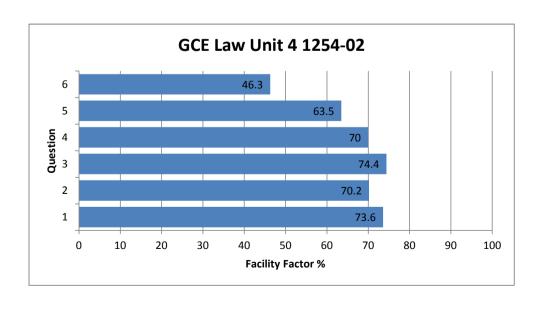


WJEC 2014 Online Exam Review

GCE Law Unit 4 1254-02

All Candidates' performance across questions

?	?	?	?	?	?	?	_
Question Title	N	Mean	S D	Max Mark	F F	Attempt %	
1	488	18.4	4.4	25	73.6	69.1	\leftarrow
2	293	17.5	5.1	25	70.2	41.5	
3	460	18.6	4.8	25	74.4	65.2	\leftarrow
4	166	17.5	5.3	25	70	23.5	
5	678	15.9	4.3	25	63.5	96	\leftarrow
6	23	11.6	5.1	25	46.3	3.3	



Option 2: Criminal Law and Justice SECTION A

Answer two questions from this section.

1. "The Crown Prosecution Service is the indispensable heart of the criminal justice system." Discuss. [25]

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	act 1985 Set up the Crown
	Prosecution service the police and
	private citizens bought criminal prosecutions. In 1970, the justice
	pressure groups and Panilips Royal
	Commission wrote a review on the
	Prosecutions in wales and England.
	in the review it stated that
	"it wasn't in the intrest of
	justice for one body to be
	responsible for two very different
	functions of investigations and
	prosecutions! As a result, the
	access to justice Act 1985 Set up
	the crown prosecution Service
	to give the justice system
	an idependant element: Initially the Crown prosecution
	service was under-staffed, under-
	resourced and had problems
	aptaining information and details
	to the police. Then in 1997
	the Labour government set up
	the of alidowell review (a review into
	the (rown Prosecution service). In 1998
	the review was published and
	many changes were put into
	place which became effective in
	1999. One change being that
	The thirteen areas that were
	the UK to be enlarged to forty
	two aveas. Another being that
	the discontinuance rates to be
	published separatley.
	The Glidewell review also made

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a change for the relationship with the police to improve which
Magat parties al Soli traduction with the CPS
meant working closely together to
make a fact in the dixantinuance
rates.
The access to justice act 1999
gave the and crown Prosecution Service
higher audience rights, which means
the were more to carry the case
over into higher courts. This was
a major improvement because it
Saved money and time.
Novrey couse workers were among
introduced into the magistrates cour
which handled straight forward
quilty pleas, this enabled the Crown
Prosecution service to handle more
Complex Cases.
In 72 11.0
In 2003, the access to justice
act gave the crown prosecution
Service the right to become Junior judges, with the first man becoming judge in 2005.
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The CPS is the crown prosecution service, and
is responsible for prosecuting criminal
cases in England and wates. It is
an independent organisation headed by
the director of public prosections (BPP)
& Alisan saunders, who was appointed in
November 2013. The DPP has to report on
the running of the CPS to the Attorney
General, this is OCMP Dominic & Griev. He
is chief legal advisor to the crown. There
are certain offenes that can not be
prosecuted with out the Attorney General's
pormission, such as assisting a suicide
which is laid out in statute by the Suicide
AC4 1961.
Before the CPS, it was the police's job to
investigate charge and prosecute criminals.
but this was outlined as a problem in
the Justice Report 1970. And again in the
Royal Phillips commission in 1978. In this
report it was said that the police shouldn't
investigate and prosecute, and problems
were identified along with inconsistency
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Service (CPS).
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The CPS was established in 1985, under the
prosecution of oftenos act 1985.
This meant vital changes for the criminal
justice system that we have in place here
IN ENGLANA OF 19 WALES.
The previous practice was that the police
would prosecute charge and prosecute. But the Criminal Justice Acq 2003 ammended
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S-37 of the police and criminal evidence act 1984, moving the decision to charge a suspect away from the police and CPS.

Now, the police will investigate and gather evidence of the case and present the file to the CPS. Also CPS direct has been set cp, and is available 24/7 to police, inorder to advice police on whother to charge a suspect.

The CPS has five main roles. The first is to advise the police on whether or not to charge a suspect. Secondly, they review files/cases given to thom by the police. Thirdly they prepare the case for court, and the fourthirde is to present the case in court as the prosecution of the trial. The last aim is the main aim of the CPS, to decide if they are noting to prosecute or not.

In order to carry out this final aim, they look to the code for prosecutors in the CPS. This contains a tests they have to apply to the case before them. The first is the geel code test, which has two limbs. The first lumb is the evidental test. This is where the CPS will look at the strength of evidence against the defendant in question, and ask if there is a Malistic possibility of conviction, this is an objective test. If the ovidence is reliable it's ingre likely to pass this test, it is reliable from an eye witness, confession or DNA evidence. If it's from confession by oppression, eye witness, CCTV or hearsour itis less likely to pass, as it's unreliable evidence

If that is satisfied the CPS will move ato the second limb of the evidental test, which is the public interest to asked if it's in the public interest to prosecute the dependant, factors will make it mere or less likely to pass the test. factors which make it mere likely to pass is if the defendant appears to be the ring leader of the affender, violence was involved or ye if it was against someone who serves in public like a nurse or policomon. factors which reduce it's chances of passing is if it's a minor offence, through mistake or misjudgement.

If the above test is satisfied the CPS will continue to prosecute, But if the case in question fewled, the second test is applied. This is the threshold test it asks two question, firstly if there is a realistic possibility of conviction and secondly if there is reasonable suspision the defendant is quilty if this is passed, the public interest test which is contained within the full code test will be applied.

The CPS will prosecute offences that pass their tests. But they don't do this for all crimes, just the more serious crimes. The miner offences are left with the police to make a decision, this accounts for around 721 of all offences in England and wales. This has helped improve relationship between the police and the CPS

There have been many reports which critise the CPS and how effectively they corry out their vole of prosecuting criminal cases in England and Na (85. The Narcey report in 1998, highlighted problems with the cos in regards to the delay in bringing cases to court. This critism gove way to a big reform. In that more training CHIBCASE NEVIEW WORKERS WAS given, which meant they could deliver straightforward cases of a guilty verdict in court. Maning that CPS lawyers could focus on more complex cases. The code was also reviewed fer extra guidance. with the alidewell report 1999, come the critism of a bad relationship between The CPS and the police, and again about delays. This lead to the CPS being split into 42 a reas in England and walls, as appossed to the previous 13, to work with the police. In a bid to improve relations and cut delays. Shortly after the case of Stephen lawrence, count the McPherson report of 1999. where issues of racism were raised that were present in the the police Resulting in a racial equality being implemented in all police stations, to tackle the problem. Regular inspections are corried out to ensure this. The access to justice Act 1999 also resulted in changes for the CPS. It mount that CPS direct Offices, 2 of which one in wales, were

Opened 2417. To help those charged and give them representation in court.

In 2009, the public prosecution service laid out three exims for the CPS. Those being to protect the defendant; to protect the witnesses and victims; and to administer justice.

In conclusion, I think it is clear to see that the CPS is the indispensable heart of the criminal justice system. It has success felly resolved problems when faced with critisms, which you can clearly see with the reforms that followed the 3 reports in 1998 and 1999. It has also taken away any bias judgement that was present before the establishment of the CPS. The CPS sets out clear quidelines to follow their are applicable to all cases they ever faced with showing the CPS has such a vital role, we couldn't go back to previous

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Α.	
1.)	The CPS is undoubtedly the indispersible hear
	of the annihal Sustice system as it is the
	and the CPS that allows the prosecution of
	offenders to be carried out propely and fairly
	and allows the police to carry or who their
	job of investigation.
	The CPS is a independent probleming body
	Hat wans closely who he police. It was
	created by the Prosecution of oftenoes Act
	1985 and come into force on the 1st January
	1986. This was he siden Act to the Police and
	crisical enderce Act 1084.
	To be able to fully undestand my ne cas is
	at he heart of the circul justice System, it is
	important to reflect on it's history and the reasons
	why it was set up.
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	The first police force was established by Sir
	Rober peer in 1829 and by 1856 here were
	over 239 palse forces. There was not a British
	police force however, as we are not a police
	Polce Force however, as we are not a police State. In 1879 He office of the Director of
	Public Prosecutions was set up and by 1920 he
	majoring of State prosecutions were brought by
	he police The Rayal Comission on the Police
	1962 Shoted that Mis position was no larger
	lenable and recommended the establishmen of an
	independent possenting body, Published
	In 1970, the pressure grap Justice helleroped the
	report and something he care for he prosecution!
	calling for an independent prosecuting body we see
	iralepedad annoy of procurator Escals used
	in Scotland and Ashick Attanneys in America.
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	badies for investigation and prosecution. The report

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There were whose of the CPS the main whose was the high number of discontrated cases, this	our prosecuto and Stoffed by socious	sy a crown	eld E
was the high number of discontraged cases, this	Spront womens	res and S	asewar
was the high number of discontrated cases, this	criticisms criticisms	crit	T
THE REAL OF THE PARTY OF THE PA			
stack, errors in whees wonings by police, inadea			
or errores indictments and confect being briefed	The second secon		
too late.			
The CDS has Give man roles. Their man role is	Give man roles. Their man role is	s has Gin	TO CO
to adise proce or the admissibility of ende a lo	a he admisibility of ende as lo	ise police	
the carts. They also review cases after charge, tan	15. 1.70 W J		to ad

cases in the com and the magistrates court.
The CPS use two tests when deciding when to
 prosente, He enderhand Lest and the public interest
The anide was less to construct the and assault of
The evidence lest is concerned who he adoptions of endere into cart. The CPS win as a base to decide it
based on he endere, a jury or he magnifiches ar
nare liters to covict using the 51% rule This lest peaces He cas to ask the arestons;
has are eigle ce been obtained by broach of the Police and criminal Evidence Act 1984?, how strong
is an identicator ende ce against he suspect?
and how any names got a dubious motive? The public interest lest is more commercial
satisfied, he can may signil not prosecule it it is
ad agaist prosecution are praided in the coole for
Te idea Mar Me CPS 15 the Rosaros indispessible
heart of the command Fusice system is one made
and whisher of the CRS, it is the authority that
avans le polce le be able le catique ush mei
 job of invologation. This ways allow the police
to carrive to neop the public sale, which is
donasty we number are priority of the commal
The CPS also ensures that the police are not
expected to do a both investigation and prosecutor
as us man from par experience that this is a
System was singly does not work.

Α.	
1.)	The CPS is indoubtedly the indispersible hear
	of the criminal Sustice system as it is pos
	and the CPS that arrans the prosecution of
	offenders to be carried out propely and fairly
	and allows the police to carry or with their
	job of investigation.
	The CPS is a independent probleming body
	Hat wans closer who he police. It was
	created by the Prosecution of glances Act
	1985 and come into force on the 1st January
	1986. Tis was he side Act to the Police and
	crimal enderce Act last
	To be able to fully undestand uly no cho is
	at he heart of the circul justice System, it is
	important to reflect on it's history and the reasons
	my it was set op.
	The first police Force was established by Sir
	Rober feel in 1829 and by 1856 here were
	over 230 palce Forces. There was not a British
	Polce Force haverer, as we are not a police of the Director of
	Public Prosecutions was set up and by 1920 He
	majairy of State prosecutions were brought by
	He police. The Rayon commission on the Police
	1962 Stated that Mis position was no large
	lenable and recommeded he established of of
	independent poseuling body.
	In 1970, the pressure grap Justice wellkappy the
	In 1970, the pressure group Justice welleaned the report consort he case for the prosecution!
	calling for on independent prosecuting body we see
	irdepedat annoy of procurator fiscals used
	in Scotland and Ashick Attanneys in America.
	the Rayal coursion à cimal Procedure
	1961 reconneded le Setting up of independent
	badies Co investigation and prosecution. The report

Hee or Gora prosecution 1985 idalled First Les years the CPS (onen of anding. milia For muia there lace of between loca police resulting between 1986 Several Impo Narey FVAL He Widenen 06 Sihila 60 Each prasecutors braches and Staffed Prosecuto Spoot warners criticism criticisms EVAL poor Consel indict news and lake 100 Las Gine police after also From police ares Couse

	cases in the cross and the Magistrates court.
	The CPS use two tests when deciding when to prosecute, he enderhand test and he public interest lest.
	The evidence lest is concerned who he advastions of endere ight cart. The CPS win as a base to decide it based on he evidence, a july on he may hates are
	has be eided been obtained by broad of the Police and chinal Evide a Act 1984? han strong
-	and how any whoese got a dubious mobile? The public intest test is more controversial
	as even Haugh the evidence lest may have been satisfied, the cos said and prosecute is it is not in the public interest to do so. The agreets for add against prosecution are provided in the coole for crown prosecutors. Detail.
	heart of the conincil Fusice system is one that
	and what so the CPS it is the authority that awars the police to be able to carrive with their job of involvation. This people allow the police
	donasty we number one priority of the common justice system. The CPS also ensures that the police are not
	expected to do a both investigation and prosecution as we wan from par experience that this is a System that singly does got want. April 7
	A031 3

Option 2: Criminal Law and Justice SECTION A

Answer two questions from this section.

3. Evaluate the criteria used by the courts in deciding whether Parliament intends an offence to be one of strict liability. [25]

3.	Sometimes process reus
	alone can constitute a crimo. If there is an absence of
	Mens nea, the offence is known
	as a strict liability offence As in
	Prince 1975.
	In Gammon Hong Kong v Alterney
	General 1985, the builders failed
	to follow original plans which
	resulted in part of the building
	to collapse. The Hong Kong building regulations were breached which
	regulations were breached which
	could result in up to £250,000
	fine or three years improonment
	The defendants appealed appealed because they thought they werent
	liable for the result as they
	didn't know the changes that
	were made were substantial.
	Lord Scoumen in the Gammon
	tlong kong care stated that there
	must be a presumption of unocence
	when a so so
	tried in a court of criminal
	Law. This Statement was later
	reaffirmed on very strong grounds by the house of Lords in
	the case Blaminor) v DPP 2003.
	cre corse pla more) v pro 7005.
	Lord Scarmen then set down
	four regulatory offences
	four regulatory offences which are
	i) Where there is a issue of Soul Public safety. This
	could be down to alcohol,

iii) Where the act States Strict Leability is intended with the Words knowingly and intentionally being used as in Alphacelt V Woodword 1970 The bigger the Crime the less likely the punishment As in Deyemi 2009. It is thought that strict liability may not be as effective as though Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted Would expect to see a fall in Salos.		rsley 1972.
Leability is intended with the words knowingly and intentionally being used as in Alphaceix V woodward 1970 The bigger the crime the less likely the punishment As in Deyemi 2009. It is thought that strict liability may not be as effective as thought Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted would expect to see a fall in		ii) An issue of social concern
Leability is intended with the words knowingly and intentionally being used as in Alphaceix V woodward 1970 The bigger the crime the less likely the punishment As in Deyemi 2009. It is thought that strict liability may not be as effective as thought Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted would expect to see a fall in		
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Deyemi 2004. It is thought that strict liability may not be as effective as though Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted Would expect to See a fall in		The bigger the crime the
Deyemi 2004. It is thought that strict liability may not be as effective as though Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted Would expect to See a fall in	les	is likely the punishment As in
Especially in the food industry. The feed industry has unwelcomed publicity, and even it unconvicted would expect to See a fall in		eyemi Coot.
may not be as effective as though Especially in the food industry. The feed industry has unwelcomed publicity, and even if unconvicted Would expect to See a fall in	H	is thought that strict liability
The feed industry has unwelcomed publicity, and even it unconvicted would expect to See a fall in	now) nort be as effective as though
would expect to See a fall in	ES	pecially in the food industry.
Would expect to see a fall in	The	feed industry has unwelcomed
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	Sal	es.

3. Sometimes process con Actus reus	
alone con constituto a crimo.	
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were made were substantial.	
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1	drugs, and the Salp of Alconol of a minor as in sweet u
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1	ess likely the punishment is in
	Deyeni 2009.
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	Especially in the food industry.
1	he feed industry has unwelcomed
l X	publicity, and even it unconvicted
a	lould expect to see a fall in
	Pales.
	A01:5
	A02:3
	A=3:3

% 3.	In order to secure a criminal conviction in our
	criminal justice system we need to show the
	criminal justice system we need to show the defendant's actus news and mans rea.
	This is true for almost all offences.
	But offences of strict liability requires no
	mens rea from the definant, only the actus
	needs to be proved.
	Those offences are usually minor offences like
	parking offences or regarding hygiene. And
	offences of strict liability and do not allow
	the defence of Mistake to be raised.
	The case of Bushwell 1999 confirmed duress
	can be a defence to stria liability crimes
	giving a presumption that automatism and

Self defence can also be used.

In regards to human rights there have been givestions raised whether to be convicted without mens rea is against article 6, right to a feur trial, of the European convention of human rights. But this was denied by the court of appeal in the case of R va 2008. Because curticle 6 relates to trial procedures and con not be used to question the substance of the law.

Offences of strict liability are concerned with voluntary actions where as absoulte liability, established by the case of winzar 1983, can be voluntary or involuntary actions.

In order for the courts to decide if an offence is
one of strict liability, there are four pactors
they have to consider. But they will always
begin withen the presumption that mens
nea is required to secure a conviction. This
was shown by the case of Gammon 1985.
The feur factors are then used to confirm or
Planfoundadors are firstly in its araylate
Nebut this presumption.

The first factor is when it is asked if the offence is regulatery or true in nature. True crimes hewe a stigma attached to thom, like rape or mainslaughter whereas regulatory crimes have little or no stigma attached to them such as parking offences. If the crime is regulatory in nature it is more likely to be one of strict liability. A case where this factor was used in practice is sweet v Porsely 1970.

The second factor is wording. The court will look covered ut the wording of the offence in it's statute, if there are words such as intentionally or knowingly then it infers the requirement for mons rea. If there are no such words it implies mens rea isn't required and the offence is one of strict liability. A case where this was used is the case of woodward 1972, in regards to pollution in pipes leading to a river.

The third factor used to decide is parliament intends an offence to be one of strict liability is social concern. Over time # these issues will change, but in general they relate to issues regarding pollution, gambuing, alcohol and public safety. Strict liability is attached to these offences in order to promote extra vigulance in society. An example of this in practice is the Shah 1999, where the defendant was convicted of selling lottery tickets to children under 16.
This case, of Shah 1999, also established the legal principle that it only has to be proved that the defendant is responsible for the act or state of affairs, not that he /she is

The sindle sactor courts consider to confirm or rebut the presumption laid out in Gammon 1985, is gravity of punishment. The effence is serious and courses a big punishment, like for example GBH s. 2018 of the effences against the persons act 1861, it's not likely it will be a strict liability offence. Because Parliament didn't entend fur it to be seen in the case of callow V Tillstone 1900.

blameworthy.

I believe that the critea used by the courts in deciding whether parliament intends an offence to be one of of strict liability, is one satisfectory. Because they look at all the key points to find at if parliaments intent was fer it to be strictliability. And now from the case of RVK 2001, the courts will presume it isn't unless made clear that there's no mens rea requirement or strongly infered.

However, I do recognise that there are many cloors.

The biggest is that they all, all four factors, souly rely of judge interpretation. This is problematic because different things can moun different things to different people. Also there is a problem in that it could be a source of injustice in our criminal justice system as it is so easy to impose by using these 4 foctors, the extense criteria. **

There have been calls for regerm. Especially for parliament to make clear if they have intended for the offence to be one of strict liability or not. The law commission has called for a criminal liability bill (1998) to make this area of the law alot clearer for the courts.

* Hso, because it relies on a judge. The criteria is the same but the results could be impossed inconsistent. Because of different interpretations of this criteria.

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* Also, because it relies on a judge. The criteria is the same but the results could be inconsistent. Because of different interpretations of this criteria. 8+10+3



vestiwn	
3.)	A crime is desired as being 'a regal way that
	car be carrowed by arrival proceedings that was
	result in prishment and as the violation of the
	rights ad dulies of the comments considered as a
	Community. The green principle of 80 cinimal low is
	'A chus non Facit reun, visi mes sit rea! He soi
	act is not guilty wess he mad is guilty. The
	Endenedal principle of command law is that a wine
	reaires both on Auns reus and a men rea haven
	pre is a earle exception to us rule.
	The Admis Rees is the lath tem for the physician
	act, of K or He actual good has been combled
	rather than the warght process teading up to the
	crime. The aches reus consists of caduct,
	consequêre / result, state of affairs on on onesia.
	A conduct cive is consided singly by doing a act
	Such as he woes of brodon on helt. A constant of
	whe hoppers as a result of Soneous allow such as
	He appe of morder. A shorte of actains is a combinata
	or aircumbaces at a given time or a couse of
	being in the way place at he way hime. An assion
	is conved wer a pesas take to act or
	Capele a action is such that it justices
	cominality, such as the case of R & Stone +
	Dobsa (1983).
	The second element of the sine is the mess
	Rea Tris is the Latin ten for guilty mind or
	colored intent. It can be specific / direct intent
	Such as needer or bosic/oblique intest such as
	Speeding. The Mers rea for moder was established
	in the case of R 4 Slome (19647) when it is as
	in the case of R v stone (1947) where it was decided the mess rea for moder nos matice establish
	afarethought. This meat to the court had to establish
	it a per inlest to him on their to cause CASU.
	reasonate Gares off value Smith (1961) but relined to the

aignal two Menets dring the case of Hospoch V
Shouland (1986). R v woody (1996) books his up.
The rules regarding regigler use set and in
He care of Doroghe i Stevenson (1932) where it
was established that here was a carracted relidionsy
ad ham as a result of redorce. As a result of
his case is now has he hind element there man
has to be a duly of care, a breach of the duty
and a risk of Serious harm
cross regigere is adder aspect of mere rea usually
used in cases of redical regigere. Have even
result in ahrad lability , Such as the case of
result in orbinal leability, Such as the case of
R v Adenaho (1995)
As importat aspect or mens rea is recliencer.
Rechness ess is deched as he taking of an an unjustifiable hish such as he case of R v
Consington (1957), were it was established he spotest
would be reasonable person do at form order un
in the case of D.P.P J conduct (1981) where it
was established that for offences against the
pesa, the cinned an objective would remain
caldrell. AS was because comingion was too
narran for the amiral Damage Act. The law
topy a firster tro in the case of
D. P. P v Laurence (1952) which added the word Sees!
to the word 'abvas' forder conducer, The near the
and had a establish if he act was
'obijour' under Carduer and 'serans' under
 accepted the cardiner, the test was took and
eventury abolished I was a released lance was
and the same of Parish the Read Trace Act 1990.
 Cart of Appal Felt board by the Manse of Cords
Cart of Appeal Felt board by the Manse of Cords

	decision in caldness on appeal to he House of Look,
	we opp he decision in condinen was expressly and
	drandfically al-hard the Marce Stated Mat coldered
	has continued by largers, grow Good it had to
	understand and it appealed were sense of gestice. The
	Mouse stoled in he case of coldness he Tow book a usong him ! Once coldness had been abouted,
	he house and he subjected detrito of realessess
	green in the Droft Graninal Code (1989). This Stoted Hat a pessa was remest with respect to a Circumstance where he is aware of the risk but
	circumstance where he is aware of the rish, but
	goes a to tole it wer it would be uneasonable to
	da So.
	Allang Me great principle is that a law rearrest both
	a actus reus ad nes rea, shot liability is the
	ersception to his rule. Shirt habiting officer are affects
	cannoted what we need for mes rea.
	Stick liabing 3 longers statutory in notice and greatly Patriorest indicates (ibids is Shick. They can also be
	phinted indicates (ibility is Shick. They can also be
	regulators in rathe Such as road to the regulators
	(poring a yeuran lines), food hyperse reguldras
	and Learth and Safety regulation (seringe disposal)
	There are also engages of common (an shot liability
	with public rusace and shinar liber. An escape of
	contract liber is the case of leman is cray news
	LTD (1978).
	The Carts decide mether a offece is me of
	Short liabily in two ways, the prosuption in favor
	of first lability and the presemption in Favor of mes
	CPa.
	The bight type is the prescription in form of short
	wea. It is shaked has portable has moster a
	wood / phase (nes rea nods) out of a act,
	the coals are to assure it is a matter of
	Shick liability. The case of R U Prince (1875)
1	is a example of his need it was held that he

	each of mers rea wads indicated that it was a
	matter of Shick liability. The cases of
	Condy v Lecoa (1889) and Callow V
	Tillstore (1900) bow up the presuption in Favor of
	741
	The second option is the ho the courts is the
	presuppor in form of mes rea. An example of his
	15 He case of Sweet & Parsley (1970). Sweet was
	covided in Girt instace under the Prince Ming house
	had her concern ackned by the look lass as
	it was cold it was a one of shot liabilly.
	Examples of oher cases that bear up his presipher
	ar he cases of D. P. P U B (2000) and he
	Case of Run (2001).
	The Marse of Lads held Wat where a case is a
	matter of a Seions office, the carts were be
-	acrune a need for mes sea.
	In the case of Crommon it was held that
	he agret presuption in Faran of mess rea was wearen
	Car regulation directed than for select affects
	A regulator is a offsence in wich no work itsens
	anses and he pearly is relatively snow. As a result
	of the cases of sueet, B and h, Prince has
	the effect a serous ches and is now north used
	for regulation offices.
	pe cars mest loon at weller or issue
	of moraling arises, it he nother is one of social
	cacen such as the case of Marran LDC V Shah
	(1999) and esues that an section of the ACL
	must be read togeth, at seperately.
	the ac agentes both in Garar and against
	Shot liability - An argument Fan Shot laking is he
	pranda of care. A hay pranches of cal meason
	1855 of dage to be public. Ande advalage & Hay
	L D a stong deternat. man compaies are under the
	Contract of species bodier Such as the health and

Safey inspectante. This puts more pressure or composes to
Comply within the rules. Another advalage is Hat were
is linited weat to libers, as should then so goesay
Land of the State
tow see it is sloved that short liability is any another to
abos Hat de rot seions. Andre advaloge of Ho
agent in favor is that I can sometimes be discoult to
establish a new rea, with is especially her in he
 case de bios compartes.
There are some agents agents have. It is agreed Hal
it ca result in injustice, as it is to sometimes had
to establish new rea. It is also agreed that it is
in coastert as shot liabily does nothing to pande he
idea that the cases be weated alike.
In conclusion, we contre an able to decide well
paramet illeras a one to be are of Stat liaking
hand He use of he passiphon in Form of
Such liability and we presuption in Forar of wes rea.
By looking of each of here home the corts are dole
to care to a cordusia & Mal wir eable men
to inpose anshat the correct purshmen.
The police can raise objections to the court growing
han based on the ortera set and in the call-ort
Susice and public order Act (19a4).

Cwestiwii	
(3.)	A crime is desired as being a legal wag that
	cor be favored by a mind proceedings Max may
	result in puishment and as the violation of the
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	reaires both on Achs reus and a men rea have
	pre is a eargle exception to us rule.
	· · ·
	The Achis Rees is the lath tem for the physical
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given in the Droft criminal code (1989). This Stoted last a pess was remest with respect to a circumstance when he is ownere of the risk, but
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Can want with a seed for men red
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	andy v (egga (1889) and Callow V
	Tilistore (1900) boar of the presuption in Garar of
	Spict liability.
	The second option is the ho the courts is the
	presuphor in form of mers rea. An example of Mis
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	covided in Girt instace under the Prince Ming hoever
	had her carrier ackned by the love lass as
	I was cold it was a one of Shot liabilly.
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	Case of Run(2001).
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	nather of a serious officee , the carts were be
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	bail based on the orient set out in the command	
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SECTION B

Answer one question from this section.

5. Study the text below and answer the questions based on it.

"A woman from Abergavenny whose bail conditions banned her from entering every shop in England and Wales admitted breaching them after being captured on CCTV entering a Tesco store. In mitigation, her solicitor told Cwmbran magistrates court that the defendant had gone into town with her sister, and that her sister had left her outside the store in charge of one of her children, who ran into the store. The breach occurred when the defendant entered the store in pursuit of the child. Her solicitor described the bail condition as an odd condition which could cause somebody to starve to death. The court renewed the defendant's bail upon the same conditions, with the added condition that she must sleep at her sister's address."

Adapted from the South Wales Argus, 4th October 2012.

(a) Explain the powers of courts to grant conditional bail.

[11]

SA Bail is a release from custody	
pending trial. There are	
two types of bail, court bail	
and police bail.	
Bail is under the \$5 1975	
bail act which enables the	
courts to grant bail while pendin	9
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their bail conditions the courts	
can issue fail to appear Warrents	-
These warrents enable the police	_
to go to the Home of the defendants	
or to their place of work to	
arrest the defendant for not turning	
up to court. These are also known	
as the operation turn-up.	
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Sportcate 1.

5a) The concept behind bail is that you are free, and not reprimanded in custody, until the next stage or date of your trial. This upholds article 5, right to liberty, of the European convention of human rights. Bail can be issued to a defendant at any time between charge and their trial, where they will charged and sentenced or aquited.

The main area of law regarding bail is contained within the bail act 1976. S. 4 of the bail act 1976, contains the presumption that cortain defendants will recieve bail, and the court follows this when aranting bail. The presumption in section four includes: all dependant's prior to conviction, defendants that have been semment convicted but cases have been adjourned ato obtain presentence reports and those who are at court as a result of breaching community sentences. The presumption makes clear that it does not include those defendants who are appealing their sentence or conviction, or defendants who have been committed to the crown court for sentencing by the magistrates court.

When the court is deciding whether to grant bail to the defendant in question, they will take into account a number of factors. These factors will include the seriousness of the offence; the character of the defendant; community ties the defendant may have; the defendant's previous record with surrendering to bail; the strength of evidence. The CPS will take into account and consideration the above factors by when looking at a case where the court has refused the defendant bail.

Section 27 of the criminal justice and public order act. 1994 has given the court the power to growt how'l with conditions. These conditions can be anything from electronic monitoring, to imposing a curfew on the defendant. The court when granting bail with conditions, come impose conditions in adolitions such ones above. These can be conditions such as not entering specific creas of or proporties like sedisplayed in the case of the woman in the above senario, or surrendering passports and remaining at a stated residence for the duration of the bail the defendant is granted.

by the courts they have to turn up for court on the dage specified for their trial, or for sentencing if the trial was adjourned four to obtain pre sentence reports. The defendant's also there have to keep and comply with any bail conditions the court has imposed.

The court com impose conditions if necessary to prevent them from committing a crime whilst out on bouil, to stop them interesering with a witness, or to stop them absording. If the defendant in question is under 18, so therefore classed as a youth, anyouil conditions could be used in order to protect the defendant, the main concern is the youth algerians that are attached to bail (an also be present to protect the decendant.

	s previously mentioned defendants have to
C	omply with bail conditions otherwise the
	ourt has the power to issue police to arrest
	my defendant who is suspected of makein
1	n breach of boil conditions. They areado
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As previously mentioned, defendants have to
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any defendant who is suspected of making
in breach of pail conditions. They areable
to make the arrest without needing a
warrang.



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A.).	Bail is the right of a person suspended of a
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SECTION B

Answer one question from this section.

5. Study the text below and answer the questions based on it.

"A woman from Abergavenny whose bail conditions banned her from entering every shop in England and Wales admitted breaching them after being captured on CCTV entering a Tesco store. In mitigation, her solicitor told Cwmbran magistrates court that the defendant had gone into town with her sister, and that her sister had left her outside the store in charge of one of her children, who ran into the store. The breach occurred when the defendant entered the store in pursuit of the child. Her solicitor described the bail condition as an odd condition which could cause somebody to starve to death. The court renewed the defendant's bail upon the same conditions, with the added condition that she must sleep at her sister's address."

Adapted from the South Wales Argus, 4th October 2012.

(b) Evaluate the importance of bail in the criminal justice system.

[14]

56) Bail is something of significance importance
in our criminal justice system we have in
place here in England and water. This is fora
vowiety of reasons, that I will go on to discuss.
The single becomes a surface of the state of
The first is because it cypholds Article 5,
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Bail is really important for protoction.
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widely nela presemption that it a defendant
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This allows society to seel protected and
have ease that this dangerous criminal is
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within society. Showing that bail is an
important ascept because we have public
support of it.

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5b)	(continued from other bookset).
,	When bail is repused to a degendant it can be
	because of a variety of reasons. In police bail
	5.38 of the police and criminal evidence act 1984
	States that it is the custody officer who will
	decide if the defendant is granted or rectused
	bail Generally the custody officer will grant
	bail, but if she has reasonable grounds to
	believe the following things then they will repuse
	bail. The following things are that the defendant
	may interpere with a witness, the dependant
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	These factors that are in place to allow the refusal
	of bail makes bail even more important in our
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	safeguards for evenione. In that there are cortain
	people who con't be trusted to be granted bail
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	court for a breach of a community sentence.

The presumption doesn't include defendants who are appealing against sentence or conviction, or those who have been committed to the crown court for sentencing by the magistrate's court.

This adds to bail's importance because most people will fall into the categories in the presumption in S.A of the Bail act 1976, protecting the principle of innocent until proven guilty. And those who are appealing have already been convicted and sentenced, meaning the view of the court is that they should be in prison so it allows society to be protected again.

Recent reforms make bail important too. Because firstly we have the concept of street bail, brought about by S.4 of the criminal justice act 2003. This allows police to grant bail without going to the police station and filing out paperwark. Thus allowing the police to concentrate on more serious crimes as they save time with ensorcing street bail.

S. 19 of the criminal justice act 2003 new allows the prosecution to appeal, when they believe the defendant should not have been granted bail. Allowing for surther and more dotail consideration of bail which is important when we are unsure of defendant's involvement and criminal liability.

The law regarding granting of bail to murders has also been resormed, by the criminal justice and public order act 1994. So now in exceptional circumstances murders will be given bail, seen in Callebro v UK 2000. This occurred due to the old law being in breach of the European convention of human rights rarticle two. Showing bail is important in Kleping a

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	up eases against the desedat and allows them to
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Boil is the right of a person suspected of a
criminal offence to be released pending further
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This is a result of which to of the European
 converie a homa rights to 1950, he right to libels.
It is lined who he gooden rece of circul gustice
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mores bail a statutor right to all suspects
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Bail allows a person to carry on with hier
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There are two types of bail - poice bail and
car bail
Police bail ca be divided into 3 categoies,
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Bail perding arthréaines is décred volen 5.27
or he pros Police and crimal Evolence ACI
1984. The Section States that a defealat will
be grated bail on the Condition that they retur
to the Station at the appointed day and time.
This is useful as the police con only hold a
Suspect in australy for a total of 96 hors.
This condition gives the police valuable time to
gather more evidence or to arrange on ID Danade.
Bail fallowing charge vill be allowed to a
Suspect after very have been charged, praided
they prove to be a good bail rish!
Bail Farraing arrest under a warrant is defined
under S. 1 of the magistrales court Act 1980.
This Section states that is a soul the police work

	to arrest someone by use of a warrant, they
	must opply to the magistrates cout for the warrat.
	when casideing he ward, he pragshates will wat
	to how what he price intend to do about bail.
	Is they indicate that may work boil, the magistales
	uil endarge He back of he worrant. This is also
	wown as backing for bail!
	The criminal Justice Act 2003 introduced the concept
	of sheet bail. Street bail means that it on offices
	Shops a suspect in the Street and the Suspect is
	wan to the defendant, he can bail him there and then
	to reoppear of he Shakar with 24 hours.
	This is a wich opin of bail and means that
	police can carry on with their job instead of having
-	to spend time dealing with minor offences.
	, , , , , , , , , , , , , , , , , , ,
	The criminal Justice and public order Act (1994)
	gave the police the power to grat bail Subject to
	conditions. This might mea that he police win
	reare a supert to smeder their parport, live at
	a special address, obey a curren, Stay away
	From Specific people or places or report to a
	palice station at appointed days and times. These
	conditions ensure that the Suspect Sticks to Kein
	bail conditions and reduces the chance of other
	Offences being committed. Based on the text Set on
	the anestian poper his is obtained what has hoppeed
	to pe wona from Abergueny, Onteia from her bail
	reshot as aboutly ensures see stays away from Shops
	to prevent her rearreading.
	tie.
	There are a number of peasons why he can't may
	refuse a pera bail. A person is liver to be recused
	bail is they are lively to abscord, commit other
	Offeres, interfere with whiesses or otherise the course
	of justice or for him an safety.
	Trese restrictions place great emphasis on the fact that

	boil uin only be recused noter specific circumstances;
	reflecting he fact that he rights of he suspect are volued
	as much as public sacely. This reinforces he idea what
	bal is removed important element of arsystem as it is
	important that here is a fair and non biased force
	authority to ensire basic human rights are upheld and
	that the principles of criminal justice are respected.
	The second type of bail is bail trough the courts.
	IF the police has recused bail under the bail culteria, the
	Suspect is to be brought before mogistates whin 24
	hars.
	Court bail is the second toppens apporting for a suspect
	to be grated bail. The Magistates Start Gran he new
	that energhody is extitled to bail as a result of the
	Pail Act 1976. When considering bail he magistrales win
	take into accort he charcles, and alecedets and
	any community hier of the suspect, only previous bail
	record, He Seigness of the one and the sheigh of
	endece against the Suspect. The police ca raise
	objector to his order he citera set out in he
	Copinal Justice and public order Act 1994. The
	magistrates vie have into account the reason why are
	parice regused He suspect bail in He First place borne
	coming to him an conclusion. This may be the same
	reasons that the police recursed bail or it may be bowed
	or someting completely disposet.
	The paners of bail is also important when it comes
	to youth justice. Surenes on evided be bail he some
	as adults and her may be reflered bail based on
	the same conditions. Turninger who have been regard
	bail have con only be heft in local authors
	accompdator if they are over 10 years dd, has
	consided a violet or sexual acree on har previously
	breakled bail carchias in the past.
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entitled to bail regardless of sine or ago.
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seare boil is not produced in the un, the concept does
 have a place. A deserdat up is wan to the defedat
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The Svety much pare be did an he could be proved
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System counds be deried. Bail is a pareful tool
used not only to the suspects advantage but to
Me police. The bail decision may be first and
Granoshy to secre he right of he defendat but h orter
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case and apple englisher.
The bail decision is a exceedingly important one.
The desision affects of the suspect
but he rights of the public so its not a decision
to be laren lightly. It is very important Max
people lac a fair oppulate as the results could be
loss of libely. This is mares bail one of the most
imposate aspects of the chinal Justice system.

(b)	The importance of bail in the criminal Justice System
	cannot be assessanced. White upholding the
	rights of the person who has been concled of on
	offence it also allows he public to regain
	Sage. Bail auous he poice entra the to build
	up cases against the defedant and allows them to
	Harouly investigate and casider evidence. This is
	Change cerpant as it moves sue the parise correct
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	and bail fact and a magnet.
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	be graved bail on the condition that they retur
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	that everybody is existed to bail as a result of the
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