

SPECIMEN MATERIAL

Please write clearly, in	block capitals.		
Centre number		Candidate number	
Surname _			
Forename(s)			
Candidate signature			/

A-level LAW

Paper 3 Human Rights

Specimen 2016

Time allowed: 2 hours

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 100.

Only one	e ans	swer per question is allowed.				
For each	each answer completely fill in the circle alongside the appropriate answer.					
CORRECT ME	METHOD WRONG METHODS 🚫 🖲 🌊 🗹					
If you wa	ant to	change your answer you must cross out your original answer a	s shown. 💌			
If you wis as shown		return to an answer previously crossed out, ring the answer you	I now wish to seled	ct		
0 1	Se	elect the one true statement.				
	Af	ter the Human Rights Act 1998 came into force:				
	Α	All provisions of the European Convention on Human Rights are directly enforceable against individuals in English courts	\bigcirc			
	В	Any provision of an English statute which is incompatible with a provision of the European Convention on Human Rights must be disregarded by an English court	0			
	С	English courts created the doctrine of the 'margin of appreciation' to assist them in applying provisions of the European Convention on Human Rights in a flexible way	\bigcirc			
	D	It is still possible for a claimant in England to bring an action directly in the European Court of Human Rights	[1 ma	ark]		
02	Se	elect the one false statement.				
	Ur	nder the European Convention on Human Rights:				
	A	Interpretation of Article 2 provides that an unborn child is not a person, so that abortion in itself does not breach Article 2 rights	0			
	В	Interpretation of Article 5 makes it unlawful for an ordinary citizen to carry out an arrest	0			
	С	Interpretation of Article 8 extends 'private life' into some aspects of public activity	0			
	D	Interpretation of Article 10 provides that the right to freedom of expression extends to a right to receive information and ideas	\bigcirc			
			[1 ma	ırk]		

03	Orders in Council are one form of delegated legislation. All of the suitable as Orders in Council except :	e following are
	A commencement order for an Act of Parliament	0
	B A law implementing a European Union directive	0
	C A law regulating parking in a city	0
	D A law transferring responsibilities from one government ministry to another	[1 mark]
0 4	Choose the best description of regulations as a form of Europear	uUnion (EU) law.
	A EU regulations are issued by ministers under powers granted in an enabling Act	0
	B EU regulations automatically become law in the UK once they are issued	0
	C EU regulations need to be implemented in UK law by delegated legislation	0
	D EU regulations become law in the UK only when included in an Act of Parliament	○ [1 mark]
0 5	Select the true statement about civil and criminal law.	
	A The same unlawful conduct may sometimes be both a crime and a breach of the civil law	0
	B Civil law is based on common law rules whereas criminal law is based on statutory rules	0
	C Issues of fact are always decided only by juries in both civil and criminal law cases	0
	D Judges of the Supreme Court do not hear appeals in criminal law cases	0
		[1 mark]

0 6 Explain **two** elements that can be considered to be aspects of 'the rule of law'. Briefly explain why the independence of the judiciary is important in relation to the rule of law. [5 marks] Adam, a police officer, detained Bina for two hours in a police van in the town centre before allowing her to go. He did so, he said, for her own protection because a drunken crowd had been threatening violence against her, and there was a clear breach of the peace.

Suggest why Adam's action in detaining Bina would be unlikely to be a breach of Article 5 of the European Convention on Human Rights.

[5 marks]

08

Information received by police indicated that a violent robbery was to take place at a bank sometime in the next few days. During an attempt to intercept the individuals suspected to be driving to the bank to commit the robbery, the police shot and killed one of them. No weapons were found in the car or nearby.

Advise the police as to how the provisions of Article 2 of the European Convention on Human Rights might apply to these facts.

[10 marks]

In question 9 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

0 9 Examine the relationship between legal rules and moral rules. Discuss the extent to which rules in Human Rights law are founded on moral rules.

[15 marks]

Extra space

In question 10 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 0

A violent incident in town one night was tracked by CCTV. During the subsequent investigation, Carrie, a police officer, examined the CCTV footage. In addition to the violence, she noticed a man and a young woman kissing passionately in a shop doorway. She recognised the man as David, a prominent local businessman and politician. David was highly respected in the community, and especially well known for being happily married with a family. The young woman was not his wife.

Carrie made images from the CCTV footage available to the local newspaper, 'The Recorder', to gain information on the identity of suspects. Carrie unintentionally included the image of David and the young woman. 'The Recorder' contacted David and informed him that it proposed to publish a report at the weekend in which it would show the image of him with the young woman and would comment on his deceit and hypocrisy about marriage and his family.

Consider what rights and remedies David may have against the police and 'The Recorder' arising out of these incidents.

[30 marks]



_



In question 11 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1

Dog owners were very angry when Eastern City Council banned dogs from many local parks. A group of dog owners, led by Henry, formed *FreeDog* to campaign for the rights of dogs. *Freedog* members decided to march through the city to the Council House, where they would hold a protest meeting and rally. Fearing opposition from *Dog Free*, a group which strongly approved of the ban, Henry did not notify the police of the march. However, rumours of the intended march spread, so that when it took place, *Freedog* members were followed by those from *Dog Free*. A number of violent incidents took place along the route, mostly provoked by *Dog Free*, causing alarm to members of the public.

The police arrived and negotiated with Henry for a change in the route and for the meeting and rally to be held some distance away from the Council House. When Henry refused, he was arrested for obstructing a police constable in the execution of his duty and the marchers from *Freedog* were ordered to disperse, on the basis that they were provoking continuing breaches of the peace by *Dog Free* members.

Having regard to the human rights issues raised, consider the legality of the police actions in relation to the march and associated incidents.

Assess the extent to which the rules that you have applied in relation to these incidents achieve an appropriate balancing of the interests involved.

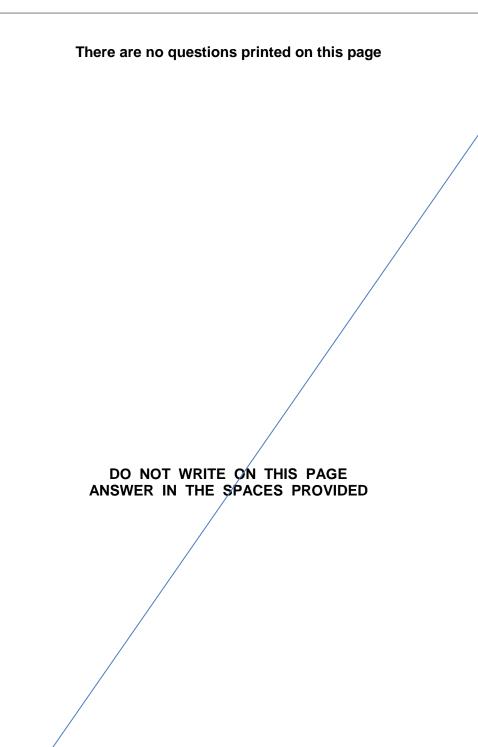
[30 marks]



Extra space	

14

END OF QUESTIONS



aqa.org.uk

Copyright © 2016 AQA and its licensors. All rights reserved.

AQA Education (AQA) is a registered charity (registered charity number 1073334) and a company limited by guarantee registered in England and Wales (company number 3644723). Registered address: AQA, Devas Street, Manchester M15 6EX

24 January 2017