

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

Tuesday 14 May 2019

Afternoon

Time allowed: 1 hour 30 minutes

Materials

- You will need no other materials.

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 outside the box or on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions 11 to 16 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.

For Examiner's Use	
Question	Mark
1–10	
11	
12	
13	
14	
15	
16	
TOTAL	



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 **one** of the following statements regarding omissions is **false**?

[1 mark]

- A** The defendant is liable if they fail to act and could easily have saved a stranger.
- B** The defendant is liable if they fail to act having voluntarily assumed responsibility for someone.
- C** The defendant is liable if they fail to act when they have a contractual duty to someone.
- D** The defendant is liable if they fail to act when they have knowingly created a dangerous situation.

0 2 Which **one** of the following statements about oblique (indirect) intent is **true**?

[1 mark]

- A** The jury may find intent if the defendant foresaw the consequence as a virtual certainty.
- B** The jury must find intent if the defendant failed to reach the standard of the reasonable person.
- C** The jury must find intent if the defendant foresaw any risk of the consequence and decided to take it anyway.
- D** The jury must find intent if the defendant foresaw the consequence as a virtual certainty.



0 3

Which **one** of the following statements about transferred malice is **false**?

[1 mark]

- A** A defendant can be guilty of an offence against an unintended and unforeseen victim.
- B** Malice cannot be transferred from person to property.
- C** Transferred malice is when the actus reus is transferred from one victim to another victim.
- D** Transferred malice is when the mens rea is transferred from one victim to another victim.

0 4

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

[1 mark]

- A** The defendant must be proved to have committed the actus reus.
- B** The defendant must have acted involuntarily.
- C** The defendant will be liable even though they took reasonable care.
- D** There is no need to prove mens rea in relation to at least one part of the actus reus.

0 5

Which **one** of the following statements accurately defines the mens rea of actual bodily harm under s47 of the Offences Against the Person Act 1861?

[1 mark]

- A** The defendant must be reckless as to whether the victim suffers serious harm.
- B** The defendant must have the mens rea of assault or battery.
- C** The defendant must intend or be reckless as to whether the victim suffers actual bodily harm.
- D** The defendant must intend or be reckless as to wounding the victim.

Turn over ►



0 6

Which **one** of the following is **not** an aim of sentencing?

[1 mark]

- A Deterring the defendant and the public.
- B Discharging the defendant.
- C Protection of the defendant and the public.
- D Rehabilitating the defendant.

0 7

Which **one** of the following statements about the role of barristers is **false**?

[1 mark]

- A Anyone wanting to instruct a barrister must first instruct a solicitor.
- B Barristers can be employed by government organisations.
- C Employed barristers have the same rights of audience as self-employed barristers.
- D Self-employed barristers usually work from a set of chambers.

0 8

Which **one** of the following is available as an appeal route from the Magistrates' Court?

[1 mark]

- A The defendant can appeal to the Crown Court against sentence following conviction.
- B The defendant can appeal to the High Court (QBD) against sentence following conviction.
- C The prosecution can appeal to the Crown Court against the defendant's acquittal.
- D The prosecution can appeal to the High Court (QBD) against the defendant's sentence following conviction.



0 9

Which **one** of the following is **true** in relation to The Practice Statement 1966?

[1 mark]

- A** The Practice Statement allows the Court of Appeal to overrule its own decisions.
- B** The Practice Statement allows the Supreme Court to overrule its own previous decisions.
- C** The Practice Statement allows the Supreme Court to overrule the Court of Appeal.
- D** The Practice Statement states that the Supreme Court must follow its own decision unless that decision was made per incuriam.

1 0

Which **one** of the following will allow a defendant to be given legal funding in a criminal case?

[1 mark]

- A** The case will involve consideration of a point of law.
- B** The defendant has no previous convictions.
- C** The defendant pleads not guilty.
- D** The defendant was given bail.

10

Turn over for the next question**Turn over ►**

1 1

Explain what is meant by obiter dicta and explain why it is an important feature of judicial precedent.

[3 marks]

Extra space

3

1 2

Asma sat behind Ben in class. Ben started to swing back on his chair. The chair leg caught Asma's toe and Asma screamed in pain. Ben realised that his chair leg was on her foot, but he kept it there as he had fallen out with Asma earlier that week.

A criminal offence usually requires proof that actus reus and mens rea coincided in time. Suggest why there was coincidence of actus reus and mens rea in Ben's case.

[3 marks]

Extra space

3



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outside the
box

Extra space



Extra space _____



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

Gina and Harry, who were dating, had recently started to argue a lot. During an argument, Harry became so angry he punched Gina in the back. Unknown to Harry, Gina had a weak kidney. Gina was in pain for a few days before she went to the doctor. By the time she went for medical advice she was diagnosed with a permanently damaged kidney.

Gina's sister Irene was a national kick boxer. When Irene found out about Gina, she sent a text to Harry saying, 'I will make you pay for what you have done'. Harry was shaken by the text and suffered mild depression.

Consider the criminal liability of Harry in relation to Gina's permanently damaged kidney and of Irene in relation to Harry's reaction to the text.

[20 marks]

Turn over ►



(This area contains horizontal lines for writing.)



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**

Explain the work of the Law Commission and discuss the effectiveness of its role as a law reforming body.

[20 marks]

Turn over ►



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