

**OXFORD CAMBRIDGE AND RSA EXAMINATIONS
GCSE**

B142/02

LAW

**Civil Courts and Civil Processes.
Civil Liberties and Human Rights**

WEDNESDAY 8 JUNE 2016: Morning

**DURATION: 1 hour
plus your additional time allowance**

MODIFIED ENLARGED

Candidate forename						Candidate surname					
Centre number						Candidate number					

Candidates answer on the Question Paper.

OCR SUPPLIED MATERIALS:
None

OTHER MATERIALS REQUIRED:
None

READ INSTRUCTIONS OVERLEAF

INSTRUCTIONS TO CANDIDATES

Write your name, centre number and candidate number in the boxes on the first page. 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. If additional space is required, you should use the lined page(s) at the end of this booklet. The question number(s) must be clearly shown.

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.

Any blank pages are indicated.

BLANK PAGE

Answer ALL the questions.

- 1 Complete the following sentences. Use the most appropriate words from the list below.**

balance of probabilities

claimant

county court

damages

defendant

guilty

liable

small claims court

sue

The person who starts a civil case is known as a

_____ .

A person starting a civil case will

_____ a defendant.

The lowest court a civil case can start in is

An appeal from the lowest civil court would be heard

in the _____ .

The standard of proof in a civil case is the

_____ .

One possible outcome of a civil case is that the defendant is

_____ .

An example of the most likely remedy in a civil case

is _____ .

[7]

2 Civil cases are allocated to the appropriate court and track depending on how much they are worth.

Identify the most appropriate court in each of the following situations and explain why.

For (a), (b), (c) and (d) put a tick in the correct box and give a reason for your answer.

(a) Martha has not paid a bill of £7000 owed to her builder and he has taken action against her.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason _____

_____ **[2]**

(b) Jamil has a personal injury claim worth £3000 as a result of a road traffic accident that was not his fault.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason _____

_____ **[2]**

(c) Harry wants to bring a claim against the local newspaper who published a story that was untrue, accusing him of being a convicted thief.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason _____

_____ **[2]**

(d) John has brought a claim for medical negligence against his local hospital after they amputated the wrong finger in an operation. He has been told that his claim is worth £30 000.

High Court	County Court	County Court	High Court	County Court
Queen's Bench Division	Fast track	Multi-track	Chancery Division	Small Claims track

Reason _____

_____ **[2]**

- 3 Select the correct type of Alternative Dispute Resolution (ADR) which matches the most appropriate description. Write the appropriate NUMBER next to the LETTER in the grid below.**

A	
B	

	TYPE OF ADR
A	Mediation
B	Conciliation

	DESCRIPTION
1	Negotiation with the help of an active third party.
2	The informal resolution of a dispute by the parties with no third party involvement.
3	Negotiation with the help of a neutral third party.
4	A formal process where the parties agree to be bound by the decision of a third party.

4 Discuss TWO advantages of civil litigation over Alternative Dispute Resolution (ADR).

1 _____

2 _____

[6]

5 Identify any THREE features of an employment tribunal.

1 _____

2 _____

3 _____

[3]

6 There are different sources of legal funding available in civil law.

(a) Define what is meant by privately funded legal representation.

[1]

(b) Explain ONE advantage of privately funded legal representation.

[2]

- 7 Natassia wants to enter the legal profession. Identify AND explain TWO reasons why she may consider training as a legal executive rather than as a solicitor.**

1 _____

2 _____

[4]

- 8 The Woolf Reforms were intended to ensure all cases were dealt with ‘justly’ or fairly. This is known as the ‘overriding objective’. Judges in civil cases are now in charge of how cases are managed.**

Discuss one way in which judges can achieve the overriding objective through case management.

[3]

9 Read the following passage and fill in the MOST APPROPRIATE missing words from the list below.

awards
convictions
divisions
evidence
law
leave
precedent
tracks

The role of judges alters according to whether they are appeal court judges or trial judges and also, if trial judges, whether they are dealing with criminal or civil cases. Court of Appeal judges develop the law through _____ and statutory interpretation. In criminal cases, they can overturn _____ and in civil cases, they can make or alter _____. In courts of first instance, judges generally rule on all points of _____ and give legal direction on points of evidence. In criminal trials, judges deal with

applications for bail and if the defendant is found guilty, the judge will sentence them. In civil trials, the judge will use allocation questionnaires to allocate cases to appropriate _____ and will hear the case and decide liability. First instance judges can also consider granting _____ to appeal to higher courts. [6]

10 Explain, giving an example for each one, the meaning of the following terms.

Absolute Rights _____

Limited Rights _____

Qualified Rights _____

[6]

11 Article Four states ‘No one shall be held in slavery or servitude.’ and ‘No one shall be required to perform forced or compulsory labour.’

Identify THREE situations where this right may be restricted.

1 _____

2 _____

3 _____

[3]

12 The SUICIDE ACT 1961 makes it an offence to encourage or assist a suicide in England and Wales. Anyone doing so could face up to 14 years in prison.

Campaigners for the right to die argue that the law should be changed so that people can be allowed to die with the help of a doctor.

Lord Falconer has proposed a new law to legalise ‘assisted dying’ which would allow doctors to provide a fatal dose of drugs to patients with less than six months to live.

Some religious groups, doctors and disability charities have campaigned against this change in the law.

Discuss the arguments AGAINST a law allowing assisted suicide. In writing your answer, consider which rights and restrictions under the HUMAN RIGHTS ACT 1998 may be relevant to your arguments.

[9]

[illegible]

[illegible]

END OF QUESTION PAPER

ADDITIONAL ANSWER SPACE

If additional space is required, you should use the following lined page(s). The question number(s) must be clearly shown in the margin(s).



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