



**General Certificate of Education**

**Law 1161**

**Unit 1 (LAW01) Law Making and the Legal  
System**

**Mark Scheme**

*2009 examination - June series*

**This mark scheme uses the [new numbering system](#) which is being introduced for examinations from June 2010**

Mark schemes are prepared by the Principal Examiner and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation meeting attended by all examiners and is the scheme which was used by them in this examination. The standardisation meeting ensures that the mark scheme covers the candidates' responses to questions and that every examiner understands and applies it in the same correct way. As preparation for the standardisation meeting each examiner analyses a number of candidates' scripts: alternative answers not already covered by the mark scheme are discussed at the meeting and legislated for. If, after this meeting, examiners encounter unusual answers which have not been discussed at the meeting they are required to refer these to the Principal Examiner.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of candidates' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

Further copies of this Mark Scheme are available to download from the AQA Website: [www.aqa.org.uk](http://www.aqa.org.uk)

Copyright © 2010 AQA and its licensors. All rights reserved.

#### COPYRIGHT

AQA retains the copyright on all its publications. However, registered centres for AQA are permitted to copy material from this booklet for their own internal use, with the following important exception: AQA cannot give permission to centres to photocopy any material that is acknowledged to a third party even for internal use within the centre.

Set and published by the Assessment and Qualifications Alliance.

# **LAW01**

## **Assessment Objectives One and Two**

### **General Marking Guidance**

*You should remember that your marking standards should reflect the levels of performance of candidates, mainly 17 years old, who have completed some part of the Advanced Subsidiary course, writing under examination conditions. The Potential Content given in each case is the most likely correct response to the question set. However, this material is neither exhaustive nor prescriptive and alternative, valid responses should be given credit within the framework of the mark bands.*

### **Positive Marking**

*You should be positive in your marking, giving credit for what is there rather than being too conscious of what is not. Do not deduct marks for irrelevant or incorrect answers, as candidates penalise themselves in terms of the time they have spent.*

### **Mark Range**

*You should use the whole mark range available in the mark scheme. Where the candidate's response to a question is such that the mark scheme permits full marks to be awarded, full marks must be given. A perfect answer is not required. Conversely, if the candidate's answer does not deserve credit, then no marks should be given.*

### **Levels of Response for Essay Marking**

*When reading an essay, it is useful to annotate your recognition of the achievement of a response level. This will help the Team Leader follow your thought processes. Levels of response marking relies on recognition of the highest Level achieved by the candidate. When you have finished reading the essay, therefore, think top-down, rather than bottom-up. In other words, has the candidate's overall answer met the requirements for the top level? If not, the next level?*

### **Citation of Authority**

*Candidates will have been urged to use cases and statutes whenever appropriate. Even where no specific reference is made to these in the mark scheme, please remember that their use considerably enhances the quality of an answer.*

---

**Assessment Objective Three****QUALITY OF WRITTEN COMMUNICATION (QoWC)**

|                |   |
|----------------|---|
| <b>2 marks</b> | The work is characterised by some or all of the following: <ul style="list-style-type: none"><li>• clear expression of ideas</li><li>• a good range of specialist terms</li><li>• few errors in grammar, punctuation and spelling</li><li>• errors do not detract from the clarity of the material.</li></ul> |
| <b>1 mark</b>  | The work is characterised by: <ul style="list-style-type: none"><li>• reasonable expression of ideas</li><li>• the use of some specialist terms</li><li>• errors of grammar, punctuation and spelling</li><li>• errors detract from the clarity of the material.</li></ul>                                    |
| <b>0 marks</b> | The work is characterised by: <ul style="list-style-type: none"><li>• poor expression of ideas</li><li>• limited use of specialist terms</li><li>• errors and poor grammar, punctuation and spelling</li><li>• errors obscure the clarity of the material.</li></ul>  |

**The level of understanding in AS Law – LAW01**

To help you find the level of understanding shown in a script, there will be some of the following characteristics shown. It is important to remember that the assessment is aimed at the notional 17-year old, so the level of understanding required by these criteria will be that of the notional 17-year old.

|                |  |
|----------------|--|
| <b>Sound</b>   | <ul style="list-style-type: none"> <li>• The material will be generally accurate and contain relevant material to the Potential Content.</li> <li>• The material will be supported by generally relevant authority and/or examples.</li> <li>• It will generally deal with the Potential Content in a manner required by the question.</li> </ul> <p>As a consequence, the essential features of the Potential Content are dealt with competently and coherently.</p>  |
| <b>Clear</b>   | <ul style="list-style-type: none"> <li>• The material is broadly accurate and relevant to the Potential Content.</li> <li>• The material will be supported by some use of relevant authority and/or examples.</li> <li>• The material will broadly deal with the Potential Content in a manner required by the question.</li> </ul> <p>As a consequence, the underlying concepts of the Potential Content will be present, though there may be some errors, omissions and/or confusion which prevent the answer from being fully rounded or developed.</p>                       |
| <b>Some</b>    | <ul style="list-style-type: none"> <li>• The material shows some accuracy and relevance to the Potential Content.</li> <li>• The material may occasionally be supported by some relevant authority and/or examples.</li> <li>• The material will deal with some of the Potential Content in a manner required by the question.</li> </ul> <p>As a consequence, few of the concepts of the Potential Content are established as there will be errors, omissions and/or confusion which undermine the essential features of the Potential Content.</p>                             |
| <b>Limited</b> | <ul style="list-style-type: none"> <li>• The material is of limited accuracy and relevance to the Potential Content.</li> <li>• The material will be supported by minimal relevant authority and/or examples.</li> <li>• The material will deal superficially with the Potential Content in a manner required by the question.</li> </ul> <p>As a consequence, the concepts of the Potential Content will barely be established, as there will be many errors, omissions and/or confusion which almost completely undermine the essential elements of the Potential Content.</p> |

## Section A: Law Making

**Total for this topic: 32 marks**

When interpreting an Act of Parliament, judges can use a range of rules (approaches) and can also rely on internal or external aids to interpretation.

**01** Briefly describe the literal rule **and** the internal aids used by judges when interpreting Acts of Parliament. *(10 marks)*

### Potential Content

- (A) Brief description of literal rule could include – judges using the ordinary natural dictionary meaning even if it results in an absurdity, use of example(s) of use of rule
- (B) Brief description of internal aids could include – long and short titles, preamble, headings, margin notes, definitions, schedules, interpretation section, example(s)

### Mark Bands

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.

|   |
|---|
| <b>02</b> Briefly describe the golden rule <b>and</b> the external aids used by judges when interpreting Acts of Parliament. <span style="float: right;"><i>(10 marks)</i></span> |
|---|

**Potential Content**

- (A) Brief description of golden rule could include – judges dealing with an ambiguity or absurdity, use of example(s)
- (B) Brief description of external aids could include – documents outside the Act – dictionaries, external treaties, reports on which Act is based, Interpretation Act, Hansard, examples

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                 The answer contains no relevant information.

**03** Discuss the disadvantages of any **two** of the rules of (approaches to) statutory interpretation. *(10 marks + 2 marks for A03)*

**Potential Content**

- (A) Discussion of disadvantage of first rule of statutory interpretation
- (B) Discussion of second rule of statutory interpretation
- Disadvantages of literal rule could include rigidity, bad precedent, cannot be used if words are not in Act, assumption that Act perfectly written, need for Parliament to rectify error, assumption that Parliament meant the result
  - Disadvantages of golden rule could include too much flexibility given to judges, what is absurd result?
  - Disadvantages of mischief rule could include limitations on use, judicial law making
  - Disadvantages of purposive approach could include judicial law making

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.



**Total for this topic: 32 marks**

**04** With reference to the doctrine of judicial precedent, explain what is meant by the terms '*ratio decidendi*' and '*obiter dicta*'. (10 marks)

**Potential Content**

- (A) Explanation of *ratio decidendi* could include – the reason for the decision, the binding part of the decision, to be followed by other judges, case(s)/example(s)
- (B) Explanation of *obiter dicta* could include – other things said by the way, the non binding part, can be influential/persuasive, case(s)/example(s)

**Mark Bands**

- 8 – 10 The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7 The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4 The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2 The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0 The answer contains no relevant information.

**05** Using cases **and/or** examples, explain how the House of Lords **and** the Court of Appeal can avoid following a precedent. *(10 marks)*

**Potential Content**

- (A) Explanation of avoidance by House of Lords could include – 1966 Practice Direction, power to overrule/distinguish or disapprove any precedent from a lower court, explanation of cases and/or example(s)
  
- (B) Explanation of avoidance by Court of Appeal could include – the power to overrule, distinguish or disapprove any precedent from a lower court (except for House of Lords), in civil cases by referring to **Young v Bristol Aeroplane**; in criminal cases to avoid injustice, explanation of cases and/or example(s)

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
  
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
  
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
  
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
  
- 0                The answer contains no relevant information.

**06** Discuss the advantages of judicial precedent. *(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Discussion of the advantages of judicial precedent could include – flexibility, dealing with real cases, providing detailed rules for later cases, just, authoritative and impartial decisions

**Mark Bands**

- 8 – 10 The candidate demonstrates a sound understanding of (A).  
5 – 7 The candidate demonstrates a clear understanding of (A).  
3 – 4 The candidate demonstrates some understanding of (A).  
1 – 2 The candidate demonstrates limited understanding of (A).  
0 The answer contains no relevant information.

---

**Total for this topic: 32 marks**

|  |
|--|
| <b>07</b> Statutory instruments are one form of delegated legislation. Explain, using examples, what is meant by statutory instruments. <span style="float: right;"><i>(10 marks)</i></span> |
|--|

**Potential Content**

- (A) Explanation of meaning of statutory instruments could include – the existence of law made by government ministers with delegated powers under authority of primary legislation, the role of ministers when consulting, drafting and laying before Parliament, use of commencement orders, example(s)

**Mark Bands**

- |        |  |
|--------|--|
| 8 – 10 | The candidate demonstrates a sound understanding of (A). |
| 5 – 7  | The candidate demonstrates a clear understanding of (A). |
| 3 – 4  | The candidate demonstrates some understanding of (A).    |
| 1 – 2  | The candidate demonstrates limited understanding of (A). |
| 0      | The answer contains no relevant information.             |

**08** Explain **either** parliamentary **or** judicial controls on delegated legislation. (10 marks)

**Potential Content**

**Either**

(A) Explanation of Parliamentary control could include – affirmative resolution procedure, negative resolution procedure, repealing of primary legislation, scrutiny committees

**Or**

(A) Explanation of judicial control – could include judicial review on grounds of procedural *ultra vires* or substantive *ultra vires*, unreasonableness, imposition of tax, lack of consultation, conflict with EU law. Cases/examples

**Mark Bands**

- 8 – 10            The candidate demonstrates a sound understanding of (A).
- 5 – 7             The candidate demonstrates a clear understanding of (A).
- 3 – 4             The candidate demonstrates some understanding of (A).
- 1 – 2             The candidate demonstrates limited understanding of (A).
- 0                 The answer contains no relevant information.

**09** Discuss the disadvantages of delegated legislation as a form of law making.  
*(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Discussion of the disadvantages of delegated legislation could include – undemocratic, volume, lack of publicity, limited scrutiny, delegated powers to impose tax (eg through budget)

**Mark Bands**

- 8 – 10 The candidate demonstrates a sound understanding of (A).  
5 – 7 The candidate demonstrates a clear understanding of (A).  
3 – 4 The candidate demonstrates some understanding of (A).  
1 – 2 The candidate demonstrates limited understanding of (A).  
0 The answer contains no relevant information.

**Total for this topic: 32 marks**

**10** Briefly explain what is meant by the doctrine of parliamentary supremacy. Outline **one** limitation on this doctrine. **(10 marks)**

**Potential Content**

- (A) Brief explanation of doctrine of Parliamentary supremacy could include – legal supremacy (highest form of law, must be applied by judges), political supremacy, parliament not binding successors
- (B) Outline of one limitation could include – devolution, supremacy of EU law, compliance with Human Rights Act

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.

|           |  |                   |
|-----------|--|-------------------|
| <b>11</b> | Outline the roles of the House of Commons, the House of Lords and the Crown in parliamentary law making. | <i>(10 marks)</i> |
|-----------|--|-------------------|

**Potential Content**

- (A) Outline of role of House of Commons could include – drafting and introduction of legislation, implementing election manifesto by governing party, considering and voting on proposed legislation as part of democratic process, possible expertise available at committee stage, consideration of amendments and improving original proposal.  
Position of money bills
  
- (B) Outline of role of House of Lords and of role of Crown could include – greater independence of House of Lords, providing greater expertise than House of Commons, making recommendations and suggesting improvements, delaying (subject to Parliament Acts), role of Crown is constitutional giving formal royal approval

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
  
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
  
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
  
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
  
- 0                The answer contains no relevant information.



**12** Discuss the advantages of the process of parliamentary law making.  
*(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Discussion of advantages could include – democratic, discussion of proposals, introduction of proposed law after detailed inquiry/Law Commission report, giving effect to election manifesto commitments, open process, possibility of amendments, scrutiny of proposals, supremacy of Parliamentary law

**Mark Bands**

- 8 – 10            The candidate demonstrates a sound understanding of (A).  
5 – 7            The candidate demonstrates a clear understanding of (A).  
3 – 4            The candidate demonstrates some understanding of (A).  
1 – 2            The candidate demonstrates limited understanding of (A).  
0                The answer contains no relevant information.

## Section B: The Legal System

**Total for this topic: 32 marks**

|  |
|--|
| <b>13</b> Describe the role of a judge in a civil court claim for damages. <i>(10 marks)</i> |
|--|

### Potential Content

- (A) Description of role could include – dealing with pre trial issues (eg tracking), acting as trial manager, ruling on legal issues during trial, deciding liability, deciding compensation or other remedy, possible reference to appeals

### Mark Bands

- 8 – 10            The candidate demonstrates a sound understanding of (A).
- 5 – 7             The candidate demonstrates a clear understanding of (A).
- 3 – 4             The candidate demonstrates some understanding of (A).
- 1 – 2             The candidate demonstrates limited understanding of (A).
- 0                  The answer contains no relevant information.

|   |                   |
|---|-------------------|
| <b>14</b> Briefly explain how judges are trained for their work in court. | <i>(10 marks)</i> |
|---|-------------------|

**Potential Content**

- (A) Brief explanation of judicial training could include – responsibility of Judicial Studies Board, provision of initial practical training, eg how to run a court, sitting with experienced judges and visits, annual training and induction courses when receiving new responsibilities, experience as PT judges (recorders and deputy HCJs), mentoring scheme.

**Mark Bands**

- 8 – 10            The candidate demonstrates a sound understanding of (A).
- 5 – 7             The candidate demonstrates a clear understanding of (A).
- 3 – 4             The candidate demonstrates some understanding of (A).
- 1 – 2             The candidate demonstrates limited understanding of (A).
- 0                 The answer contains no relevant information.

**15** Discuss the importance of judicial independence. *(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Discussion of importance of judicial independence could include – public confidence in judiciary, upholding Rule of Law, decision making free of pressure, ability to hear judicial review and cases involving the government

**Mark Bands**

- 8 – 10 The candidate demonstrates a sound understanding of (A).  
5 – 7 The candidate demonstrates a clear understanding of (A).  
3 – 4 The candidate demonstrates some understanding of (A).  
1 – 2 The candidate demonstrates limited understanding of (A).  
0 The answer contains no relevant information.

---

**Total for this topic: 32 marks**

|           |   |                   |
|-----------|---|-------------------|
| <b>16</b> | Explain how a solicitor is trained and qualifies for entry to the profession. | <i>(10 marks)</i> |
|-----------|---|-------------------|

**Potential Content**

- (A) Explanation of academic training and qualifying of solicitors could include – degree entry, CPE/GDL/Diploma for non - law degree, possible reference to Legal Executive route, LPC, training contract, membership of Law Society, application to be called to roll of solicitors

**Mark Bands**

- 8 – 10            The candidate demonstrates a sound understanding of (A).
- 5 – 7             The candidate demonstrates a clear understanding of (A).
- 3 – 4             The candidate demonstrates some understanding of (A).
- 1 – 2             The candidate demonstrates limited understanding of (A).
- 0                  The answer contains no relevant information.

|           |  |                   |
|-----------|--|-------------------|
| <b>17</b> | Sylvia has been injured in an accident. Outline where she could get advice for a possible claim for compensation <b>and</b> how a civil court claim could be paid for. | <i>(10 marks)</i> |
|-----------|--|-------------------|

**Potential Content**

- (A) Outline of possible sources of advice could include – solicitor, Community Legal Service, CAB, claims company, internet, trade union, insurance company, motoring organisation
- (B) Outline of how claim could be paid for (or financed) could include – Legal Help, private funding, no win no fee conditional fees, via insurance policy or union membership, Legal Aid (Representation) in certain very limited cases

Note: credit can be given for both breadth and/or depth of explanation of sources and how financed.

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7             The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4             The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2             The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                  The answer contains no relevant information.

**18** Briefly discuss the advantages **and** disadvantages of the different methods of funding a civil court claim. *(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Brief discussion of advantages could include – Legal Help allowing advice by those of limited means, ‘no win no fee’ allows claims from those who could not afford court action or would not qualify for legal aid, funding provided by insurance or union benefiting members, private funding allowing choice of representative
- (B) Brief discussion of disadvantages could include – general expense, limited availability of state funding, cost of insurance policies required for ‘no win no fee’ cases, threshold test for ‘no win no fee’ cases

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.

**Total for this topic: 32 marks**

**19** Identify the different criminal courts, including appeal courts, that can hear criminal cases involving adults. Outline the types of criminal offences that are dealt with by these courts. *(10 marks)*

**Potential Content**

- (A) Identification of Magistrates Courts and outline of offences dealt with could include – summary and either way offences and examples of each. Possible reference to treatment of indictable offences
- (B) Identification of Crown Court and outline of offences dealt with could include – either way and indictable offences and examples of each. Possible reference to appeals heard in Crown Court and sentencing when Magistrates have insufficient powers
- (C) Identification of appeal courts could include – Court of Appeal and House of Lords with possible identification of QBD Divisional Court. Grounds for appeal by prosecution and defence and orders available to appeal courts

**Mark Bands**

- 8 – 10            The candidate deals with (A)-(C) as follows:  
**max 10:** two sound, one clear  
**max 9:** two sound, one some **or** one sound, two clear  
**max 8:** two sound **or** one sound, one clear, one some **or** three clear.
- 5 – 7            The candidate deals with (A)-(C) as follows:  
**max 7:** one sound, one clear **or** one sound, two some **or** two clear, one some  
**max 6:** one sound, one some **or** two clear **or** one clear, two some  
**max 5:** one sound **or** one clear, one some **or** three some.
- 3 – 4            The candidate demonstrates some understanding of two of (A)-(C) or limited understanding of (A)-(C).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.



|   |
|---|
| <b>20</b> Describe how jurors qualify and are selected to serve on a jury. <span style="float: right;"><i>(10 marks)</i></span> |
|---|

**Potential Content**

- (A) Description of jury qualification and selection could include – age, selection from electoral register by Central Summoning Bureau, residence, reasons for not serving such as disqualification and excusal, possible reference to vetting and challenges, selection in court

**Mark Bands**

- |        |  |
|--------|--|
| 8 – 10 | The candidate demonstrates a sound understanding of (A). |
| 5 – 7  | The candidate demonstrates a clear understanding of (A). |
| 3 – 4  | The candidate demonstrates some understanding of (A).    |
| 1 – 2  | The candidate demonstrates limited understanding of (A). |
| 0      | The answer contains no relevant information.             |

**21** Briefly discuss the disadvantages of using **lay persons** to decide criminal trials.  
*(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Brief discussion of disadvantages of use of lay persons could include – perverse verdicts/sentencing, feelings of possible bias, make up of panel and selection issues, influence within panel, media pressure, complexity of issues

**Mark Bands**

- 8 – 10 The candidate demonstrates a sound understanding of (A) (**max 8** if discussion refers to one only of juries or lay magistrates or fails to distinguish between them).
- 5 – 7 The candidate demonstrates a clear understanding of (A).
- 3 – 4 The candidate demonstrates some understanding of (A).
- 1 – 2 The candidate demonstrates limited understanding of (A).
- 0 The answer contains no relevant information.

**Total for this topic: 32 marks**

**22** Ajay has been injured in an accident. He has suffered serious injuries and wants to claim compensation. Identify the courts, including any appeal courts, in which his claim for compensation could be heard. Outline **either** mediation **or** negotiation as another method of dealing with a personal injury case. *(10 marks)*

**Potential Content**

- (A) Identification of courts could include County Court or High Court with possible reference to tracking. Appeals to Court of Appeal and House of Lords with possible reference to grounds of appeal and orders that appeal courts can make.
- (B) Outline of mediation **or** negotiation which could include process, forms and outcomes (of **either** mediation **or** negotiation)

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
- 5 – 7            The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
- 3 – 4            The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
- 1 – 2            The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
- 0                The answer contains no relevant information.

|   |
|---|
| <b>23</b> Describe <b>either</b> arbitration <b>or</b> the use of a tribunal as a means of civil dispute resolution.<br><i>(10 marks)</i> |
|---|

**Potential Content**

**Either**

(A) Description of Arbitration

**Or**

(A) Description of the use of Tribunals

Description can include reference to who is hearing the dispute, nature of hearings, type of cases dealt with, process issues, outcomes, possible appeals.

**Mark Bands**

- 8 – 10            The candidate demonstrates a sound understanding of (A).
- 5 – 7            The candidate demonstrates a clear understanding of (A).
- 3 – 4            The candidate demonstrates some understanding of (A).
- 1 – 2            The candidate demonstrates limited understanding of (A).
- 0                The answer contains no relevant information.

**24** Briefly discuss the advantages **and** disadvantages of negotiation **and** of a civil court trial as forms of civil dispute resolution. *(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Brief discussion of advantages and disadvantages of negotiation – could include advantages include speed, efficiency, preservation of relationship, cost, informality, lack of publicity, encouragement by court. Disadvantages include problems encouraging parties to take part, inability to reach conclusion, enforcing decision, possible reduced amount of compensation
  
- (B) Brief discussion of advantages and disadvantages of civil court trial – could include advantages include resolution by impartial tribunal, hearing of all evidence, certain outcome, right of appeal. Disadvantages include cost and possible award of costs, formality, possible lack of legal representation and imbalance between parties, efficiency of process, preservation of relationship, convenience, expertise, procedure, publicity

**Mark Bands**

- 8 – 10            The candidate deals with (A) and (B) as follows:  
**max 10:** two sound  
**max 9:** one sound, one clear  
**max 8:** one sound, one some **or** two clear.
  
- 5 – 7             The candidate deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
**max 5:** one clear **or** two some.
  
- 3 – 4             The candidate demonstrates some understanding of (A) or (B) or limited understanding of (A) and (B).
  
- 1 – 2             The answer consists of brief, fragmented comments or examples so that no coherent explanation and application emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.
  
- 0                  The answer contains no relevant information.

**ASSESSMENT GRID**

(To show the allocation of marks to Assessment Objectives)

| <b>Unit 1 (LAW01)</b> | <b>AO1</b> | <b>AO2</b> | <b>AO3</b> |
|-----------------------|------------|------------|------------|
| Question 01           | 10         | 0          | 0          |
| Question 02           | 10         | 0          | 0          |
| Question 03           | 0          | 10         | 2          |
| Question 04           | 10         | 0          | 0          |
| Question 05           | 10         | 0          | 0          |
| Question 06           | 0          | 10         | 2          |
| Question 07           | 10         | 0          | 0          |
| Question 08           | 10         | 0          | 0          |
| Question 09           | 0          | 10         | 2          |
| Question 10           | 10         | 0          | 0          |
| Question 11           | 10         | 0          | 0          |
| Question 12           | 0          | 10         | 2          |
| Question 13           | 10         | 0          | 0          |
| Question 14           | 10         | 0          | 0          |
| Question 15           | 0          | 10         | 2          |
| Question 16           | 10         | 0          | 0          |
| Question 17           | 10         | 0          | 0          |
| Question 18           | 0          | 10         | 2          |
| Question 19           | 10         | 0          | 0          |
| Question 20           | 10         | 0          | 0          |
| Question 21           | 0          | 10         | 2          |
| Question 22           | 10         | 0          | 0          |
| Question 23           | 10         | 0          | 0          |
| Question 24           | 0          | 10         | 2          |