

2020 specification
first exams in 2022



Topic Tests

for A Level OCR Law

Paper 3A/4A: Nature of Law

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Teacher's Introduction

Nature of Law is a unique part of the OCR H418 specification for Law. It is arguably a difficult area to teach and relies upon a wealth of knowledge on theory, a healthy supply of topical examples to draw upon, and lots of analysis and evaluation. There is also generally a perceived difficulty in preparing students for any essay other than those on law and morals, law and justice, and law and society. Therefore, I hope that the first section 'Introduction to the Nature of Law' helps with the teaching of this. You will see that, broken down, this section provides almost a consolidation of areas across the course; lawmaking and the legal system in particular.

Remember!

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

These tests follow the specification and ensure an even coverage of all areas of Section A of Paper 3 and 4: Nature of Law. This resource can be used in multiple ways. For example:

1. As a test of knowledge and understanding post teaching of each area.
2. As a flipped learning resource, where students can build up a bank of notes by answering the questions independently, ready for assessment in class via essay.

If adopting the latter, teachers should provide structure to students to help them formulate essay plans in each area.

As this is a unique area, these topic tests could not follow one set structure. Each component of the specification is tested in three sections as follows:

Section A questions typically assess students on key terms and theorist definitions.

Section B either provides a scenario with questions on topical themes, or provides an activity to test knowledge and application. Most activities require completion of a table.

Section C is the discussion section, which provides students the opportunity to discuss an aspect of the area in more detail. Some of these may be viewed as tricky. I have intentionally made the essay questions 12 marks to align with the OCR style of marking evaluation based on the point, developed point, and well-developed point structure. I provide guidance on this within the mark scheme.

I hope that you find this useful and I wish you the best of luck in using it.

1. Introduction to the Nature of

Topic Test 1.1: Law and rules

SECTION A

1. Explain what 'law' is.

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2. Explain how criminal law regulates conduct.

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3. Explain how civil law regulates conduct.

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4. Briefly describe how 'judicial precedent' works.

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5. Describe what is meant by the 'legislature' and explain its relationship in relation to the courts.

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6. Explain what is meant by a 'rule'.

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SECTION B: ACTIVITY

7. Tick the correct box below next to each rule maker to identify whether it is written, unwritten, or made through custom and practice, or both.

Rule	Written	Unwritten
Legislature		
Judicial authority		
Religious practices		
School/College		
Local sports clubs		
Professional sports clubs		

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1. Introduction to the Nature of

Topic Test 1.1: Law and rules

SECTION A

1. Explain what 'law' is.
2. Explain how criminal law regulates conduct.
3. Explain how civil law regulates conduct.
4. Briefly describe how 'judicial precedent' works.
5. Describe what is meant by the 'legislature' and explain its relationship in relation to the law.
6. Explain what is meant by a 'rule'.

SECTION B: ACTIVITY

7. Identify whether each rule below is written/formal, or unwritten / made through custom or both.
 - Legislature
 - Local authority
 - Religious practices
 - School/College
 - Local sports clubs
 - Professional sports clubs

SECTION C

8. Discuss the advantages and disadvantages of making laws by judicial precedent.

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Preview of Questions Ends Here

This is a limited inspection copy. Sample of questions ends here to avoid students previewing questions before they are set. See contents page for details of the rest of the resource.

Mark Scheme

Sections A and B: Short-answer questions, activity or scenario-based questions
See guidance within the detailed mark scheme for how marks should be awarded questions based on a scenario.

Section C: 12-mark essay questions

Marking of discuss questions should take the form of giving 1 mark for every point relevant point of explanation given and a further 1 mark for a relevant example.

		Analysis/Evaluation
	0 marks	No relevant answer given.
Level 1	1–2	Limited analysis and discussion of key points. No real development.
Level 2	3–5	Basic analysis and discussion of key points. Limited development.
Level 3	6–8	Good analysis and evaluation with development of points that are relevant to the question.
Level 4	9–12	Excellent analysis and evaluation with well-developed points and examples to illustrate.

The bold highlighted areas throughout the mark scheme provide guidance when marking those questions with multiple marks.

Guidance on marking Section C discuss questions: 1 mark for identifying each advantage, 1 mark for each explanation point, 1 mark for giving the effect of the advantage and 3 marks for each point made.

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Topic Test 1.2 The connections between law, morality and justice

Section A

1. A moral code refers to a **set of moral values or beliefs** which have developed or evolved within a **community or society**. These lay a framework for **acceptable behaviour and/or conduct** within that community or society. (2)
2. Morals have evolved historically through **religious beliefs** (e.g. the Ten Commandments) and **social influences** such as friends, family, workplaces, etc. (2)
3. Breaches of morals **will not carry official or legal sanctions** unless they are also crimes. The wrongdoer may face **rejection and social consequences** (public shaming) from the community. (2)
4. The difficulties in defining 'justice' are that people have **differing views** of what is just or unjust based on their **personal beliefs, experiences and backgrounds**. **Applying the same rules to everybody** is difficult because the needs of society differ within its groups and communities. **People's ideas of justice**: some base them on their religious beliefs or their moral code, other

Section B

5. The legal issues for the UKSC were: 1) Was there a duty of care owed by the police to the public, Mrs Robinson? 2) Did the police act negligently towards Mrs Robinson when they made a necessary arrest? (2)
6. The moral issue was whether the **police should be held legally accountable for an arrest in public**. Prior to this case there was a common view (misconception) that the police were immune from negligent actions that occurred during their duties. (2)
7. Justice was **arguably achieved for society as police officers are no longer granted an immunity** and must take care of those in close proximity to them when performing their duties. **Justice was achieved for Mrs Robinson, who received compensation** for her injuries. (2)
8. Justice was arguably not achieved **for the police as it may result in reluctance to perform their duties** now that the immunity is clearly lifted. (2)

Section C

Marking guidance: marks can be awarded for recognising the overlap between each of the concepts: law, morality vs justice. Examples can be given for each with an extra mark. Marks can also be awarded for recognising that the concepts may not overlap.

9. There is an overlap between law, morality and justice because: (12)
 - Law can take into account moral views of society in making their decisions. For example, criminalising and punishing moral offences such as murder and theft. (1)
 - Moral views of society arguably align with its views of justice (1). What a person's moral code may inevitably result in an injustice (1), e.g. a murder, which is commonly accepted as a crime, receives a harsh punishment to achieve justice in the form of a mandatory life sentence. (1)
 - Law overlaps with justice by imposing sanctions and harsh punishments for those who break the law. For example, society (1), e.g. compensation or restitution of property can be awarded for victims of crime. (1) used as punishment, injunctions can prohibit wrong conduct or enforce mandatory standards. (1) of offences that are seen as unjust – offences against people or property, those against property such as negligence and nuisance – can be seen to provide justice (1).
 - However, law may not overlap with morals as the courts have a very clear view of what is just or unjust on evidence (1). In some cases legal and moral issues may conflict; for example, a person's moral views, or parental views (1). Those may be overridden in favour of medical evidence and the interests of the patient' (e.g. *Re A Conjoined Twins*, *Johnstone & Battersbee v Barts*) (1)

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