



ASSESSMENT and  
QUALIFICATIONS  
ALLIANCE

---

# Mark scheme January 2004

## GCE

### Law

### Unit LAW5

Copyright © 2004 AQA and its licensors. All rights reserved.

## 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

The Code of Practice for GCSE, GCSE in vocational subjects, GCE, VCE and GNVQ requires the assessment of candidates' quality of written communication wherever they are required to write in continuous prose. In this unit, this assessment will take place by marking the candidate's script as a whole, by means of the following criteria:

- Level 3** Moderately complex ideas are expressed clearly and reasonably fluently, through well linked sentences and paragraphs. Arguments are generally relevant and well structured. There may be occasional errors of grammar, punctuation and spelling. **8-10 marks**
- Level 2** Straightforward ideas are expressed clearly, if not always fluently. Sentences and paragraphs may not always be well connected. Arguments may sometimes stray from the point or be weakly presented. There may be some errors of grammar, punctuation and spelling, but not such as to detract from communication of meaning. **4-7 marks**
- Level 1** Simple ideas are expressed clearly, but arguments may be of doubtful relevance or be obscurely presented. Errors in grammar, punctuation and spelling may be noticeable and intrusive, sufficient to detract from communication of meaning. **1-3 marks**
- Level 0** Ideas are expressed poorly and sentences and paragraphs are not connected. There are errors of grammar, punctuation and spelling, such as to severely impair communication of meaning. **0 marks**

**Substantive law question mark bands**

- 21 - 25 The candidate *soundly* explains and applies the rules of law in **two** of (A)-(C) (**max 21**), and *clearly* explains and applies the rules of law in the other (**max 23** for *some* explanation and application of rules of law in the other)  
**or**  
the candidate *soundly* explains and applies the rules of law in **one** of (A)-(C) and *clearly* explains and applies the rules of law in the other **two** (**max 21**).
- 16 - 20 The candidate *soundly* explains and applies the rules of law in **one** of (A)-(C), and *clearly* explains and applies the rules of law in another  
**or**  
the candidate *clearly* explains and applies the rules of law in any two of (A)-(C) (**max 18**) and presents *some* explanation and/or application of the other  
**or**  
the candidate presents *some* explanation and application of the rules of law in all three of (A)-(C) (**max 16**).
- 11 - 15 The candidate *soundly* explains and applies the rules of law in **one** of (A)-(C)  
**or**  
the candidate *clearly* explains and applies the rules of law in one of (A)-(C) and presents *some* explanation and/or application of the rules of law in any other one of (A)-(C)  
**or**  
the candidate presents *some* explanation and application of any two of (A)-(C) (**max 13**)  
**or**  
the answer focuses on explanation of rules of law with no significant application (**max 15** if *sound* on two or *clear* on three, **max 13** if *sound* on one or *clear* on two, **max 11** if *clear* on one or *some* on two)  
**or**  
the answer focuses on application to the facts with no significant legal framework (**max 12** where the answer displays a *sound* understanding of the elements of the analysis).
- 6 - 10 The candidate presents *some* explanation and/or application of any of the rules of law in (A)-(C).
- 1 - 5 The candidate merely introduces fragments of information or unexplained examples from which no coherent explanation and application can emerge  
**or**  
though the candidate attempts to explain and/or apply rules of law, the explanation and/or application are so fundamentally undermined by error and confusion that the answer remains substantially incoherent.
- 0 The candidate presents no information relevant to the question.

**Substantive law question mark bands – list of maximum marks**

25	two sound, one clear
23	two sound, one some
21	two sound <b>or</b> one sound, two clear
20	one sound, one clear <b>or</b> two clear, one some (explanation and/or application))
18	two clear
16	three some
15	one sound <b>or</b> two sound explanation <b>or</b> one clear, one some (explanation and/or application) <b>or</b> three clear explanation
13	one clear <b>or</b> one sound explanation <b>or</b> two clear explanation <b>or</b> two some
12	sound application
11	one clear explanation <b>or</b> two some explanation
10	one some explanation and/or application
05	relevant fragments <b>or</b> relevant but incoherent
00	completely irrelevant

**Note:** it follows from the above that, however well the law is explained, answers which contain no application can never achieve more than 15 marks.

**Evaluative question mark bands**

- 21 - 25 The candidate *soundly* explains and evaluates relevant aspects of the rules of law in **two** of (A)-(C)  
**or**  
the candidate *clearly* explains and evaluates relevant aspects of the rules of law in **all** of (A)-(C)  
**or**  
the candidate *soundly* explains and *clearly* evaluates (or vice versa) in **two** of (A)-(C) (*max 22*).
- 16 - 20 The candidate *soundly* explains and evaluates relevant aspects of the rules of law in **one** of (A)-(C),  
**or**  
the candidate *clearly* explains and evaluates relevant aspects of the rules of law in **two** of (A)-(C)  
**or**  
the candidate *soundly* explains and *clearly* evaluates (or vice versa) relevant aspects of the rules of law in one of (A)-(C) (*max 17*).
- 11 - 15 The candidate *clearly* explains and evaluates relevant aspects of the rules of law in **one** of (A)-(C)  
**or**  
the candidate *clearly* explains and presents *some* evaluation (or vice versa) of the rules of law in **two** of (A)-(C)  
**or**  
the candidate presents *some* explanation and *some* evaluation of any **two** of (A)-(C) (*max 13*)  
**or**  
the answer focuses on explanation of relevant aspects of the rules of law with no significant evaluation (*max 13* if *sound* on two, *max 11* if *clear* on two).

- 6 - 10 The candidate presents *some* explanation and/or evaluation of relevant aspects of the rules of law in any of (A)-(C).
- 1 - 5 The candidate merely introduces fragments of information or unexplained examples from which no coherent explanation and evaluation can emerge  
**or**  
though the candidate attempts to explain and/or evaluate relevant rules of law, the explanation and/or evaluation are so fundamentally undermined by error and confusion that the answer remains substantially incoherent.
- 0 The candidate presents no information relevant to the question.

**Criminal Law (Offences against Property)****1****Total for this question: 75 marks**

- (a) Discuss Ann's criminal liability for a range of property offences arising out of her visit to Broxo Supermarket and the injection of the dye. *(25 marks)*

**Potential Content**

- (A) Explanation of the offence of criminal damage
- (B) Explanation of the offence of theft, in particular, the notion of intention permanently to deprive by changing the quality of the property. Possible dishonesty argument
- (C) Explanation of the offence of burglary under s9(1)(a) and s9(1)(b) – trespassory entry with intent to cause criminal damage; theft having entered as trespasser

- (b) Discuss Ann's criminal liability for a range of property offences arising out of the subsequent incidents in Broxo Supermarket involving the leaflets and Colin. *(25 marks)*

**Potential Content**

- (A) Explanation of the offence of theft, emphasising the issues of gifts, appropriation, consent and dishonesty
- (B) Explanation of the offence of robbery, utilising the discussion of theft above, and examining the issue of the use of force at the time of the theft and for the purposes of the theft
- (C) Explanation of the relevance of the above to a further possible instance of burglary, relying on earlier explanations of the elements of s9(1)(b) burglary

**NB** If no (A), best answer is one clear, one some of (B)-(C), therefore **max 15**.

- (c) Consider whether there are any reasons for suggesting that the offence of theft is currently in need of reform. (25 marks)

### Potential Content

- (A) Explanation of possible defects and evaluation of need for reform of *actus reus* aspects of theft
- (B) Explanation of possible defects and evaluation of need for reform of *mens rea* aspects of theft

**Note:** the answer does not require suggestions for reform but any such suggestions should be given credit where they contribute to the discussion required

### Mark Bands

- 21 – 25 The candidate *soundly* explains and evaluates relevant rules of law in (A) and (B)  
**or**  
*soundly* explains and *clearly* evaluates (or vice versa) in (A) and (B) (**max 22**).
- 16 – 20 The candidate *soundly* explains and evaluates relevant rules of law in (A) or (B)  
**or**  
the candidate *clearly* explains and evaluates relevant rules of law in (A) and (B)  
**or**  
*soundly* explains and *clearly* evaluates (or vice versa) relevant rules of law in (A) or (B) (**max 17**).
- 11 – 15 The candidate *clearly* explains and evaluates relevant rules of law in (A) or (B)  
**or**  
the candidate *clearly* explains and presents *some* evaluation (or vice versa) of the rules of law in (A) and (B)  
**or**  
the candidate presents *some* explanation and *some* evaluation of (A) and (B) (**max 13**)  
**or**  
the answer focuses on explanation of relevant rules of law with no significant evaluation (**max 13** if *sound* on both, **max 11** if *clear* on both).
- 6 – 10 The candidate presents *some* explanation and/or evaluation of relevant rules of law in one or more of (A) and (B).
- 1 – 5 The candidate merely introduces fragments of information or unexplained examples from which no coherent explanation and evaluation can emerge  
**or**  
though the candidate attempts to explain and/or evaluate relevant rules of law, the explanation and/or evaluation are so fundamentally undermined by error and confusion that the answer remains substantially incoherent.
- 0 The candidate presents no information relevant to the question.



**2****Total for this question : 75 marks**

- (a) Discuss Doug's criminal liability in connection with the incidents involving the obtaining of the debit card and its use to withdraw cash from the machines. *(25 marks)*

**Potential Content**

- (A) Explanation of the offence of theft, emphasising analysis of the meaning of 'property' and 'belonging to another' (the debit card as property; the money as property belonging to the bank; the thing in action against which the cash is drawn as property belonging to Frank)
- (B) Explanation of the offence of burglary under s9(1)(a) and s9(1)(b), relying on the discussion of theft to supply the trespassory entry into the shop, the intention to steal under s9(1)(a) and the actual theft under s9(1)(b)
- (C) Explanation of the defence of duress, having regard to the prior association with the gang, the threat of serious injury, the possibility of seeking police protection, etc

- (b) Discuss Doug's criminal liability in connection with the incidents which occurred after he got drunk in the bar. *(25 marks)*

**Potential Content**

- (A) Explanation of the offence of making off without payment
- (B) Explanation of the offences of obtaining property and evading liability by deception (possible reference also to theft)
- (C) Explanation of the offences of basic and aggravated criminal damage
- (D) Explanation of the defence of intoxication

**Note:** In the standard mark bands, (A)-(C) can be interpreted as any three from (A)-(D)

(c) Explain and evaluate possible criticisms of any **one** property offence which you have considered in your answers to (a) and (b) above. (25 marks)

### Potential Content

- (A) Explanation and evaluation of possible criticisms of the *actus reus* aspects of the offence selected
- (B) Explanation and evaluation of possible criticisms of the *mens rea* aspects of the offence selected

**Note:** the answer does not require suggestions for reform but any such suggestions should be given credit where they contribute to the discussion required.

### Mark Bands

- 21 – 25            The candidate *soundly* explains and evaluates relevant criticisms in (A) and (B)  
**or**  
*soundly* explains and *clearly* evaluates (or vice versa) in (A) and (B) (**max 22**).
- 16 – 20            The candidate *soundly* explains and evaluates relevant criticisms in (A) or (B),  
**or**  
the candidate *clearly* explains and evaluates relevant criticisms in (A) and (B)  
**or**  
*soundly* explains and *clearly* evaluates (or vice versa) relevant criticisms in (A) or (B) (**max 17**).
- 11 – 15            The candidate *clearly* explains and evaluates relevant criticisms in (A) or (B)  
**or**  
the candidate *clearly* explains and presents *some* evaluation (or vice versa) of the criticisms in (A) and (B)  
**or**  
the candidate presents *some* explanation and *some* evaluation of (A) and (B) (**max 13**)  
**or**  
the answer focuses on explanation of relevant criticisms with no significant evaluation (**max 13** if *sound* on both, **max 11** if *clear* on both).
- 6 – 10            The candidate presents *some* explanation and/or evaluation of relevant criticisms in one or more of (A) and (B).
- 1 – 5            The candidate merely introduces fragments of information or unexplained examples from which no coherent explanation and evaluation can emerge  
**or**  
Though the candidate attempts to explain and/or evaluate relevant criticisms, the explanation and/or evaluation are so fundamentally undermined by error and confusion that the answer remains substantially incoherent.
- 0            The candidate presents no information relevant to the question.

**Tort****3****Total for this question: 75 marks**

- (a) Gordon has now discovered that the manufacturer of Safestore has ceased to trade. Consider what rights Gordon may have against the *Herald* in connection with the £30 000 he had to pay out and his loss of business. (25 marks)

**Potential Content**

- (A) Explanation of the special rules concerning liability in tort for negligent misstatement. Reference to general elements of negligence and to liability for words and for pure economic loss

**NB** Answers in simple negligence only (**max 13**)

The candidate deals with (A) as follows:

- max 25:** sound  
**max 21:** sound explanation, clear application (or vice versa)  
**max 20:** clear  
**max 18:** sound explanation, some application  
**max 16:** clear explanation, some application  
**max 15:** some of both **or** sound explanation  
**max 13:** clear explanation  
**max 11:** some explanation.

- (b) Consider what rights Ian may have against Gordon in connection with his broken leg and his ripped clothes. (25 marks)

**Potential Content**

- (A) Explanation of the liability of an occupier to visitors under the Occupiers' Liability Act 1957, including issues such as the special rule in s2(3)(b), including issues of contributory negligence
- (B) Explanation of the liability of an occupier to trespassers under the Occupiers' Liability Act 1984, including any issues of contributory negligence

**NB** Discussion of contributory negligence in either will suffice

The candidate deals with (A)-(B) as follows:

- max 25:** two sound  
**max 23:** one sound, one clear  
**max 20:** two clear **or** one sound, one some  
**max 18:** one sound **or** one clear, one some  
**max 15:** one clear **or** two some  
**max 13:** one sound explanation **or** two clear explanation  
**max 11:** one some **or** one clear explanation **or** 2 some explanation.

- (c) Write a critical account of the circumstances in which vicarious liability is imposed, and discuss the reasons why it should be. *(25 marks)*

**Potential Content**

- (A) Explanation and evaluation of the requirement for the relationship of employer and employee
- (B) Explanation and evaluation of the requirement for a tort to be committed within the course of the employment
- (C) Explanation and evaluation of the rationale for vicarious liability
- NB** Explanation of reasons constitutes explanation and evaluation

4

**Total for this question: 75 marks**

- (a) Consider what rights and indicate what remedies residents of houses affected by the noise, vibration and explosion may have against Johnsons. (25 marks)

**Potential Content**

- (A) Explanation of the liability in public and private nuisance, taking account of issues such as location, duration, time, single incident, etc; remedies (damages/injunctions)
- (B) Explanation of the liability in the tort of *Rylands v Fletcher*; damages

The candidate deals with (A)-(B) as follows:

- max 25:** two sound  
**max 23:** one sound, one clear  
**max 20:** two clear **or** one sound, one some  
**max 18:** one sound **or** one clear, one some  
**max 15:** one clear **or** two some  
**max 13:** one sound explanation **or** two clear explanation  
**max 11:** one some **or** one clear explanation **or** 2 some explanation.

- (b) Consider what rights and indicate what remedies Kevin, Larry and Mike may have against Johnsons. (25 marks)

**Potential Content**

- (A) In relation to Kevin, explanation of the general elements of the tort of negligence, including, in particular, issues of causation; damages
- (B) In relation to Larry and Mike, explanation of the approach to liability for psychiatric injury, distinguishing between physical and psychiatric injury, identifying the meaning of psychiatric injury and indicating the distinction between primary and secondary victims. Explanation of the rules on liability to primary victims and to secondary victims, including the position of rescuers; damages

**NB** Indication of damages in either (A) or (B) will suffice

The candidate deals with (A)-(B) as follows:

- max 25:** two sound  
**max 23:** one sound, one clear  
**max 20:** two clear **or** one sound, one some  
**max 18:** one sound **or** one clear, one some  
**max 15:** one clear **or** two some  
**max 13:** one sound explanation **or** two clear explanation  
**max 11:** one some **or** one clear explanation **or** 2 some explanation.

- (c) Write a critical account of how and why judges have restricted liability for pure economic loss and nervous shock. *(25 marks)*

**Potential Content**

- (A) Explanation and evaluation of the reasons for restriction of liability for pure economic loss – focused especially on floodgates, unlimited liability to unlimited class, etc
- (B) Explanation and evaluation of the rules, for example, significance of the physical/economic and acts/words distinction, rules on special duties and on remoteness, etc
- (C) Explanation and evaluation of the reasons for restriction of liability for nervous shock – doubts about causal relationships, meaning of the condition, floodgates concerns
- (D) Explanation/reconsideration and evaluation of the special requirements for claiming for liability in nervous shock – physical/psychological and primary/secondary distinctions, detailed rules on relationships, aftermath, etc

**Note:** in the standard mark bands, (A)-(C) can be interpreted as any three from (A)-(D)

**Protection of Human Rights**

5

**Total for this question: 75 marks**

- (a) Ignoring the provisions of the Human Rights Act 1998 and of the European Convention on Human Rights, discuss what rights Paul may have against Nell and the *Daily Recorder*.  
(25 marks)

**Potential Content**

- (A) Explanation of the duty of confidentiality
- (B) Explanation of the tort of defamation
- (C) Explanation of the criminal and civil law of harassment

- (b) Consider how your answer to part (a) above is affected by the provisions of the Human Rights Act 1998 and the European Convention on Human Rights.  
(25 marks)

**Potential Content**

- (A) Explanation of the effect of the Human Rights Act 1998 in relation to the European Convention on Human Rights
- (B) Explanation and evaluation of the effect of the requirements of the European Convention on Human Rights in respect of the right to respect for private and family life, home and correspondence contained in Article 8.1 of the Convention and the limitations and restrictions which may be justified under Article 8.2
- (C) Explanation and evaluation of the effect of the European Convention on Human Rights in respect of the right to freedom of expression contained in Article 10.1 of the Convention and the limitations and restrictions which may be justified under Article 10.2

- (c) Discuss the proposition that English law currently fails to provide adequate protection for privacy. Include in your answer a discussion of the Human Rights Act 1998 and the European Convention on Human Rights.  
(25 marks)

**Potential Content**

- (A) General explanation of what a right to privacy would entail, whether it has traditionally been recognised in English law, and how it would be balanced against other rights, such as freedom of expression
- (B) Reconsideration of the existing actions which tend towards protection of privacy, in the light of (A) (for example, confidentiality, defamation, harassment, trespass)
- (C) Reconsideration of the requirements of the European Convention on Human Rights and its impact on English law in consequence of the 1998 Act, in the light of (A)

**6****Total for this question: 75 marks**

- (a) Ignoring the provisions of the Human Rights Act 1998 and of the European Convention on Human Rights, consider the application of English law to the events at the concert, the police surveillance and the possible actions open to the police in connection with the forthcoming rally. (25 marks)

**Potential Content**

- (A) Explanation of public order issues, including public order offences, breach of the peace, etc
- (B) Outline explanation of the relevant law on surveillance (regulation of investigatory powers)
- (C) Explanation of powers of stop and search (and possibly of arrest) which may be exercised under PACE Act 1984 and Criminal Justice and Public Order Act 1994
- (D) Explanation of the rules permitting prohibition of all marches and of powers to control marches by directing the route etc. under the Public Order Act 1986

**Note:** in the standard mark bands, (A)-(C) can be interpreted as any three from (A)-(D)

- (b) Consider how your answer to part (a) above is affected by the provisions of the Human Rights Act 1998 and the European Convention on Human Rights. (25 marks)

**Potential Content**

- (A) Explanation of the effect of the Human Rights Act 1998 in relation to the European Convention on Human Rights
- (B) Explanation and evaluation of the effect of the requirements of the European Convention on Human Rights in respect of the right to respect for private and family life, home and correspondence contained in Article 8.1 of the Convention and the limitations and restrictions which may be justified under Article 8.2
- (C) Explanation and evaluation of the effect of the European Convention on Human Rights in respect of the right to freedom of expression contained in Article 10.1 of the Convention and the limitations and restrictions which may be justified under Article 10.2
- (D) Explanation and evaluation of the effect of the European Convention on Human Rights in respect of the right to freedom of assembly and association contained in Article 11.1 of the Convention and the limitations and restrictions which may be justified under Article 11.2

**Note:** in the standard mark bands, (A)-(C) can be interpreted as any three from (A)-(D) except that, for marks in the 21-25 band, (A) must be dealt with

- (c) Discuss the way in which English law deals with the relationship between the interest in preserving public order and the interest in protecting freedom of expression. Include in your answer a discussion of the Human Rights Act 1998 and the European Convention on Human Rights. (25 marks)

**Potential Content**

- (A) General explanation and evaluation of the need to strike a balance between freedom of expression and preservation of order
- (B) Reconsideration of the existing preventive and reactive powers to deal with protest and order in the light of (A)
- (C) Reconsideration of the requirements of the European Convention on Human Rights and its impact on English law in consequence of the 1998 Act in the light of (A)



**Consumer Protection**

7

**Total for this question: 75 marks**

- |  |
|--|
| (a) Discuss the criminal <b>and</b> civil law obligations of Wellbus in connection with the advertising and sale of the car, and consider Victor's rights and remedies. <span style="float: right;"><i>(25 marks)</i></span> |
|--|

**Potential Content**

- (A) Explanation of the requirements of the Sale of Goods Act 1979 in terms of description, satisfactory quality and fitness for purpose
- (B) Explanation of the remedies of rejection and damages
- (C) Explanation of the criminal law rules on trade descriptions and on misleading price indications in sales promotions

- |   |
|---|
| (b) Discuss the rights and remedies of Amelia and Ben against Wellbus and Cordon Cars. <span style="float: right;"><i>(25 marks)</i></span> |
|---|

**Potential Content**

- (A) In relation to Amelia, explanation of the rule on privity of contract and outline explanation of the C(RTP)A 1999
- (B) In relation to Ben, reference to the rule on privity of contract as explained above, and explanation of the provisions of the CPA 1987 (possible alternative in negligence)
- (C) Explanation of the remedies available for breach of rights in (A) and (B)

- |   |
|---|
| (c) How satisfactory is the protection provided for consumers by the combination of civil <b>and</b> criminal law rules, including remedies and sanctions? <span style="float: right;"><i>(25 marks)</i></span> |
|---|

**Potential Content**

- (A) Explanation and evaluation of the protection provided by rights in civil law (reference to the statutory rights, in particular)
- (B) Explanation and evaluation of the protection provided by remedies in civil law (this could include reference to exclusion clauses and/or enforcement issues)
- (C) Explanation and evaluation of criminal law provisions and sanctions

**8****Total for this question: 75 marks**

- (a) Discuss Ellen's rights and remedies against Dragon Co in connection with the digital camera and the computer games. *(25 marks)*

**Potential Content**

- (A) Explanation of offer and acceptance issues (possible reference to collateral contracts). Status of the 'administration' charge. Issue of delay in sending computer games
- (B) Explanation of the statutory requirements as to description, quality and fitness for purpose (contract viewed as sale of goods under 1979 Act or, more likely, supply of goods under 1982 Act)
- (C) Explanation of the remedies of rejection and damages

- (b) Discuss Ellen's rights and remedies against Fotostore in connection with the photographs. *(25 marks)*

**Potential Content**

- (A) Explanation of the requirements of the Supply of Goods and Services Act 1982 in terms of reasonable care and skill
- (B) Explanation of the common law and statutory (UCTA 1977, UTCCR 1999) control of exclusion clauses – is the term incorporated; does it cover the loss; is it reasonable within the statute, etc
- (C) Explanation of the remedies for breach of contract, especially in view of the kind of loss suffered

- (c) Consider whether the consumer is adequately protected by the rules of law which seek to control exclusion or limitation clauses. *(25 marks)*

**Potential Content**

- (A) Explanation/reconsideration and evaluation of the rules in relation to incorporation and interpretation of terms
- (B) Explanation and evaluation of the rules in which exclusion or limitation is prohibited
- (C) Explanation and evaluation of the rules in which exclusion or limitation is subject to a test of reasonableness
- (D) Explanation and evaluation of the effect of the Unfair Terms in Consumer Contracts Regulations 1999

**Note:** in the standard mark bands, (A)-(C) can be interpreted as any three from (A)-(D)

**ASSESSMENT GRID**

(to show the allocation of marks to Assessment Objectives)

**(One question to be answered from 8)**

<b>UNIT 5</b>	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>
Question 1 (a)	7	18	10
Question 1 (b)	7	18	
Question 1 (c)	7	18	
Question 2 (a)	7	18	10
Question 2 (b)	7	18	
Question 2 (c)	7	18	
Question 3 (a)	7	18	10
Question 3 (b)	7	18	
Question 3 (c)	7	18	
Question 4 (a)	7	18	10
Question 4 (b)	7	18	
Question 4 (c)	7	18	
Question 5 (a)	7	18	10
Question 5 (b)	7	18	
Question 5 (c)	7	18	
Question 6 (a)	7	18	10
Question 6 (b)	7	18	
Question 6 (c)	7	18	
Question 7 (a)	7	18	10
Question 7 (b)	7	18	
Question 7 (c)	7	18	
Question 8 (a)	7	18	10
Question 8 (b)	7	18	
Question 8 (c)	7	18	
<b>Total marks</b>	21	54	10
<b>% of the A2</b>	7.5	19	3.5
<b>% of the A Level</b>	3.75	9.5	1.75