

‘AS’ LEVEL LAW

ENGLISH LEGAL SYSTEM

STUDY GUIDE FOR MACHINERY OF JUSTICE (MODULE 2568)
2001-2002

ASIF TUFAL

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Module 2568 Machinery of Justice

Civil courts and other methods of dispute resolution

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CIVIL COURTS

WHAT YOU NEED TO RESEARCH

County Court and High Court; jurisdiction at first instance: small claims; fast track; multi-track.
Appeals and appellate courts.
Problems of using the courts.

RECOMMENDED READING

J. Martin, *The English Legal System*, Second Edition, chapter 6, or
Elliott & Quinn, *English Legal System*, Third Edition, chapter 12.

PROGRESS TEST

1. Who enquired into the civil justice system in the 1990s?
2. What did he say the civil justice system should be? Were these aims being achieved?
3. What reforms were recommended?
4. Explain the overriding objective of the new Civil Procedure Rules?
5. What control do judges now have over proceedings?
6. What are the three tracks?
7. Have the Woolf Reforms been successful? (see newspaper articles)
8. How are civil cases started? Which document is required and how much money?
9. What action will the defendant then take?
10. What will the judge then do?
11. How are small claims dealt with in the County Court?
12. Briefly list the defects of the small claims procedure.
13. Briefly list the jurisdiction of the County Court.
14. Briefly list the jurisdiction of the High Court.
15. What are appellate courts? List them.
16. What is the appeal route from the County Court?
17. What is the appeal route from the High Court?
18. What further appeals are possible?
19. Briefly explain the remedies available in civil cases?
20. How are civil judgments enforced?
21. What proposals for reform have been made?

ALTERNATIVES TO THE COURTS

WHAT YOU NEED TO RESEARCH

Arbitration; conciliation; mediation.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 7 or
Elliott & Quinn, *English legal System*, chapter 16

PROGRESS TEST

1. What is negotiation?
2. What is mediation?
3. What is a formalised settlement conference?
4. What mediation services are available?
5. What research has been carried out on mediation?
6. What is conciliation?
7. How do ACAS play a role in conciliation?
8. What is private arbitration?
9. What are the principles behind the Arbitration Act 1996?
10. What is a *Scott v Avery* clause?
11. Where there is an arbitration agreement in a contract, what does the Arbitration Act 1996 provide?
12. How is the arbitrator chosen?
13. Outline the procedure for the arbitration hearing.
14. What is an award and can it be challenged?
15. How is arbitration used in consumer disputes?
16. How is arbitration used in the courts (ie, the County Court and the Commercial Court)?
17. What are the advantages and disadvantages of arbitration?

FORMER OXFORD LINEAR SYLLABUS EXAM QUESTIONS ON THE CIVIL PROCESS

1. Chris has been the victim of a serious assault recently. His attacker has been charged by the police and Chris has been told that the case will go to the Crown Court.

Chris has also had problems over damage caused to his house due to defective workmanship by the builders. It has cost Chris £12,000 to put the matter right and he wishes to claim this amount from the builder.

Explain to Chris the main differences between the way in which the two cases will be dealt with, and the difficulties that may occur in each.

(June 2001)

2. AB Instruments Ltd ordered machinery worth £150,000 from XY Machines Ltd. When the machinery arrived it did not work properly and AB Instruments were unable to use it for their work. AB Instruments claim that this has cost them over £200,000 in lost orders and they wish to claim this amount and the cost of repairs to the machinery from XY Machines Ltd.

Answer **all** parts

- (a) Explain to AB Instruments Ltd in which court and how they could start a court action against XY Machines Ltd and what problems are likely to occur in bringing a case to court. [20]
- (b) Discuss what alternative methods of resolving the dispute are available to AB Instruments Ltd. [20]
- (c) If the case is decided in court, what appeal routes are available to the parties? [10]

(June 2000)

3. What reforms can be suggested to improve the civil justice system?

(May 1999)

4. Compare the advantages and disadvantages of both:
- (i) tribunals
 - (ii) commercial arbitration
- with the use of the courts for resolving civil disputes.

(May 1998)

5. "Now that the jurisdiction of the small claims court has been increased to £3,000, Alternative Dispute Resolution is less important."

To what extent, if at all, do you agree with this statement?

(May 1997)

6. Two months ago Spenders Ltd purchased machinery for use in their factory from Whizz Electrics. The machinery cost £35,000 but is defective and has gone wrong several times. Spenders wish to claim compensation from Whizz Electrics.

- (a) In which courts could a claim be made? [10 marks]
- (b) What other methods of resolving the dispute might be used? [15 marks]

- (c) Advise Spenders Ltd on the advantages and disadvantages of the various methods of dispute resolution, including the courts, which are available to them. [25 marks]

(May 1996)

7. "We aim at a Rolls-Royce system of civil justice, but most people would prefer an affordable mini."

Are the courts the most effective way of dealing with civil claims?

(May 1995)

8. Harriet has been injured in a road traffic accident caused by Angela's negligence and wishes to claim damages for her pain and suffering.

- (a) Advise Harriet as to where and how she could start civil proceedings against Angela. [15 marks].

- (b) If she is dissatisfied with the result of the case, what appeals are open to her? [15]

- (c) To what extent have the changes in jurisdiction under the Courts and Legal Services Act 1990 improved the court as a forum for personal injury disputes? [20 marks]

(May 1994)

9. Ebenezer Scrooge alleges he has been defamed by an article in a newspaper.

- (a) Advise him whether he can obtain legal aid and advice. [5 marks]

- (b) Explain to him which court would hear the case and, if he is not successful, what appeal routes would be open to him. [10 marks]

- (c) How satisfactory is the present method of dealing with defamation actions? [35]

(May 1993)

10. Lacon sold Morland a second-hand car. Morland has now discovered that the car belonged to Nimrod, who has reclaimed it. Morland now wishes to sue Lacon for the purchase price.

- (i) Before what court or tribunal may the proceedings take place? [16 marks]

- (ii) What appeals, if any, might be available if Morland is dissatisfied with the decision? [16 marks]

- (iii) Is the law relating to the adjudication of small claims satisfactory? [18 marks]

(May 1991)

TRIBUNALS

WHAT YOU NEED TO RESEARCH

Role and composition of administrative tribunals in outline.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 7.5 or
Elliott & Quinn, *English Legal System*, chapter 13

PROGRESS TEST

1. What role is played by administrative tribunals in the legal system?
2. What is the composition of tribunals?
3. What is the procedure in tribunals?
4. In which two ways are tribunals controlled by the courts?
5. What roles are played by the Parliamentary Ombudsman and the Council on Tribunals?
6. Consider the advantages and disadvantages of tribunals.
7. Have any other problems been raised?
8. What official review of tribunals is currently taking place? (see LCD press release)

FORMER OXFORD LINEAR SYLLABUS EXAM QUESTIONS

1. Compare the advantages and disadvantages of both:
(i) tribunals
(ii) commercial arbitration
with the use of the courts for resolving disputes.

(Oxford Board, May 1998)
2. Evaluate the role of two of the following:
(a) Tribunals;
(b) The Crown Prosecution Service;
(c) Queen's Bench Divisional Court.

(Oxford Board, May 1994)
3. (a) What role do tribunals play in our legal system?
and
(b) Are the methods of supervising tribunals and reviewing their decisions adequate?

(Oxford Board, May 1992)

THE EUROPEAN COURT OF JUSTICE

WHAT YOU NEED TO RESEARCH

Article 234 (formerly A177) referrals; relationship to English courts.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 4.1.5, or
Elliott & Quinn, *English Legal System*, chapter 1, p69-72

PROGRESS TEST

1. What is the function of the ECJ?
2. What is the composition of the ECJ?
3. What is the first type of case the ECJ decides?
4. What references from national courts does the ECJ hear?
5. What does Article 234 (formerly Article 177) of the EC Treaty state?
6. What is the difference between a discretionary referral and a mandatory referral?
7. What guidelines did the Court of Appeal give in *Bulmer v Bollinger* (1974)?
8. What guidelines did the ECJ give in *CILFIT v Ministro della Sanita* (1982)?
9. What latest guidelines has the ECJ issued for referrals for preliminary rulings?
10. Does the ECJ decide cases referred to it by national courts?
11. What is the role of the Court of First Instance?
12. Consider the differences between the ECJ and English courts.

EXAM QUESTIONS

1. See Data Paper, Q1, June 2000.
2. Describe the composition and role of the European Court of Justice and evaluate its importance with regard to the English legal system.

(Oxford Board, May 1998)
3. Describe and evaluate the work of the European Court of Justice.

(Oxford Board, May 1995)

POLICE POWERS

WHAT YOU NEED TO RESEARCH

Powers to stop and search; powers of arrest; powers of detention and the treatment of suspects at the police station.

Balance of individual rights and the need for investigative powers.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 8, or
Elliott & Quinn, *English Legal System*, chapter 9, p237

PROGRESS TEST

BACKGROUND

1. Consider the background to the Police and Criminal Evidence Act 1984 (ie, the Royal Commission on Criminal Procedure).
2. Give examples of miscarriages of justice in the 1970s and 1980s.
3. Consider the role of the Royal Commission on Criminal Justice (1993) (also known as the Runciman Commission).
4. What are 'arrestable offences' and 'serious arrestable offences'?

POWERS TO STOP AND SEARCH

5. When do the police have the power to stop and search people and vehicles?
6. Are there any safeguards?
7. What criticisms have been made of this power?
8. Do the police have any other powers to stop and search?
9. When can the police make road checks in an area?

POWERS TO SEARCH PREMISES

10. When can the police enter premises with a search warrant?
11. What is the correct procedure?
12. Do the police have to comply precisely with these requirements?
13. Can the police enter premises without a search warrant under PACE 1984?
14. When else can the police enter and search premises?
15. What will happen if the police exceed their powers?

POWERS OF ARREST

16. What are the general police powers of arrest?
17. When can the police and private citizens arrest without a warrant?
18. What extra powers do the police have compared to private citizens?
19. What are reasonable grounds for suspecting?
20. What powers of arrest do the police have under s25?
21. What other powers of arrest do the police have?
22. In what manner must the arrest be made?
23. Do the police have the right to search an arrested person?

POWERS OF DETENTION

24.
 - a) What are the time limits on detention?
 - b) What is the role of the Custody Officer?
25. What are the rights of a detained person?
26. Can a detained person be questioned by the police?
27. What protection do suspects have in the way they should be treated whilst being detained and questioned?
28. What changes have been made to the right to silence?
29. What are the rules regarding strip searches?
30. What are the rules regarding intimate searches?
31. What are the rules regarding the taking of fingerprints and body samples?

COMPLAINTS

32. How can complaints be made against the police?
33. Can a civil action be commenced against the police?

FORMER OXFORD LINEAR SYLLABUS EXAM QUESTIONS

1. With reference to the Police and Criminal Evidence Act 1984 and other relevant legislation, comment on the problems involved in keeping a balance between police powers and individual liberties.

(June 2001)

2. Charlie, aged 16, when walking down a street near his home is stopped by a police officer, who demands that Charlie empty his pockets. When Charlie asks why, the police officer tells him that he is going to be taken to the local police station. At the police station Charlie is immediately interviewed about a burglary. The interview last for four hours.

Explain what rights Charlie has in this situation and discuss whether these rights have been breached.

(June 2000)

3. To what extent does the law relating to police powers (such as those to stop, search, arrest and detain) strike a balance between allowing the police sufficient freedom to investigate crime and adequately protecting the individual's rights?

(May 1999)

4. Desmond, aged 26, has been arrested by the police in connection with a murder.

(a) Describe and comment on the police powers in respect of detention, body searches and interview at the police station in such a case. [30 marks]

(b) Critically comment on the role of the Crown Prosecution Service in the case if Desmond is charged with murder. [20 marks]

(May 1998)

3. Tony was stopped in the street by a police officer, who insisted that he had the right to search Tony. Nothing was found in the search, but Tony was then taken to the local police station for questioning about a recent burglary.

(a) Advise Tony about his rights under the Police and Criminal Evidence Act. [25 marks]

(b) How adequate are these provisions for safeguarding the liberty of the citizen? [25]

(May 1997)

CRIMINAL COURTS

WHAT YOU NEED TO RESEARCH

Pre-trial matters: bail, mode of trial, committal proceedings.
Jurisdiction of Magistrates' Courts, Youth Courts and Crown Courts at first instance.
Appeals.
Role of the Criminal Cases Review Commission.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapters 9 and 10, or
Elliott & Quinn, *English Legal System*, chapter 9

PROGRESS TEST

PRE-TRIAL MATTERS

1. What are the three categories of criminal offences?
2. What is new first hearing that takes place in the Magistrates' Court for summary and indictable offences?
3. Consider the police powers to grant bail.
4. Do the police have the power to impose conditions on a grant of bail?
5. How will a court decide how to grant bail under the Bail Act 1976?
6. What changes were made to the granting of bail by the CJA 1988 and the B(A)A 1993?
7. What other limitations were placed on the granting of bail by the CJPOA 1994?
8. What is the role of the Crown Prosecution Service?
9. How does the CPS decide if a prosecution should continue?
10. What were the results of the CPS Annual Report 1994?
11. What were the results of the Glidewell Report (June 1998)?

JURISDICTION

1. What is the jurisdiction of the Magistrates' Courts?
2. What is the Youth court?
3. What is the jurisdiction of the Crown Court?

PROCEDURE

1. What are the powers of magistrates in summary trials?
2. What happens during a summary trial if the defendant pleads guilty?

3. What happens during a summary trial if the defendant pleads not guilty?
4. What is the procedure for the trial of triable either way offences?
5. What are the implications of choosing jury trial?
6. Should the right to choose trial by jury be kept?
7. What are committals for sentence?
8. What are committal proceedings?
9. What preliminary matters arise concerning trial on indictment in the Crown Court?
10. What is the trial procedure during trial on indictment?

APPEALS

1. What is the appeal route from the Magistrates' Court to the Crown Court?
2. Can there be a further appeal?
3. What is the appeal route from the Magistrates' Court to Queen's Bench Divisional Court?
4. Consider the appeal route from the QBDC to the House of Lords.
5. What appeals can be made from the Crown Court by the defendant?
6. What are the rules on appeals?
7. What are the grounds under which the Court of Appeal can allow an appeal?
8. Can the prosecution appeal against an acquittal?
9. Can the prosecution appeal against an unduly lenient sentence?
10. What is the procedure for appealing to the House of Lords?
11. What is the role of the Criminal Cases Review Commission?
12. How satisfactory has the performance been of the Criminal Cases Review Commission?

REFORM

1. What have been the results so far of Lord Justice Auld's Criminal Courts Review?

FORMER OXFORD LINEAR SYLLABUS EXAM QUESTIONS

1. Chris has been the victim of a serious assault recently. His attacker has been charged by the police and Chris has been told that the case will go to the Crown Court.

Chris has also had problems over damage caused to his house due to defective workmanship by the builders. It has cost Chris £12,000 to put the matter right and he wishes to claim this amount from the builder.

Explain to Chris the main differences between the way in which the two cases will be dealt with, and the difficulties that may occur in each.

(June 2001)

2. Answer **both** parts.

- (a) Explain the rights of appeal in criminal cases available to the prosecution and defence. (30 marks)
- (b) Consider to what extent these rights of appeal are adequate for preventing miscarriages of justice. (20 marks)

(OCR, May 1999)

3. Gavin is due to be tried at Amcaster Crown Court for robbery of £7,000 from a bank.

- (a) If he is found guilty what appeal routes are open to him? [10 marks]
- (b) What appeal rights are available to the prosecution? [15 marks]
- (c) Is this system of appeals satisfactory? [25 marks]

(May 1996)

4. Jessica, aged 23, is charged with theft of a pair of jeans.

- (a) Where and how can she get legal aid and advice, and what problems is she likely to encounter? [25 marks]
- (b) Critically consider where her case will be tried. [12 marks]
- (c) If she is convicted what appeal routes are available to her? [13 marks]

(May 1995)

5. Bill Sykes is charged with manslaughter.
- (a) Explain to him the sequence of events that will occur after he is charged up to and including his trial. [25 marks]
 - (b) Critically examine the process of selection of the jury for the trial. [25 marks]
- (May 1994)
6. (a) Explain the criminal appeal system from the Magistrates' Court and the Crown Court.
- (b) To what extent should this appeal system be reformed?
- (May 1993)
7. Is our system of criminal justice in the Crown Court and the Magistrates' Courts satisfactory?
- (May 1992)
8. Jeremy, aged 40, is alleged to have stolen £60,000 from his employer, Katherine.
- (i) In what courts may Jeremy be prosecuted? What are the implications if one court is chosen rather than another? [18 marks]
 - (ii) If he is convicted of theft, to what courts may he appeal, assuming that he takes every opportunity of appealing open to him? [18 marks]
 - (iii) If he is acquitted, or convicted and given what the prosecution regards as a light sentence, how can the prosecution have the acquittal or sentence appealed against or reviewed? [14 marks]
- (May 1991)

PRINCIPLES OF SENTENCING

WHAT YOU NEED TO RESEARCH

Aims of sentencing: purpose and effect of sentences; reoffending rates.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 11, or
Elliott & Quinn, *English Legal System*, chapter 10

PROGRESS TEST

1. Make revision notes on the following aims of sentencing:

Retribution,

Denunciation,

Incapacitation/Protection of the Public,

Deterrence,

Rehabilitation, and

Reparation.
2. What is the sentencing practice in the courts?
3. Consider penal policies and their effects (Martin, p188).
4. What has been the state of the prison population?
5. Have there been serious disturbances within prisons?
6. Is there any evidence of racism in sentencing?
7. How have women been treated by the sentencing process?

POWERS OF COURTS

WHAT YOU NEED TO RESEARCH

An understanding of the different types of sentences; e.g. custodial, community, fines and discharges; compensation and other powers.

RECOMMENDED READING

J. Martin, *The English Legal System*, chapter 11, or
Elliott & Quinn, *English Legal System*, chapters 10 and 11

PROGRESS TEST

1. What reforms were enacted in the Powers of the Criminal Courts (Sentencing) Act 2000?
2. What custodial sentences are available for adult offenders?
3. What custodial sentences are available for young offenders?
4. What community sentences may be imposed on offenders aged 16 and over?
5. What other sentences are available for dealing with young offenders? (Martin, p184-7)
6. What types of fines may be imposed?
7. What is a discharge?
8. What is binding over?
9. Can a person be disqualified from driving?
10. What sentencing powers are available for dealing with mentally ill offenders?
11. What other powers do the courts have to compensate victims and/or make sure that the defendant does not benefit from a crime?

FORMER OXFORD LINEAR SYLLABUS EXAM QUESTIONS

1. Two defendants are being sentenced in separate cases at Donbridge Crown Court. Ann, aged 42, has been found guilty of stealing £30,000 from her employer. Bob, aged 19, has pleaded guilty to burgling three houses.

Briefly describe what sentences could be given to (i) Ann and (ii) to Bob, and comment on the different factors the courts will consider in the two cases.

(June 2001)

2. Evaluate whether retribution should be the main aim of the criminal justice system when offenders are sentenced. Support your arguments by reference to different types of sentence.

(June 2000)

3. Andy, aged 23, has been found guilty in the Donbridge Crown Court of assaulting Ben and causing him serious injuries.

(a) Briefly explain the types of sentences available in his case (15 marks)

(b) Discuss how and why the court would decide which sentence to impose upon him. (35 marks)

(May 1999)

4. Consider how the various sentences available to the courts for dealing with criminal offenders may be used to promote different sentencing aims.

(May 1998)

5. On the same day two defendants appear in separate cases at the Oxbridge Crown Court.

Ben has been found guilty of stealing a pair of trainers from a shop. He is aged 22, unemployed, unmarried and lives with his mother. He has one previous conviction for theft when he was aged 19.

Jim has pleaded guilty to stealing £75,000 from the firm where he works as an accountant. He is aged 31 and married with three children. He has no previous convictions.

(a) What sentencing powers has the judge to deal with adult offenders such as these?

(b) What factors would the judge take into account in determining the appropriate sentences in each of these cases?

(May 1997)

6. Is uniformity of sentences the most important aim in sentencing?

(May 1996)

7. Bernard, aged 16, is convicted by the Midshire Youth Court of causing criminal damage.
- (a) What sentencing powers does the court have in respect of him?
 - (b) Why are there differences in the sentences available for young offenders and adult offenders?
- (May 1995)
8. Consider critically the sentencing reforms introduced by the Criminal Justice Act 1991.
- (May 1994)
9. "The first objectives of punishment should be denunciation of and retribution for the crime."
- Should these be the main aims when sentencing offenders?
- (May 1993)
10. James, aged 20, is charged with assaulting David and causing him actual bodily harm. James intends pleading guilty in the Erewhon Magistrates' Court.
- (a) What powers do the magistrates have to deal with him?
 - and
 - (b) Are those powers satisfactory?
- (May 1992)
11. Critically examine the principles on which both
- (a) adult offenders, and
 - (b) juvenile offenders
- are dealt with by the Criminal Courts.
- (May 1991)

OCR

2568

Advanced Subsidiary GCE

LAW

DESCRIPTOR

Unit 1 : Machinery of Justice

date of examination

1 hour 15 mins

Additional materials:
Answer paper

TIME 1 hour 15 mins

INSTRUCTIONS TO CANDIDATES

Write your name, Centre number and candidate number in the spaces provided on the answer paper/answer booklet.

Write your answers on the separate answer paper provided.

If you use more than one sheet of paper, fasten the sheets together.

Answer **two** questions.

INFORMATION FOR CANDIDATES

The number of marks is given in brackets [] at the end of each question or part question.

You will be awarded marks for accurate spelling, punctuation and grammar.

Answer two questions

1. (a) Describe the main civil courts and their jurisdiction. [30 marks]
(b) Discuss the problems of making a claim in the civil courts. [15 marks]
2. (a) Describe the main sentences available to the courts. [30 marks]
(b) Explain the different aims of sentencing. [15 marks]
3. Gavin is due to be tried at Amcaster Crown Court on a charge of robbery.
(a) If he is found guilty what appeal routes are open to him? [30 marks]
(b) Compare the rights of appeal of the prosecution with those of the defence. [15 marks]
4. Desmond, aged 26, has been arrested by the police on suspicion of murder.
(a) Describe the police powers in respect of detention, body searches and interview at the police station in such a case. [30 marks]
(b) Advise Desmond of his rights while he is detained. [15 marks]

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced Subsidiary GCE

LAW

2568

Machinery of Justice

Wednesday 10 JANUARY 2001

Afternoon

1 hour 15 minutes

Additional materials:

16-page Answer Book

TIME 1 hour 15 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and Candidates number in the spaces provided on the answer paper/answer booklet.
- Answer **two** questions. For both questions answer part (a) **and** part (b).

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is 90 (45 per question).
- All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.

Answer **two** questions.

For each question answer **both** part **(a)** and part **(b)**.

- 1
 - (a) Describe the powers the police have in respect of detention, including body searches and interviews, of a suspect at a police station. [15]
 - (b) Explain and comment on the ways in which such a suspect's rights are protected. [30]
- 2
 - (a) There are various ways of resolving a dispute without going to court. Describe what these ways are and how they work. [25]
 - (b) Explain why the use of alternative methods of dispute resolution (ADR) is often preferred to taking court proceedings. [20]
- 3

At the Roundtown Magistrates' Court Byron, aged 22, has been found guilty of theft of several thousands of pounds worth of video equipment.

 - (a) Briefly explain the ways in which the magistrates could sentence him or otherwise deal with his case. [15]
 - (b) Discuss the different aims of sentencing and other factors which the magistrates would take into consideration in Byron's case. [30]
- 4

Grant, aged 24, is going to be tried for committing rape. Havinder, aged 24, is to be tried for causing criminal damage of £1000. Ian, aged 15, is going to be tried for burglary.

 - (a) All three defendants wish to apply for bail. Explain to them what factors will be taken into account in deciding whether or not each one will be given bail. [20]
 - (b) These defendants will be tried in three different courts. Identify those courts and explain and comment on the differences in the way the three cases will be tried. [25]

OXFORD CAMBRIDGE AND RSA EXAMINATIONS

Advanced Subsidiary GCE

LAW

2568

Machinery of Justice

Wednesday 6 JUNE 2001

Afternoon

1 hour 15 minutes

Additional materials:

16-page Answer Book

TIME 1 hour 15 minutes

INSTRUCTIONS TO CANDIDATES

- Write your name, Centre number and Candidates number in the spaces provided on the answer paper/answer booklet.
- Answer **two** questions. For both questions answer part (a) **and** part (b).

INFORMATION FOR CANDIDATES

- The number of marks is given in brackets [] at the end of each question or part question.
- The total number of marks for this paper is 90 (45 per question).
- All questions should be answered in continuous prose. You are reminded, therefore, that you will be assessed on your ability to organise and present information and arguments logically and coherently, and to communicate clearly and accurately, taking into account grammar, punctuation and spelling.

Answer **two** questions

For each question answer **both** part (a) and part (b)

- 1
 - (a) Describe the main appeal routes for defendants from the Magistrates' Court and the Crown Court. [25]
 - (b) Explain and comment on the role of the Criminal Cases Review Commission. [20]

- 2
 - (a) Briefly describe the different aims of sentencing. [15]
 - (b) Illustrate the ways in which different sentences may be used to support different aims of sentencing. [30]

- 3

Quickfix Ltd has separate contracts with two companies, Roughts Ltd and Stokes Ltd, to purchase goods. Roughts have failed to deliver some of the goods and it has cost Quickfix £10,000 extra to replace these items, and they wish to claim the £10,000 from Roughts. Stokes have delivered faulty goods and Quickfix wish to claim £80,000 from them.

 - (a) Explain and comment on the main reforms made to the civil justice system after the Woolf Report. [30]
 - (b) Advise Quickfix on the type of court and procedure likely to be used for each of their claims. [15]

- 4

Tyrone, aged 16, has missed the last bus and has to walk home. It is 2 a.m. and a police officer driving past in a police car sees Tyrone and stops. The police officer tells Tyrone to empty his pockets. Tyrone is tired and becomes annoyed at this. He refuses to do so and keeps on walking. The police officer then grabs Tyrone by the shoulder and pushes him into the police car. Tyrone is taken to the local police station.

 - (a) Explain what powers the police have to stop and search someone, and when the police have the right to arrest someone. [30]
 - (b) Advise Tyrone on whether the police officer acted lawfully within his powers. [15]