A

AQA

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Other Names _____

Centre Number _____

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I declare this is my own work.

A-level

LAW

Paper 1

7162/1

Time allowed: 2 hours

At the top of the page, write your surname and other names, your centre number, your candidate number and add your signature.

[Turn over]

JUN227162101

For this paper you will need no other materials.

INSTRUCTIONS

- **Use black ink or black ball-point pen.**
- **Answer ALL questions. You must answer the questions in the spaces provided. Do NOT write on blank pages.**
- **If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).**
- **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.**

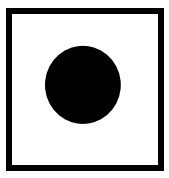
DO NOT TURN OVER UNTIL TOLD TO DO SO

Answer ALL questions in the spaces provided.

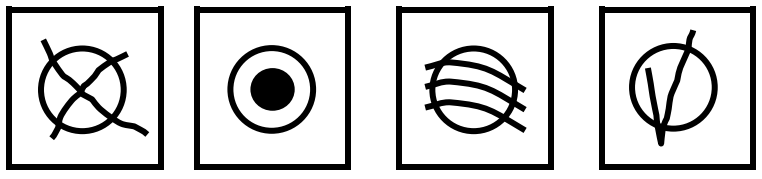
Only ONE answer per question is allowed.

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

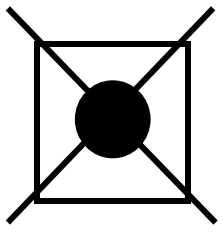
CORRECT METHOD



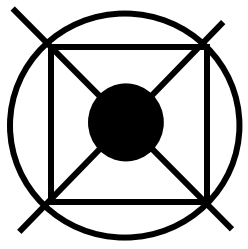
WRONG METHODS



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 of the following BEST describes the mens rea for the offence of assault (battery) occasioning actual bodily harm? [1 mark]

○ **A** **Intention or recklessness as to causing fear of force or applying force.**

○ **B** **Intention to cause serious harm.**

○ **C** **Intention to use force.**

○ **D** **Recklessness as to the infliction of some harm.**

[Turn over]

0 2

Which of the following can be used as evidence to support a defence of loss of control under s54 and s55 of the Coroners and Justice Act 2009? [1 mark]

○ **A The defendant acted due to fear of serious violence.**

○ **B The defendant acted in a considered desire for revenge.**

○ **C The defendant's conduct was due to a reflex reaction.**

○ **D The defendant's mens rea was removed due to the effect of a drug.**

0 3

When interpreting a statute, which of the following requires a judge to give words their plain, ordinary meaning even if the outcome is absurd? [1 mark]

- ○ **A Golden Rule**
- ○ **B Literal Rule**
- ○ **C Mischief Rule**
- ○ **D Purposive Approach**

[Turn over]

0 4

Which statement BEST describes a 'binding precedent' within the doctrine of judicial precedent? [1 mark]

○ **A** **A judgment made by a lower court where there is no previous law for the judge to use.**

○ **B** **A judgment made in a previous case that the judge may decide to follow.**

○ **C** **A judgment made in a previous case which must be followed by judges in later cases.**

○ **D** **A judgment which states that a conviction from a previous case is unsafe.**

0 5

Public funding is sometimes available for criminal cases, as long as the 'interests of justice' test is met. Which of the following is NOT relevant to the 'interests of justice' test? [1 mark]

○ **A The defendant's ability to understand court proceedings.**

○ **B The financial status of the defendant.**

○ **C The likelihood that the defendant's liberty could be lost.**

○ **D The need to trace and interview witnesses.**

5

0 6

Explain any TWO features that are essential to the operation of judicial precedent. [5 marks]

5

[Turn over]

0 7

Alice had been a member of a violent, criminal gang for several years. The leader of the gang, Brianna, ordered Alice to steal £1000 from a local Post Office. When she refused, Brianna threatened Alice and said that she would 'put her in hospital' if she did not show her commitment to the gang.

Alice carried out the theft and was arrested by the police.

Using the rules on duress, suggest why, in law, the defence of duress is likely to FAIL if raised by Alice at her trial.
[5 marks]

[Turn over]

5

0 8

Late one night and armed with a gun, Carla was driving around her neighbourhood. As Carla approached a crowded fast-food restaurant, she saw a man (Denton) standing in the doorway. Carla fired three bullets towards the doorway and sped off.

The bullets missed Denton but one hit and killed Emma, who was inside the restaurant at the time.

Advise Carla of her criminal liability for the murder of Emma. [10 marks]

[Turn over]

[Turn over]

[Turn over]

10

In Question 09 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 meaning and importance of 'fault' within criminal law and discuss the extent to which the rules of causation are evidence of a requirement for fault in criminal liability. [15 marks]

[Turn over]

15

[Turn over]

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

Flynn had recently been diagnosed with paranoid personality disorder. This would often make him feel that he was being followed by people intending to harm him. As he was flying his remote-controlled model aeroplane, at a local park, he saw a crowd of people entering the park. Flynn became distressed and flew the plane very low towards the crowd causing them to panic and run out of the way. Ginny failed to move away in time and was hit by the plane's sharp, metal propeller, causing a cut to her arm.

Ginny did not visit her doctor until a week later, by this time the cut was not

healing well and her arm was very red and painful. The doctor examined Ginny's arm but failed to diagnose a serious infection. The doctor bandaged her arm and sent her home to rest. Ginny died from the infection two days later.

Consider the criminal liability of Flynn for the incident with the crowd. Consider the criminal liability of Flynn AND the doctor for the involuntary manslaughter of Ginny. [30 marks]

[Turn over]

[Turn over]

[Turn over]

[Turn over]

[Turn over]

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

Ian, the manager of a shop, wrongly believed that Harry, one of his employees, was stealing from the shop and dismissed him. Upset at the loss of his job, Harry crept into the office and used his mobile phone camera to take photographs of a list of the shop's customers.

Angered after discovering that Harry had tried to sell photographs of the list to a rival shop, Ian drank several large glasses of wine before going to confront Harry at his home. An argument followed and Ian pushed Harry to the ground,

causing Harry's mobile phone to fall from his pocket. Confused by the effects of the wine, Ian put the phone in his bag believing it to be his.

When Ian arrived home, he realised that the phone was Harry's and decided to sell it to one of his friends and use the money to replace items that he believed Harry had taken from the shop.

[Turn over]

Consider Harry's criminal liability for the theft of the information contained in the list AND Ian's criminal liability for property offences in relation to the mobile phone.

Assuming that Harry was convicted of any offence, assess the main aims of sentencing that a judge is likely to consider. [30 marks]

[Turn over]

[Turn over]

[Turn over]

[Turn over]

[Turn over]

END OF QUESTIONS

30

Additional page, if required.
Write the question numbers in the left-hand margin.

Additional page, if required.
Write the question numbers in the left-hand margin.

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Question	Mark
1–5	
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11	
TOTAL	

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