



Practice Papers for A Level OCR Law

Paper 1:

The Legal System and Criminal Law

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Teacher's Introduction

These practice papers for A Level OCR Law follow the 2020 specification requirements for exams from 2022 and have been based on the structure and style of the OCR sample assessment materials.

There are three practice papers with indicative content for each question. As a whole, the papers cover the specification topics under **H418/01: The Legal System and Criminal Law** (Paper 1).

Remember!

Always check the exam board website for new information, including changes to the specification and sample assessment material.

Each of these practice papers is divided into Section A and Section B, as in the exam. Students should take care in noting the number of marks for each question and the specific requirements.

In brief:

- Paper 1 is worth **80 marks**.
- Students answer **five** questions in total:
 - Section A: answer **one** from questions **1–2** and **one** from questions **3–4**.
 - Section B: choose Part 1 **or** Part 2 and answer the **three** questions in that section.

For mock exams, a full paper should be offered so that students can become familiar with the structure of their final exam.

The resource will enable students to gain greater experience of answering questions in preparation for the **H418/01: The Legal System and Criminal Law** exam.

March 2022

ZigZag Practice Exam

Supporting A Level

Law



Paper 1: The Legal System and Criminal Law

Practice Paper B

Name

Time allowed: 2 hours

The **maximum mark** for this paper is 80.

INSTRUCTIONS

- Answer **five** questions in total:
Section A: answer **one** from questions **1–2** and **one** from questions **3–4**.
Section B: choose **one** from Part 2 and answer the **three** questions in that section.

INFORMATION

- The marks for each question are shown in brackets [].
- Quality of extended response will be assessed in those questions marked with an asterisk (*).

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SECTION A

The legal system

Answer **two** questions (**one** from questions **1–2** and **one** from

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

- 1 Explain the process which would be followed before a trial in the civil courts.
- 2 Describe how judicial independence is achieved.

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

- 3 Discuss the disadvantages of using the courts as a means of dispute resolution.
- 4 Discuss the advantages of judicial independence.

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SECTION B

Criminal law

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

Part 1

Answer the following questions below.

The first two questions are based on the scenarios below. The scenarios are:

Darren and Ama are members of rival gangs – the Essex Road gang and the Oxford Road gang. Darren posts a message on Ama's social media account that says, 'Looks like they are scared of us, Kiu.' Darren sends Ama a text message saying, 'If you were not with Kiu, I would have stabbed you.' Ama is waiting for you to leave your house; then you can say it to my face.' After two weeks, you leave the house. Darren is walking along a busy road and sees Ama on the other side of the road. Ama does not see Darren. Darren immediately remembers the text message that Ama had sent him and runs across the road without looking and is hit by a car. Darren suffers a broken leg.

Ade and Meihan are classmates who like to 'happy slap' each other. This involves slapping the other person across the face. The person who leaves a print of their hand on the other person's face. One day, Meihan suddenly 'happy slaps' Ade across the face. Ade immediately reports Meihan to the police. Ade is left with a bruised, swollen face and Meihan suffers a black eye.

- 5 Advise whether Ama is criminally liable for assault and grievous bodily harm. If Ama is criminally liable for assault, advise whether Ama is criminally liable for assault.
- 6 Advise whether the defence of consent is available to Meihan and whether it is a complete defence.

Essay question on criminal law

- 7* 'Non-fatal offences are in serious need of reform.'
Discuss the accuracy of this statement and include suggestions for reform.

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Part 2

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are

Maz and Ben are best friends. Maz invites Ben to his sister Mel's birthday party at her house. Ben goes to Mel's room and ignores the 'Do not enter' sign. He finds a bottle of vodka. Ben leaves Mel's room with the vodka. Ami, Mel's best friend, enters Mel's room and decides to take a bottle of vodka. Ami enters Mel's room, takes it in Mel's room and leaves the empty bottle on the floor as she leaves the room.

Rob has just been released from prison for armed robbery with only £10. Rob does not have any clothes, so he decides to go shopping. Rob enters H&M and puts two T-shirts in his bag. He goes to the changing room and swaps the clothes he is wearing for H&M's. He leaves the changing room and proceeds to walk towards the exit. A staff member immediately stops Rob just as he has gone past the till point and is on his way towards the exit. Rob is taken to the back room by the security officer and is asked to follow the security officer to the back room. Rob claims that he has only his clothes in the bag. The security officer takes Rob to the back room. Rob kicks the security officer, grabs his bag, and runs away.

8 Advise whether Ben is criminally liable for burglary and theft.

9 Advise whether Rob is criminally liable for theft and robbery.

Question on criminal law

10* 'No criminal offences are in serious need of reform.'
Discuss the accuracy of this statement and include suggestions for reform.

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Preview of Questions Ends Here

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Assessment Objectives

The following AOs have been prescribed by OCR for the A Level Law H418/01. The exam. Please see the OCR website for the full mark schemes.

Section A:

Questions 1–2	
AO1	‘Demonstrate knowledge and understanding of the English legal rules and principles.’
Questions 3–4	
AO3	‘Analyse and evaluate legal rules, principles, concepts and issues.’

Section B:

Questions 5, 6, 8, 9	
AO1	‘Demonstrate knowledge and understanding of the English legal rules and principles.’
AO2	‘Apply legal rules and principles to given scenarios in order to provide a legal argument using appropriate legal terminology.’
Questions 7* and 10*	
AO1	‘Demonstrate knowledge and understanding of the English legal rules and principles.’
AO3	‘Analyse and evaluate legal rules, principles, concepts and issues.’

Questions followed by an asterisk (*) require the candidate to provide an extended answer.

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Mark Scheme

Practice Paper A

Teachers should refer to the OCR mark scheme for additional guidance and should include those not mentioned here as possible answers.

Q	Practice Paper Answer
1	<ul style="list-style-type: none"> Description of jury qualification – election; qualification 18–75 – age Criminal Justice and Court Act 2015, being on electoral roll, resident in five years since 1 May Persons not qualifying: disqualification – life imprisonment or custody for public protection, extended service, term of imprisonment of five years Persons who are disqualified for 10 years, mentally ill persons, members of the armed forces Deferral, other good reason for not serving, discharge, e.g. knowing participant in a similar crime. Lawyers and police officers are now eligible to serve (Abdroikof (2007)).
2	<ul style="list-style-type: none"> Free advice and assistance from a duty solicitor at the police station to the accused. Usually, only telephone advice as funding for attendance is limited to the most vulnerable suspects. Duty solicitor at the magistrates' court is available to offer free advice to those who are to appear in court One hour of means-tested criminal advice and assistance is available from the Legal Aid Agency Merits and means-tested legal representation is available. This includes representation at the police station and at court The means test assesses the disposable income and disposable capital of the defendant Means-testing rules differ depending on where the case is heard (magistrates' court, Crown Court) The Public Defender Service is run by the Legal Aid Agency. The service provides representation at the police station and at court to those eligible for legal aid
3	<p>Advantages:</p> <ul style="list-style-type: none"> Public confidence – tried by 'peers' – democratic Jury equity – not bound by the law, decide cases on what they deem as fair – <i>Ponting</i> Open system of justice – members of the public are involved in a key role in the justice system Random selection – process of random selection enables a cross section of society to provide justice Secrecy of the jury room – juries are free from pressure in their discussions, protected from outside influences, which allows juries to, at times, ignore the law. Keeps criminal justice within the community Allows people to stay engaged with their civic responsibility
4	<p>Extensive cuts made to the legal aid budget over recent years have created legal aid justice for many. LASPO (2012)</p> <ul style="list-style-type: none"> With the cuts to legal aid, outside agencies are finding themselves overwhelmed. This means that it is difficult to be seen. Many areas in the UK are 'advice deserts', meaning that there are no local legal aid services in the immediate area The cuts often affect those most in need. This includes people who are disabled or those from minority communities. Particularly those in need of assistance at magistrates' courts, where it is almost impossible to satisfy the legal aid criteria There is a huge rise in litigant in person. Private funding allows a person to choose the best lawyer, but this is very expensive. CFAAs have enabled people to bring their claims to court without upfront costs. However, this means that some litigants end up worse off. The success fee, if they win, will receive a large quantity of their compensation and they can only take on cases that they have a high chance of winning.

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Q	Practice Paper A Answer
5	<p>AO1 [8]</p> <p>Unlawful act manslaughter</p> <ul style="list-style-type: none"> Defendant must do an unlawful act – omission not enough – <i>Lowe</i> The act must be dangerous on an objective test – test laid down in <i>Church</i> – need not be foreseeable – <i>JM and SM (2012)</i> – <i>Bristow (2013)</i> The act must cause the death – causation issues apply: factual causation would not have occurred but for D's action – legal causation – did D's act make a significant contribution to the outcome? <i>Roberts (1976)</i>, <i>Dalby (1982)</i>, <i>Kennedy (1997)</i> The defendant must have the required <i>mens rea</i> for the unlawful act – <i>Newbury (1967)</i> <p>Gross negligence manslaughter</p> <ul style="list-style-type: none"> Of the law – civil principles apply – must establish a relationship of proximity – <i>Adomako (1999)</i>, <i>Litchfield (1998)</i>, <i>Garg (Sudhanshu) (2012)</i>, <i>Reeves (2012)</i> Civil principles apply, e.g. voluntary assumption of duty – <i>Stone and Dobinson (1997)</i> when engaged in a criminal act – <i>Wacker (2002)</i> Breach of duty – a factual matter. The breach must have caused the death (causation issues apply) – <i>Evans (2009)</i> Gross negligence which the jury deems to be criminal – first explained in <i>Adomako (1999)</i> Gross negligence was the substantial cause of death – must be a risk of death to the health and welfare of the victim – decided in <i>Misra and Another (2004)</i>, <i>Rudling (2017)</i>, <i>Kuddus (2019)</i> <p>AO2 [12]</p> <p>Helen</p> <ul style="list-style-type: none"> Possibly liable for unlawful act manslaughter Unlawful act being when Helen pushed Louisa into the swimming pool. Common assault – battery. Sober and reasonable people would see that there would be a risk of harm if Louisa was pushed into the swimming pool Pushing Louisa into the swimming pool was the main cause of death (causation issues) – there was a risk that Louisa could have drowned if pushed into a swimming pool after drinking alcohol <p>Arun</p> <ul style="list-style-type: none"> Essential offence of gross negligence manslaughter Possible under contractual duty – being a lifeguard – <i>Pittwood (1902)</i> Breach by failure to take sufficient care by calling for help Causation issues – would Louisa have died anyway? <p>The 'grossness' of the negligence – question for the jury – jury likely to hold that there was a risk of death – <i>Misra (2004)</i>, <i>Rudling (2016)</i>, <i>Rose (2017)</i>, <i>Kuddus (2019)</i></p>
6	<p>AO1 [8]</p> <p>Loss of control</p> <ul style="list-style-type: none"> s.54 Coroners and Justice Act 2009 Must have lost self-control – need not be sudden – <i>Ahluwalia (1992)</i>, <i>Jewell (2002)</i> Qualifying trigger – fear of serious violence – <i>Martin (Anthony) (2002)</i>. The circumstances of a grave character and caused the defendant to have a justifiable sense of being seriously wronged – <i>Doughty (1986)</i>, <i>Zebedee (2012)</i>, <i>Hatter (2017)</i> Excluded matters – sexual infidelity – <i>Clinton (2012)</i>, revenge – <i>Ibrams and Gregory (1981)</i>, <i>Baillie (1995)</i> The ultimate test of the reaction of a person of normal degree of tolerance – <i>Camplin (1978)</i> No person's characteristics should be taken into account – <i>A-G for Jersey v Holman (2015)</i> Circumstances can be taken into account – <i>Gregson (2006)</i>, <i>Hill (2017)</i>, <i>Man (2017)</i> Voluntary intoxication – cannot form part of D's circumstances – <i>Asmelash (2013)</i>

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Preview of Answers Ends Here

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