



Oxford Cambridge and RSA

**Friday 26 May 2023 – Morning**

**A Level Law**

**H418/01** The legal system and criminal law

**Time allowed: 2 hours**



**You must have:**

- the OCR 12-page Answer Booklet

**INSTRUCTIONS**

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **five** questions in total:  
Answer **one** question from Questions 1 and 2 and **one** question from Questions 3 and 4 in Section A.  
Choose **one** Part in Section B. Answer the **three** questions for that part.

**INFORMATION**

- The total mark for this paper is **80**.
- The marks for each question are shown in brackets [ ].
- Quality of extended response will be assessed in questions marked with an asterisk (\*).
- This document has **4** pages.

**ADVICE**

- Read each question carefully before you start your answer.

**SECTION A**

**The legal system**

Answer Question 1 **or** Question 2. Then answer Question 3 **or** Question 4.

Answer Question 1 **or** Question 2.

1 Describe the role of an Employment Tribunal. [8]

2 Explain the different ways of obtaining privately funded civil advice. [8]

Answer Question 3 **or** Question 4.

3 Discuss the disadvantages of using mediation to solve a civil dispute. [12]

4 Discuss the advantages of judicial independence. [12]

**SECTION B****Criminal law**

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

**Part 1**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Yana is in a coffee shop. On the counter is a tray of cakes with a sign that reads: 'Free cakes. Please take one.' Yana eats a cake and puts another two in her pocket to eat later. Outside the shop, Yana sees an employee putting some out-of-date sandwiches into a rubbish bin. She takes a packet of sandwiches out of the bin and eats them for her lunch. While waiting for her bus, she notices some roses growing in a garden. She leans over the garden wall and picks several of them to give to her mother.

Charlie belongs to a gang of violent bank robbers. Charlie informs Ben, the gang leader, that he no longer wants to be involved in the gang. Ben tells Charlie that if he refuses to take part in the gang's next robbery later that week, he will break his grandmother's legs. He also reminds Charlie that he owes him £5000. On the day of the robbery Charlie is ill and unable to take part. A week later, knowing that he will have to pay Ben, he steals his next-door neighbour's car and sells it for £5000 and gives the money to Ben.

- 5 Advise whether Yana is criminally liable for theft. [20]
- 6 Advise whether Charlie can avoid liability for any crime using the defence of duress by threats. **You do not need to discuss the specific crimes.** [20]

**Essay question on criminal law**

- 7\* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.' Discuss the extent to which this statement is accurate. [20]

**Part 2**

Answer the **three** questions below.

The first two questions are about the scenarios. The scenarios are **not** related.

Darcie breaks into Emma's house intending to steal her new gas boiler. She tries unsuccessfully to remove it from the wall but in the process she damages the main gas supply pipe. This causes a gas leak in the house. When Emma returns home she can smell the leaking gas. Worried, Emma goes into the living room and calls the fire brigade on her mobile phone. While she is on the telephone, she nervously lights up a cigarette. This ignites the gas which causes an immediate explosion, killing Emma instantly.

Felix and Henry play cricket for rival teams. During a match, Felix tries to leave the changing room, but Henry blocks his way out. Felix politely asks Henry to let him pass, but Henry replies: 'If my captain wasn't watching, I'd punch you in the face!' Henry then goes to the cricket club bar and drinks five large whiskies. Later, on the pitch, as Henry is running with the bat he spies Felix out of the corner of his eye. He thrusts out his bat and hits Felix in the face, breaking his jaw. Felix has to undergo major surgery, and he is permanently disfigured.

- 8 Advise whether Darcie is criminally liable for unlawful act manslaughter. [20]
- 9 Advise whether Henry is criminally liable for any non-fatal offences against the person and whether he can use the defence of intoxication. [20]

**Essay question on criminal law**

- 10\* 'The defence of consent is not fit for purpose in modern times and needs to be reformed urgently.' Discuss the extent to which this statement is accurate. [20]

**END OF QUESTION PAPER**

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