



General Certificate of Education

Law

Unit 1 (LAW01) Law Making and the Legal System

Mark Scheme

2009 examination - January series

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.

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. **4-5 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. **2-3 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 mark**
- Level 0** Ideas are expressed poorly and sentences and paragraphs are not connected. There are errors of grammar, punctuation and spelling, such as severely to impair communication of meaning. **0 marks**

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 predominantly accurate and contain material relevant 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

Total for this question: 30 marks

- 1** Judges are guided in the process of statutory interpretation by intrinsic (internal) and extrinsic (external) aids, and by rules of language. They are also guided by various rules or approaches to interpretation that they themselves have developed.
- (a) Describe what is meant by any **two** of the following:
- Describe what is meant by intrinsic aids
 - Describe what is meant by extrinsic aids
 - Describe what is meant by rules of language.
- (10 marks)*

Potential Content

- (A) Description of meaning of first choice
- (B) Description of meaning of second choice

Internal aids can include long title, interpretation section, preamble, headings, margin notes.
 External aids can include reports, treaties, dictionaries.
 Rules of language can include *ejusdem generis*, *noscitur a sociis*, *expressio unius*

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.

(b) Outline the literal rule and mischief rule of statutory interpretation.	<i>(10 marks)</i>
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Potential Content

- (A) Outline of literal rule can include judges respecting parliamentary sovereignty by giving words their ordinary natural dictionary meaning even if it results in an absurdity with example of use of rule

- (B) Outline of mischief rule can include judges being more creative and seeking to deal with the mischief or problem raised by the wording of the Act with example of use of rule

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.

- | |
|---|
| (c) Discuss the advantages of each of the two rules of interpretation described in your answer to Question 1(b).
<p style="text-align: right;">(10 marks)</p> |
|---|

Potential Content

- (A) Discussion of the advantages of literal rule can include parliamentary sovereignty, certainty
- (B) Discussion of advantages of mischief rule can include avoiding absurd and unjust results from use of the literal rule, flexibility

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.

Total for this question: 30 marks

2	(a) Describe any one influence operating on Parliament before or during the legislative process.	(10 marks)
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Potential content

(A) Description of influence can include example (s), when, introduced by whom, campaigns, possible success in bringing about a change in the law

Note: Influence can be any of Law Commission, political, media, pressure group

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) Outline the process followed in the making of an Act of Parliament.	<i>(10 marks)</i>
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Potential content

- (A) Outline of procedure in House of Commons can include drafting and introduction, order of readings, possible reference to public & private members bills

- (B) Outline of procedure in House of Lords can include possible introduction, detailed non-political debate and scrutiny, order of readings, reference back to Commons following amendments; role of Queen can include giving and effect of Royal Assent

Note : Reference to Green and White papers can enhance quality of answer.

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.

(c) Discuss the disadvantages of law making in Parliament.	(10 marks)
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Potential content

- (A) Discussion of disadvantages can include 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 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 question: 30 marks

3	(a) Outline the key features of the doctrine of judicial precedent.	<i>(10 marks)</i>
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Potential content

(A) Outline of the key features of precedent can include hierarchy of courts, *ratio* and *obiter*/ binding or persuasive precedent, law reporting

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) Describe any **two** ways in which judges can avoid following an earlier precedent. (10 marks)

Potential Content

- (A) Description of first way judges can avoid precedent
- (B) Description of second way judges can avoid precedent

Ways of avoiding precedent can include powers of House of Lords using 1966 Practice Direction, powers of Court of Appeal, distinguishing, reversing, overruling.

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

(c) Discuss the disadvantages of the doctrine of judicial precedent.	(10 marks)
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Potential Content

- (A) Discussion of disadvantages can include undemocratic, case having to come to court, case having to reach higher courts, multiple reasons for decision, difficulty in identifying ratio, number of precedents/diversity of law reporting

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 question: 30 marks

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

- (A) Outline of Statutory Instruments can include how and when made by Ministerial Regulations - made under authority of enabling Act, illustration
- (B) Outline of By-laws can include how and when made by local authority and/or other public bodies, illustration
- (C) Outline of Orders in Council can include how and when made by Privy Council, illustration

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

(b) Describe **either** Parliamentary **or** judicial controls on delegated legislation. (10 marks)

Potential Content

(A) Description of control:

- parliamentary – can include positive or negative resolutions, select committees, questioning of ministers, amendment or repeal
- judicial – can include judicial review and grounds - procedural, substantive, reasonableness

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.

(c) Discuss the disadvantages of delegated legislation as a form of law making. (10 marks)

Potential content

- (A) Discussion of disadvantages can include volume, need for control, limited scrutiny and control of Executive power, lack of publicity, length and expense of judicial review, involvement of unelected bodies in law making process, contrary to separation of powers

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 question: 30 marks

5	(a) Explain how a barrister is trained and qualifies in order to practise.	<i>(10 marks)</i>
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Potential Content

(A) Explanation of training and qualifying stages of barrister can include degree entry, CPE/GDL for non law degree, BVC, enrolling with Bar Council and Inns of Court, pupillage, call to Bar, 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.

(b) Outline the work of solicitors both in and out of court.	<i>(10 marks)</i>
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Potential Content

- (A) Outline of work of solicitors in court can include work in court general advocacy and extended rights of audience in civil and criminal cases, work preparing case for hearing including drafting papers and taking statements, possible reference to duty solicitor role

- (B) Outline of work of solicitors out of court can include conveyancing, wills and probate, giving advice and drafting papers in traditional provincial practice, negotiation of claims – possible reference to Mediation in Family cases and other methods of ADR, specialist work in city practice, instructing barrister

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 or application emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation and application.

- 0 The answer contains no relevant information.

- (c) Briefly discuss the advantages and the disadvantages of private funding of civil court claims **and** of 'no win no fee' claims. *(10 marks)*

Potential Content

- (A) Brief discussion of advantages and disadvantages of private funding can include for advantages – availability from own resources or insurance, choice of lawyers; for disadvantages – expense including issues such as rule of loser paying winner's costs, difficulty of estimating total costs, need for experts to be paid, possible imbalance between parties
- (B) Brief discussion of advantages and disadvantages of no win no fee funding can include for advantages – opening access to justice for certain types of claim; for disadvantages – availability of types of cases and lawyers prepared to work under the scheme, threshold test, cost to claimant due to need to take insurance

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 or 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 question: 30 marks

6 (a) Briefly explain how inferior **and** superior judges are selected and appointed. *(10 marks)*

Potential Content

- (A) Brief explanation of selection and appointment of inferior judges can include eligibility, advertisements, application, testing, promotion, reference to Judicial Appointments Commission (JAC) and consideration of application, appointment by Lord Chancellor/ Minister of Justice after recommendation by JAC

- (B) Brief explanation of selection and appointment of superior judges can include eligibility, advertisements, application, reference to JAC and consideration of application, consultation, appointment by Queen after recommendation by JAC, possible reference to interviews for higher level appointments

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.

(b) Explain how inferior **and** superior judges can be dismissed from office. (10 marks)

Potential Content

- (A) Explanation of dismissal of judges can include powers of Lord Chief Justice in conjunction with Lord Chancellor in cases of incapacity and misbehaviour for inferior level judges, possible reference to expiry of fixed term appointments, parliamentary petition for superior level judges

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.

(c) Consider why it is difficult to dismiss a judge from office.	(10 marks)
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Potential Content

- (A) Consideration of reasons why dismissal of judge is difficult can include security of tenure, impartiality of decisions, independence from Executive, freedom from pressure, status given to judiciary

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 question: 30 marks

7	(a)	Katie has been charged with assault occasioning actual bodily harm (ABH), an either way criminal offence. Briefly describe the role that magistrates and jurors might play in her case.	<i>(10 marks)</i>
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Potential Content

- (A) Brief description of the role of lay magistrates can include pre trial, trial, committal, sentencing
- (B) Brief description of the role of juries can include listening to evidence and judges' direction, secret discussion, unanimous & majority verdicts, public announcement of verdict

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

(b) Explain how lay magistrates are selected, chosen and appointed. (10 marks)

Potential Content

- (A) Explanation of selection, choice and appointment of lay magistrates can include application or nomination, qualification, interviews, role of local advisory committee, recommendation to and appointment by Lord Chancellor/Minister of Justice on behalf of the Crown, training, swearing in

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

(c) Discuss the advantages of using lay magistrates **and** jurors in the criminal justice process.
(10 marks)

Potential Content

- (A) Discussion of advantages of lay magistrates can include cost, local knowledge, limited number of appeals, public confidence, availability of judges, trial by peers, representing community
- (B) Discussion of advantages of jurors can include trial by peers, open justice, providing balance against state interference, giving of fair (sometimes perverse) verdicts, representative of area, public participation in justice system

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 question: 30 marks

- 8** There are various forms of dispute resolution, other than taking a case to the civil courts. They include Tribunals, Arbitration, Negotiation, Conciliation and Mediation.
- (a) Including reference to the types of cases dealt with, describe dispute resolution by Tribunals. *(10 marks)*

Potential Content

- (A) Description of Tribunals can include reference to who is hearing the dispute, nature of hearings, type of cases dealt with, process, 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.

- (b) Including reference to the types of cases dealt with, describe dispute resolution by **two** of the following:
- Mediation
 - Conciliation
 - Negotiation.
- (10 marks)*

Potential Content

- (A) Description of first form of dispute resolution
- (B) Description of second form of dispute resolution

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

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

(c) Discuss the advantages of dispute resolution, other than through the civil courts. <i>(10 marks)</i>

Potential Content

(A) Discussion of advantages of non court based dispute resolution can include cost, informality, lack of legal representation, efficiency, preservation of relationship, convenience, expertise, procedure, encouragement by courts

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.

ASSESSMENT GRID

(To show the allocation of marks to Assessment Objectives)

A Level Law (LAW01)

UNIT 1	AO 1	AO 2	AO 3
Question 1 (a)	10	0	
Question 1 (b)	10	0	
Question 1 (c)	0	10	
Question 2 (a)	10	0	
Question 2 (b)	10	0	
Question 2 (c)	0	10	
Question 3 (a)	10	0	
Question 3 (b)	10	0	
Question 3 (c)	0	10	
Question 4 (a)	10	0	
Question 4 (b)	10	0	
Question 4 (c)	0	10	
Question 5 (a)	10	0	
Question 5 (b)	10	0	
Question 5 (c)	0	10	
Question 6 (a)	10	0	
Question 6 (b)	10	0	
Question 6 (c)	0	10	
Question 7 (a)	10	0	
Question 7 (b)	10	0	
Question 7 (c)	0	10	
Question 8 (a)	10	0	
Question 8 (b)	10	0	
Question 8 (c)	0	10	