

OCR

Oxford Cambridge and RSA

Wednesday 3 June 2015 – Morning

GCSE LAW

B142/02 Civil Courts and Civil Processes. Civil Liberties and Human Rights



Candidates answer on the Question Paper.

OCR supplied materials:
None

Other materials required:
None

Duration: 1 hour



| | | | |
|-----------------------|--|----------------------|--|
| Candidate forename | | Candidate surname | |
|-----------------------|--|----------------------|--|

| | | | | | | | | | | |
|---------------|--|--|--|--|--|------------------|--|--|--|--|
| Centre number | | | | | | Candidate number | | | | |
|---------------|--|--|--|--|--|------------------|--|--|--|--|

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**.
- This document consists of **16** pages. Any blank pages are indicated.

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Question 1 begins on page 3

PLEASE DO NOT WRITE ON THIS PAGE

Answer **all** questions.

1 Civil courts are arranged in a strict hierarchy.

Identify whether the following statements are true or false by putting a **tick** in the appropriate box below.

| Statement | True | False |
|--|------|-------|
| The High Court is both a court of first instance and an appellate court. | | |
| The Magistrates' Court deals only with criminal cases. | | |
| The Divisional Court of the Family Division hears appeals on family cases from both the Magistrates' Court and the County Court. | | |

[3]

- 2 Alternative Dispute Resolution (ADR) and tribunals are generally quicker, cheaper and far less complicated than going to court.

Identify the most appropriate method for the resolution of the dispute in each of the following scenarios. For (a), (b), (c) and (d) put a tick in the correct box and give a reason for your answer.

- (a) Abdul lives next door to Charles. He is annoyed by Charles continually playing his rap music late every night. The music is keeping the whole family, including Abdul's baby daughter, awake.

| Arbitration | Conciliation | Mediation | Negotiation | Tribunals |
|-------------|--------------|-----------|-------------|-----------|
| | | | | |

Reason

..... [2]

- (b) Maria intends to divorce her husband Harry and move to a town 200 miles away with their two children, Joey and Janice. Her husband does not want her to take the children away.

| Arbitration | Conciliation | Mediation | Negotiation | Tribunals |
|-------------|--------------|-----------|-------------|-----------|
| | | | | |

Reason

..... [2]

- (c) After three years working as a waiter, Marcus was dismissed from his job at a local restaurant as the owners decided that they only wanted to employ female staff in this job.

| Arbitration | Conciliation | Mediation | Negotiation | Tribunals |
|-------------|--------------|-----------|-------------|-----------|
| | | | | |

Reason

..... [2]

(d) Ella booked a package holiday in Spain with an Association of British Travel Agents (ABTA) registered company. Unfortunately, the hotel was very dirty and she became ill as a result of poor hygiene in the kitchen.

| Arbitration | Conciliation | Mediation | Negotiation | Tribunals |
|-------------|--------------|-----------|-------------|-----------|
| | | | | |

Reason

..... [2]

3 Following the Woolf Report, the Civil Procedure Rules introduced a number of changes to deal with problems in civil litigation.

State **two** problems these rules were intended to solve.

1

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2

..... [2]

- 4 The three-track system includes the multi-track which deals with complex claims for more than £25000. In this track, the case is actively managed by the court with trial dates set early and strictly enforced.

Identify the **other two** tracks and explain how they operate.

1

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[3]

2

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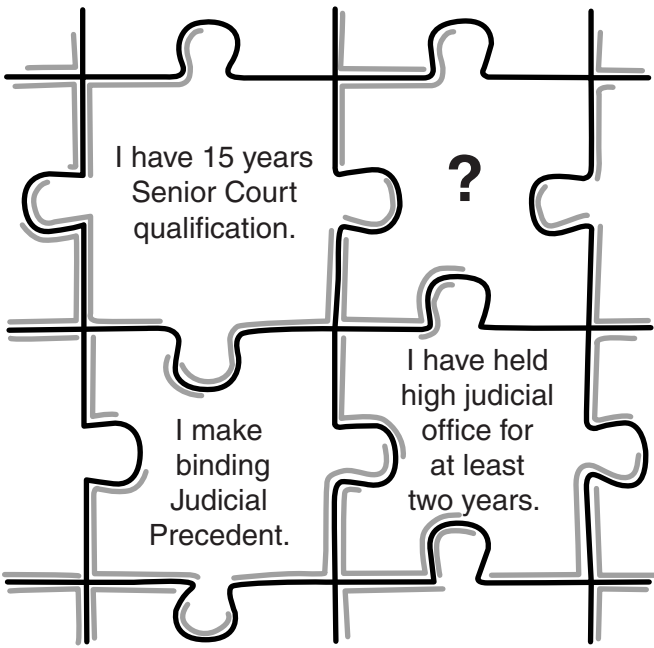
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.....

[3]

5 Look carefully at the **clues** in the jigsaws below and for each, identify the role described.

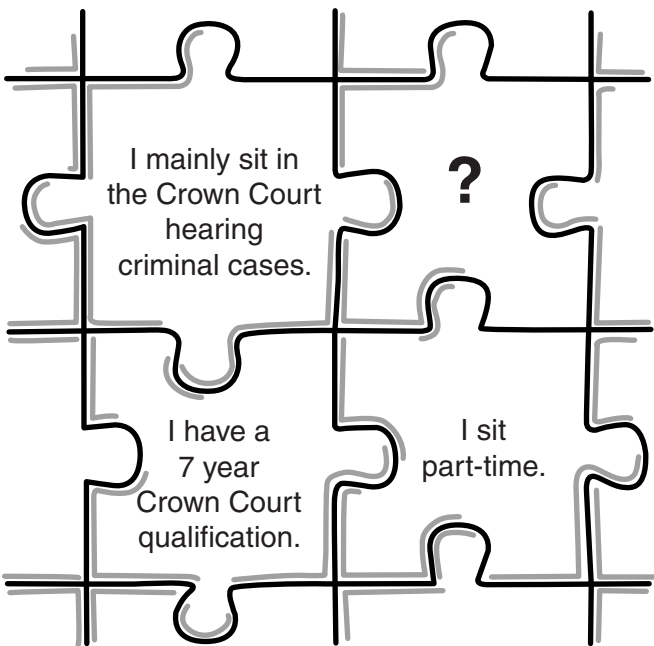


(a) Who am I?

Put a tick in the correct box below.

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | Court of Appeal Judge |
| <input type="checkbox"/> | District Judge |
| <input type="checkbox"/> | High Court Judge |
| <input type="checkbox"/> | Recorder |
| <input type="checkbox"/> | Supreme Court Judge |

[1]



(b) Who am I?

Put a tick in the correct box below.

| | |
|--------------------------|-----------------------|
| <input type="checkbox"/> | Court of Appeal Judge |
| <input type="checkbox"/> | District Judge |
| <input type="checkbox"/> | High Court Judge |
| <input type="checkbox"/> | Recorder |
| <input type="checkbox"/> | Supreme Court Judge |

[1]

- 6 **Table 1** sets out the judicial diversity statistics showing the numbers from ethnic minority groups who have been appointed as judges at various levels.

| Judicial Rank | Number of Judges | Black and Minority Ethnic Groups |
|--------------------------------|------------------|----------------------------------|
| Justices of the Supreme Court | 12 | 0 |
| Heads of Division | 5 | 0 |
| Lord Justices of Appeal | 35 | 0 |
| High Court Judges | 108 | 5 |
| Circuit Judges | 654 | 15 |
| Recorders | 1196 | 68 |
| District Judges (County Court) | 446 | 27 |

Table 1

Using the information in **Table 1**, put a tick in the appropriate box to indicate whether the following statements are true or false.

- (a) There are no 'black and minority ethnic' judges sitting in the superior courts.

| TRUE | FALSE |
|------|-------|
| | |

[1]

- (b) There are only 27 'black and minority ethnic' judges sitting in the inferior courts.

| TRUE | FALSE |
|------|-------|
| | |

[1]

7 Identify which qualification is required for appointment as a Circuit Judge. Put a tick in the correct box in the table below.

| Qualification | |
|--|--|
| Five years Crown or County Court qualification. | |
| Seven years Crown or County Court qualification. | |
| Ten years Crown or County Court qualification. | |
| Fifteen years Crown or County Court qualification. | |

[1]

8 Identify the courts where a Circuit Judge usually sits. Put a tick in the correct box in the table below.

| Courts | |
|---------------------------------|--|
| Crown Court and High Court | |
| Crown Court and Court of Appeal | |
| Crown Court and County Court | |
| High Court and County Court | |

[1]

9 The Community Legal Advice Service provides limited help for people who cannot afford to fund a civil claim.

Identify **two other** types of free legal advice available for civil matters.

1

2

[2]

10 Describe one **similarity** and two **differences** between the education and training required to qualify as a solicitor rather than as a barrister.

Similarity

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Difference 1

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Difference 2

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[6]

Problems facing the legal profession

In June 2013, the Legal Education and Training Review research report was published. In order to make sure that the education and training system for solicitors and barristers remains fit for the future, it made the following recommendations:

- More flexibility by replacing pupillage with a more flexible period of ‘supervised practice’.
- Removal or reduction of the fixed two-year training contract.
- Development of an apprenticeship route to qualification as a solicitor.
- More recognition of Chartered Legal Executives.
- Guidance provided to employers on offering work experience and internships.

Choose any **two** of these recommendations and explain why each one could help a wider range of people enter the legal profession.

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[6]

12 In a democracy, its citizens have certain rights.

| | | |
|---------------------------|--------------------------|----------------------------|
| freedoms | statute | competing interests |
| restrictions | common law | constitution |
| judicial precedent | unlawful | interference |
| civil liberties | power of assembly | European Union |

Read the passage below and fill in the correct missing words from the box above.

Freedom is the absence of unwanted

The way in which a state protects the freedoms of its citizens is known as the law of These rules are based on two concepts; first that certain basic should be provided and protected by the state and second, that certain have to be placed on these freedoms in some circumstances.

Many countries have written all the rules they follow in a single document called a written The UK does not have a single document.

Instead, its rules are set out in a variety of sources. There are laws which include the Magna Carta 1215 and the Human Rights Act 1998. There is also which is developed by judicial precedent as seen in Bushell’s Case (1670). Another source of citizens’ rights has been membership of the

[8]

13 The European Convention on Human Rights sets out fundamental rights.

Draw a line to match each type of **Human Right** with the **most** appropriate **Restriction**.

Human Right

Restriction

Article 2
The right to life

To prevent the spread of infectious diseases

Article 5
The right to liberty and security of the person

To protect public safety and national security

Article 9
The right to freedom of thought and conscience and religion

To protect the people who want to leave a particular faith

Article 11
The right to freedom of peaceful assembly

To prevent turning off a life support machine without permission

[4]

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