



**GCE A level**

1254/02



S16-1254-02

**LAW – LA4**

**UNIT 4: Understanding Law in Context:**

**Freedom, the State and the Individual**

**OPTION 2: Criminal Law and Justice**

A.M. FRIDAY, 24 June 2016

2 hours 30 minutes

### **ADDITIONAL MATERIALS**

In addition to this examination paper, you will need a 12 page answer book.

### **INSTRUCTIONS TO CANDIDATES**

Use black ink or black ball-point pen.

Answer **two** questions from Section A and **one** question from Section B.

### **INFORMATION FOR CANDIDATES**

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded that assessment will take into account the quality of written communication used in your answers.

***You are reminded that this paper contains a synoptic element in Section B and so will test understanding of the connections between the different elements of the subject.***

**Option 2: Criminal Law and Justice**

**SECTION A**

*Answer two questions from this section.*

1. To what extent have the courts in recent years been reluctant to accept that Parliament intended a crime to be one of strict liability? [25]
  
2. To what extent can loss of control be a defence to a criminal charge? [25]
  
3. To what extent could it be argued that the Crown Prosecution Service is no longer fit for purpose? [25]
  
4. Evaluate the extent to which duress can be a defence to a criminal charge. [25]

**SECTION B**

*Answer one question from this section.*

5. Study the text below and answer the questions based on it.

Sentencing involves balancing a variety of factors such as, retribution, rehabilitation, protection of the public and reparation, along with cost effectiveness and ensuring the rule of law is maintained. The courts do sometimes get it wrong and these mistakes have to be corrected.

(a) Explain the main options available to a court in adult sentencing. [11]

(b) Evaluate the effectiveness of the Criminal Cases Review Commission. [14]

6. Study the text below and answer the questions based on it.

The law regarding bail is just the latest in a string of cases where the decisions of the European Court of Human Rights have altered United Kingdom law. The Ministry of Justice is trying both to anticipate and to react to Strasbourg rulings. Bail involves a delicate balancing act between the rights of the unconvicted defendant and the safety of the public.

(a) Explain the factors the courts take into account in deciding whether to grant or refuse bail. [11]

(b) Evaluate the extent to which the Human Rights Act 1998 protects human rights within the UK. [14]

**END OF PAPER**