

Please write clearly, in block capitals.

Centre number

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Candidate number

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Surname

Forename(s)

Candidate signature

AS LAW

Paper 1

Specimen 2016

Time allowed: 1 hour 30 minutes

Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.


Information


- The marks for questions are shown in brackets.
 - The maximum mark for this paper is 80.
-

Only **one** answer per question is allowed.

For each answer completely fill in the circle alongside the appropriate answer.



If you want to change your answer you must cross out your original answer as shown. 

If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown. 

0 1

Which **one** of the following statements best defines the rule of transferred malice?

- A** The actus reus moves from the actual victim to the intended victim
- B** The actus reus moves from the intended victim to the actual victim
- C** The mens rea moves from the actual victim to the intended victim
- D** The mens rea moves from the intended victim to the actual victim

[1 mark]

0 2

Which **one** of the following statements about strict liability offences is **true**?

- A** Whether an offence is one of strict liability is a matter of fact to be decided by a jury
- B** Strict liability is only imposed where the offence is a regulatory offence
- C** Strict liability offences are usually statutory offences
- D** A strict liability offence will never carry a sentence of imprisonment

[1 mark]

0 3

Which **one** of the following statements best defines the actus reus of s47 Offences Against the Person Act 1861?

- A** Assault causing some harm
- B** Assault or battery causing some harm
- C** Battery causing some harm
- D** Causing some harm

[1 mark]**0 4**

Dave is sitting on a bench when he points a gun at Nick who is coming towards him. Dave puts the gun away when he realises that Nick is blind. What offence has Dave committed?

- A** Assault
- B** Assault and battery
- C** Battery
- D** None of the above

[1 mark]**0 5**

Which **one** of the following statements about causation is **false**?

- A** Causation requires proof of causation in fact
- B** D can cause a consequence only by doing an act
- C** Causation requires proof of causation in law
- D** Two or more persons can be held to cause the same consequence

[1 mark]**0 6**

Select the **one** court to which the prosecution can appeal by way of case stated (on a point of law) from a Magistrates' Court trial.

- A** The County Court
- B** The Court of Appeal (Criminal Division)
- C** The Crown Court
- D** The Queen's Bench Divisional Court

[1 mark]

0 7

Yvette is unemployed and is charged with grievous bodily harm with intent contrary to s18 Offences Against the Persons Act 1861. What would be the best course of action for Yvette to fight her case?

- A** Apply to the court for a representation order
- B** Negotiate a conditional fee agreement
- C** Represent herself in court
- D** Use her benefits and savings to employ a lawyer

[1 mark]**0 8**

Select the most senior court in the hierarchy in terms of judicial precedent.

- A** The Court of Appeal
- B** The European Court of Human Rights
- C** The High Court
- D** The Supreme Court

[1 mark]**0 9**

Select the **one** type of lawyer who is **not** authorised to represent a client in a Crown Court trial.

- A** A barrister
- B** A legal executive
- C** A Queen's Counsel
- D** A solicitor with higher competencies

[1 mark]

1 0

Select the **one** correct statement about lay magistrates.

- A Lay magistrates decide on a defendant's guilt or innocence

- B Lay magistrates sentence all defendants found guilty of triable either way offences

- C Lay magistrates must sit in court at least once each week

- D Lay magistrates never appear in the Crown Court

[1 mark]

1 1

Explain what is meant by a majority verdict of a jury in a criminal trial, and explain when a jury may be entitled to reach a majority verdict.

[3 marks]

1 2

Anne drunkenly fell asleep one night, leaving a candle burning on the bed. When she awoke in the middle of the night, the bed was just starting to catch fire. She went downstairs and fell asleep again. The fire spread through the bedroom and then to her neighbour's house.

In some circumstances, an omission can form the basis of the actus reus of a criminal offence. Suggest why Anne's failure to do anything about the fire might, in law, form the basis of the actus reus of an offence of causing damage to her neighbour's house.

[3 marks]

1 3

Josh, aged 25, had a number of convictions, including for offences of violence to hospital medical staff in Accident and Emergency Departments. One night, he lay in wait for Kerry, a hospital nurse who had treated him previously. When she passed him, he lashed out at her with a knife, narrowly missing her chest and inflicting a deep cut across her arm.

Advise Josh as to his liability for an offence under the Offences against the Person Act 1861 s18. Assuming conviction, assess the likelihood that a severe custodial sentence might be imposed.

[12 marks]

Turn over for the next question

1 | 4

During a trip to the seaside, Liam, aged 19, ran along a narrow ledge on the sea wall above the beach whilst playing a rowdy game with friends. He slipped off the ledge and fell onto Maria, aged 9, who was walking on the beach. Maria suffered severe bruising to her body.

Liam was tried in the Magistrates' Court for an offence under the Offences Against the Person Act 1861 s20. During the trial, there were significant disputes about both the facts and the interpretation of the law.

Advise Liam as to his liability for an offence under the Offences Against the Person Act 1861 s20. Assuming conviction, assess the likelihood that an appeal by Liam might reach the Supreme Court.

[12 marks]

Turn over for the next question

In question 15 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 5

Elena thinks she is the only person still studying in the library. She is annoyed to be told by Catherine, the librarian, that the library will close in five minutes. Elena angrily throws her books onto the floor, runs to the exit, and switches off the lights. As she leaves, she shouts, "Better watch out. I am coming with my pepper spray!"

Catherine is startled. In the darkness, she trips over the books on the floor and strikes her head on a bookshelf, which results in a black eye. Unknown to Elena, Gurdeep is also studying in the library and is stressed about his examinations. He is very shaken by the darkness and the shout but manages to leave safely. Later, he develops a mild but continuing anxiety disorder.

Consider the criminal liability of Elena arising out of her actions in the library.

[20 marks]

Extra space

In question 16 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 6

Referring to examples from criminal and/or civil law, explain how judges in the Supreme Court and the Court of Appeal can avoid following precedent, and discuss the necessity for the judges to be able to do so.

[20 marks]

Extra space

END OF QUESTIONS

There are no questions printed on this page

**DO NOT WRITE ON THIS PAGE
ANSWER IN THE SPACES PROVIDED**

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