin and eats them for her lunch. While waiting for her bus, she notices some roses growing in a garden. She leans over the garden wall and picks several of them to give to her mother.

Charlie belongs to a gang of violent bank robbers. Charlie informs Ben, the gang leader, that he no longer wants to be involved in the gang. Ben tells Charlie that if he refuses to take part in the gang's next robbery later that week, he will break his grandmother's legs. He also reminds Charlie that he owes him £5000. On the day of the robbery Charlie is ill and unable to take part. A week later, knowing that he will have to pay Ben, he steals his next-door neighbour's car and sells it for £5000 and gives the money to Ben.

- 5 Advise whether Yana is criminally liable for theft. [20]
- 6 Advise whether Charlie can avoid liability for any crime using the defence of duress by threats. **You do not need to discuss the specific crimes.** [20]

Essay question on criminal law

- 7* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.' Discuss the extent to which this statement is accurate. [20]

Part 2

Answer the **three** questions below.

The first two questions are about the scenarios. The scenarios are **not** related.

Darcie breaks into Emma's house intending to steal her new gas boiler. She tries unsuccessfully to remove it from the wall but in the process she damages the main gas supply pipe. This causes a gas leak in the house. When Emma returns home she can smell the leaking gas. Worried, Emma goes into the living room and calls the fire brigade on her mobile phone. While she is on the telephone, she nervously lights up a cigarette. This ignites the gas which causes an immediate explosion, killing Emma instantly.

Felix and Henry play cricket for rival teams. During a match, Felix tries to leave the changing room, but Henry blocks his way out. Felix politely asks Henry to let him pass, but Henry replies: 'If my captain wasn't watching, I'd punch you in the face!' Henry then goes to the cricket club bar and drinks five large whiskies. Later, on the pitch, as Henry is running with the bat he spies Felix out of the corner of his eye. He thrusts out his bat and hits Felix in the face, breaking his jaw. Felix has to undergo major surgery, and he is permanently disfigured.

8 Advise whether Darcie is criminally liable for unlawful act manslaughter. **[20]**

9 Advise whether Henry is criminally liable for any non-fatal offences against the person and whether he can use the defence of intoxication. **[20]**

Essay question on criminal law

10* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.' Discuss the extent to which this statement is accurate. **[20]**

END OF QUESTION PAPER

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