

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.

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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.

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)**

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

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.

Sound	<ul style="list-style-type: none"> • The material will be generally accurate and contain relevant material to the Potential Content. • The material will be supported by generally relevant authority and/or examples. • It will generally deal with the Potential Content in a manner required by the question. <p>As a consequence, the essential features of the Potential Content are dealt with competently and coherently.</p>
Clear	<ul style="list-style-type: none"> • The material is broadly accurate and relevant to the Potential Content. • The material will be supported by some use of relevant authority and/or examples. • The material will broadly deal with the Potential Content in a manner required by the question. <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>
Some	<ul style="list-style-type: none"> • The material shows some accuracy and relevance to the Potential Content. • The material may occasionally be supported by some relevant authority and/or examples. • The material will deal with some of the Potential Content in a manner required by the question. <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>
Limited	<ul style="list-style-type: none"> • The material is of limited accuracy and relevance to the Potential Content. • The material will be supported by minimal relevant authority and/or examples. • The material will deal superficially with the Potential Content in a manner required by the question. <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

0 1 Describe any one influence operating on Parliament in the law-making process. <i>(10 marks)</i>
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Potential Content

(A) Description of any one influence:

- Law Commission could include who sits on it, how it works in investigating issues, role in codifying law, role in consolidating law, role in recommending repeals of old law, example(s)
- pressure group as an influence could include general description of meaning of pressure group, how and when they can influence, who they can influence, effect of influence, campaigns, example(s)
- media as an influence could include how and when they can influence, who they can influence, effect of influence, campaigns, example(s)
- political as an influence could include influence of different political parties both in and out of the coalition, possible reference to European Union, 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.

0 2 Describe the law-making procedure in Parliament.	<i>(10 marks)</i>
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Potential Content

(A) Description of law making procedure in Parliament could include:

House of Commons – drafting and introduction, order of readings and outline of process at each stage, possible reference to public and private members bills, example(s).

House of Lords - introduction, order of readings, possible reference to different forms of bills, amending role, ping pong procedure in conjunction with House of Commons, effect of Parliament Acts 1911 and 1949, constitutional role of Queen and effect of Royal Assent, 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.

0 3	Briefly discuss advantages and disadvantages of the parliamentary law-making procedure.	<i>(10 marks + 2 marks for AO3)</i>
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REMEMBER TO AWARD A MARK FOR AO3

Potential Content

Brief discussion of advantages and disadvantages of parliamentary law making procedure could include:

- (A) Advantages – 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.
- (B) Disadvantages – delay in dealing with issues, political influences rather than genuine debate, non-democratic issues, complex language, piecemeal development of laws, need to read more than one document, compromise nature of process between Commons and Lords.

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 emerges
 or
 mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

AO3

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

0 4	Outline two different forms of delegated legislation.	<i>(10 marks)</i>
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Potential content

- (A) Outline of first form of delegated legislation
- (B) Outline of second form of delegated legislation

Forms of delegated legislation could be:

- statutory instruments, which 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)
- By-laws, which could include how and when made by local authority and/or other bodies, example(s)
- Orders in Council could include how and when made by Privy Council, 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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.

- 0 The answer contains no relevant information.

0 5 Describe parliamentary controls on delegated legislation.	<i>(10 marks)</i>
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Potential Content

- (A) Description of Parliamentary controls could include – limits set in Parent Act, affirmative resolution procedure, negative resolution procedure, repealing of primary legislation, scrutiny committees.

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.

0 6 Discuss **either** advantages **or** disadvantages of delegated legislation as a form of law making. *(10 marks + 2 marks for AO3)*

REMEMBER TO AWARD A MARK FOR AO3

Potential Content

Either

(A) Discussion of advantages of delegated legislation could include: speed, expertise, flexibility, completing detail of framework Act, some form of control possible, some form of democracy involved.

Or

(A) Discussion of the disadvantages of delegated legislation could include: undemocratic, volume, lack of publicity, need for control, limited scrutiny and control of Executive power, delegated powers to impose tax (eg through budget), length and expense of judicial review.

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.

AO3

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

0 7	<p>In the context of statutory interpretation, briefly describe what is meant by two of the following:</p> <ul style="list-style-type: none"> • rules of language • external (extrinsic) aids • internal (intrinsic) aids. 	<i>(10 marks)</i>
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Potential Content

(A) Brief description of one aid/rule

(B) Brief description of second aid/rule

Description of rules of language could include:

- the *ejusdem generis* rule - general words following specific words, example(s)
- the *noscitur* rule – meaning of word to be found from context, example(s)
- the *expressio* rule - expression of one thing implies exclusion of another, example(s).

Description of external aids could include documents outside the Act – dictionaries, external treaties, reports on which Act is based, Interpretation Act, Hansard, example(s)

Description of internal aids could include - long and short titles, preamble, 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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

0 8 Describe either the literal rule or the mischief rule. <i>(10 marks)</i>
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Potential Content

Either

(A) Description of literal rule could include: judges using the dictionary meaning of a word, cases and/or example(s).

or

(A) Description of the mischief rule could include: judges looking at gaps in law, possible reference to Heydon's case, cases and/or 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. |

0 9 Briefly discuss advantages **and** disadvantages of the rule that you have described. in your answer to question **0 8**. *(10 marks + 2 marks for AO3)*

REMEMBER TO AWARD A MARK FOR AO3

Potential Content

Brief discussion of advantages and disadvantages of rule:

- (A) Advantages of literal rule could include: applying the will of parliament, democratic, predictable, certainty, example(s).
- (B) Disadvantages of literal rule could include: rigidity, bad precedent, absurd results, cannot be used if words are not in Act, assumption that Act perfectly written, cannot be used if words capable of more than one meaning, possible need for Parliament to rectify error following case, assumption that Parliament meant the result, example(s).
- (A) Advantages of mischief rule could include: avoidance of absurd and unjust outcomes of literal rule, flexibility, example(s).
- (B) Disadvantages of mischief rule could include: limitations on use, judicial law making, difficult to find mischief, 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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

AO3

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

1 0 With reference to judicial precedent, briefly explain the meaning of *ratio decidendi* and *obiter dicta*. (10 marks)

Potential Content

- (A) Brief explanation of *ratio decidendi* could include: the reason for the decision, the binding part of the decision, to be followed by other judges, cases/examples.
- (B) Brief explanation of *obiter dicta* could include: other things said by the way, the non-binding part of the decision which does not have to be followed by other judges, may be persuasive, cases/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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

1	1	Explain how judges either in the Supreme Court or in the Court of Appeal can avoid following precedent.	<i>(10 marks)</i>
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Potential Content

Either

(A) Explanation how judges in Supreme Court can avoid precedent

or

(A) Explanation of how judges in the Court of Appeal can avoid precedent

Ways of avoiding precedent could include:

- For Supreme Court (House of Lords): using 1966 Practice Direction or power to overrule/distinguish or disapprove any precedent from a lower court, explanation of example(s).
- For Court of Appeal: having the power to overrule, distinguish or disapprove any precedent from a lower court, in civil cases by referring to *Young v Bristol Aeroplane*; in criminal cases to avoid injustice, explanation of 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. |

1 2	Discuss advantages of the use of judicial precedent.	<i>(10 marks + 2 marks for AO3)</i>
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REMEMBER TO AWARD A MARK FOR AO3**Potential Content**

- (A) Discussion of advantages of precedent could include: flexibility, dealing with real cases, providing detailed rules for later cases, just, authoritative and impartial decisions, case(s) or 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.

AO3

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

Section B: The Legal System

- 1 3** Josh has been badly injured in a road accident and intends to claim compensation for his injuries.
- Identify the civil courts (including relevant tracks and any appeal courts) in which his claim for compensation could be heard.
- AND**
- Briefly describe the process of negotiation which could be used as an alternative method of settling his claim. *(10 marks)*

Potential Content

- (A) Identification of courts (including reason for appearance) could include: County Court or High Court QBD, with possible reference to tracking and financial limits. Appeals to Court of Appeal and Supreme Court, with possible reference to grounds of appeal and orders that appeal courts can make.
- (B) Brief description of negotiation which could include process, methods and outcomes.

For Sound A or B, reference needs to be made to Josh's claim.

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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

1 4 Describe either the process of arbitration or the use of tribunals as a method of dispute resolution. <i>(10 marks)</i>

Potential Content

Either

- (A) Description of Arbitration could include: qualification of arbitrator, how arbitration can come about (from a clause in the agreement), types of cases dealt with, nature of hearing, process, outcome, possibility of appeals, enforcement of award, examples.

Or

- (A) Description of Tribunals could include: qualification of panel, how tribunals can come about – statutory, disciplinary, and types of cases dealt with, nature of hearings, process, outcomes, possible reference to appeals, enforcement of awards, 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.

- | | | |
|----------|----------|--|
| 1 | 5 | Discuss advantages and disadvantages of either the process of arbitration or the use of tribunals.
<i>(10 marks + 2 marks for AO3)</i> |
|----------|----------|--|

REMEMBER TO AWARD A MARK FOR AO3

Potential Content

Discussion of advantages and disadvantages of Arbitration could include:

- (A) Advantages - speed, informality, expertise of Arbitrator, limited need for legal representation, effect of award, cost compared to court, privacy.
- (B) Disadvantages - lack of funding and representation, possible imbalance between parties, availability of process dependant on agreement, cost of arbitrator, limited appeal rights.

Or

Discussion of advantages and disadvantages of Tribunals could include:

- (A) Advantages - expertise of panel, giving of reasons for decisions, cost compared to courts, informality and limited need for legal representation, speed, flexibility, possible public forum for airing dispute.
- (B) Disadvantages - influence of chair, cost, lack of public funding and representation, imbalance between parties, formality of hearings, limited appeal rights, adverse 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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

AO3

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

1 6 Describe how jurors qualify and are selected for service in a criminal trial. (10 marks)

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, discharge or deferral; 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.

1 7	Explain the work of lay magistrates in the criminal justice process.	<i>(10 marks)</i>
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Potential Content

- (A) Explanation of work of lay magistrates could include: deciding bail/custody issues; at trial hearing evidence, deciding guilt/innocence; deciding sentence, possible reference to referring cases to Crown Court for trial or sentence; issuing warrants; Youth Court. 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.

1 8 Discuss **either** advantages **or** disadvantages of using lay persons (lay magistrates and jurors) in the criminal justice process. *(10 marks + 2 marks for AO3)*

REMEMBER TO AWARD A MARK FOR AO3

Potential Content

Either

(A) Discussion of advantages could include: trial by peers, open justice, public confidence, fairness, limited number of appeals, cost, reduction of professional involvement.

or

(A) 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.

Note: Max 7 is only lay magistrate or jurors discussed, or no distinction made

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.

AO3

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

1 9 Legal advice can be obtained from a variety of sources other than solicitors and barristers. These include Citizens Advice Bureaux, Law Centres, trade unions, insurance companies, claims companies and the internet.

Briefly describe any **three** sources of legal advice (other than solicitors or barristers) **and** outline the types of cases they can give advice on. *(10 marks)*

Potential Content

(A) Brief description of three sources of advice and the types of cases advice is given on could include:

CAB – charity providing general free legal advice on range of issues to those living in their area with debt, welfare, housing, employment or immigration problems. They may claim funding from LSC and/or pass case to more specialist agencies or lawyers.

Law Centres – often situated in large cities to provide access to legal advice when legal aid is not available; specialists in social welfare issues including immigration and asylum, housing, employment and benefit entitlement. May be partly funded by LSC and may employ lawyers or para-legals who may be specialists in the field; may be able to pursue a case right through to court.

Trade unions - initial advice on merits of mostly civil claims (but some criminal cases) and employment matters on behalf of their members; may be prepared to fund more specialist advice or taking the case to court if so advised.

Insurance companies – initial advice on merits of mostly civil claims provided nature of claim is covered by policy conditions to their insured; may be prepared to fund more specialist advice or taking the case to court, if so advised. Policies may be taken to cover legal expenses when covering houses, businesses or vehicles.

Claims companies – dealing with primarily personal injury claims; initial contact made in response to advertising on TV or radio; initial assessment on merit of claim; passing case to lawyers in return for fee.

Internet – advice open to all on range of mostly civil topics, given either by qualified lawyers (often for a fee) or by non-qualified; may provide initial documents and material but may be unable to continue to help if case becomes more complex.

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.

2 0 EITHER

Explain how a solicitor trains and qualifies.

OR

Explain how a barrister trains and qualifies.

(10 marks)

Potential Content

Either

(A) Description of training and qualifying process of solicitors could include: degree entry, CPE/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.

Or

(A) Description of qualifying process of barrister could include: degree entry, CPE/GDL for non-law degree, BVC/BPTC, enrolling with Bar Council and Inns of Court, residential training weekends (replacement for dining), pupillage, call to Bar, possible reference to finding place in chambers.

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.

2 1 Compare and contrast the work of solicitors and barristers.
(10 marks + 2 marks for AO3)

REMEMBER TO AWARD A MARK FOR AO3

Potential Content

(A) Comparison and contrast:

Based on solicitor’s work, which could include: reference to negotiation of disputes, initial advice on contentious work when assessing merits of claim, preparation of claim, obtaining evidence, possible advocacy with increased right of audience, advice on non-contentious work in areas such as conveyancing, probate, family and commercial work, specialisation of city firms.

Based on barristers’ work, which could include: giving initial legal opinion, preparing specialist documents, advocacy in court, advice on presentation and possible appeals, presentation of appeal.

Note: mention of organisation and structure of professions and of lawyers’ work outside the professions such as in local government, CPS and companies can be credited and could enhance quality of (A).

Mark bands

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- 0 The answer contains no relevant information.

AO3

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

2 2 Explain how judges are selected and appointed.	<i>(10 marks)</i>
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Potential Content

- (A) Explanation of judicial selection and appointment could include: work of Judicial Appointments Commission, statutory legal qualifications, application in response to advert, taking of references, interviews, consultation. Appointment by Ministry of Justice or the Monarch.

Mark bands

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- 1 - 2 The candidate demonstrates limited understanding of (A).
- 0 The answer contains no relevant information.

2 3 Describe the work of a judge in a Crown Court trial.	<i>(10 marks)</i>
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Potential Content

- (A) Description of work of judge could include: pre-trial directions, keeping order in court, ruling on law, directing jury on law and evidence, passing sentence following guilty verdict.

Mark bands

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- 1 - 2 The candidate demonstrates limited understanding of (A).
- 0 The answer contains no relevant information.

2 4	Discuss the importance of judicial independence.	<i>(10 marks + 2 marks for AO3)</i>
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REMEMBER TO AWARD A MARK FOR AO3

Potential Content

(A) Discussion of importance of judicial independence could include: separation of powers, public confidence in judiciary, upholding Rule of Law, decision making free of pressure, ability to hear judicial review and cases involving the government, cases/examples.

Mark bands

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- 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.

AO3

2 marks	The work is characterised by some or all of the following: <ul style="list-style-type: none"> • clear expression of ideas • a good range of specialist terms • few errors in grammar, punctuation and spelling • errors do not detract from the clarity of the material.
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ASSESSMENT GRID

(To show the allocation of marks to Assessment Objectives)

A Level Law (LAW01)

	AO 1	AO 2	AO 3		
Topic: Parliamentary Law Making					
Question <table border="1"><tr><td>0</td><td>1</td></tr></table>	0	1	10	0	
0	1				
Question <table border="1"><tr><td>0</td><td>2</td></tr></table>	0	2	10	0	
0	2				
Question <table border="1"><tr><td>0</td><td>3</td></tr></table>	0	3	0	10	2
0	3				
Topic: Delegated Legislation					
Question <table border="1"><tr><td>0</td><td>4</td></tr></table>	0	4	10	0	
0	4				
Question <table border="1"><tr><td>0</td><td>5</td></tr></table>	0	5	10	0	
0	5				
Question <table border="1"><tr><td>0</td><td>6</td></tr></table>	0	6	0	10	2
0	6				
Topic: Statutory Interpretation					
Question <table border="1"><tr><td>0</td><td>7</td></tr></table>	0	7	10	0	
0	7				
Question <table border="1"><tr><td>0</td><td>8</td></tr></table>	0	8	10	0	
0	8				
Question <table border="1"><tr><td>0</td><td>9</td></tr></table>	0	9	0	10	2
0	9				
Topic: Judicial Precedent					
Question <table border="1"><tr><td>1</td><td>0</td></tr></table>	1	0	10	0	
1	0				
Question <table border="1"><tr><td>1</td><td>1</td></tr></table>	1	1	10	0	
1	1				
Question <table border="1"><tr><td>1</td><td>2</td></tr></table>	1	2	0	10	2
1	2				
Topic: The Civil Courts and other forms of dispute resolution					
Question <table border="1"><tr><td>1</td><td>3</td></tr></table>	1	3	10	0	
1	3				
Question <table border="1"><tr><td>1</td><td>4</td></tr></table>	1	4	10	0	
1	4				
Question <table border="1"><tr><td>1</td><td>5</td></tr></table>	1	5	0	10	2
1	5				
Topic: The Criminal Courts and lay people					
Question <table border="1"><tr><td>1</td><td>6</td></tr></table>	1	6	10	0	
1	6				
Question <table border="1"><tr><td>1</td><td>7</td></tr></table>	1	7	10	0	
1	7				
Question <table border="1"><tr><td>1</td><td>8</td></tr></table>	1	8	0	10	2
1	8				
Topic: The Legal Profession and other sources of advice, and funding					
Question <table border="1"><tr><td>1</td><td>9</td></tr></table>	1	9	10	0	
1	9				
Question <table border="1"><tr><td>2</td><td>0</td></tr></table>	2	0	10	0	
2	0				
Question <table border="1"><tr><td>2</td><td>1</td></tr></table>	2	1	0	10	2
2	1				
Topic: The Judiciary					
Question <table border="1"><tr><td>2</td><td>2</td></tr></table>	2	2	10	0	
2	2				
Question <table border="1"><tr><td>2</td><td>3</td></tr></table>	2	3	10	0	
2	3				
Question <table border="1"><tr><td>2</td><td>4</td></tr></table>	2	4	0	10	2
2	4				

Converting Marks into UMS marks

Convert raw marks into marks on the Uniform Mark Scale (UMS) by using the link below.

UMS conversion calculator www.aqa.org.uk/umsconversion