



General Certificate of Education

Law 1161

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

Mark Scheme

2010 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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Set and published by the Assessment and Qualifications Alliance.

LAW01

Assessment Objectives One and Two

General Marking Guidance

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

Positive Marking

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

Mark Range

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

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 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

1 (a) With reference to judicial precedent, outline what is meant by the following terms:

- 'hierarchy of the courts'
- '*ratio decidendi*'
- 'law reporting'.

(10 marks)

Potential Content

- (A) Outline of hierarchy of courts could include outline of court structure (either civil and/or criminal), which courts bind others, which courts are bound, need for hierarchy
- (B) Outline of *ratio decidendi* could include the reason for the decision, the binding part of the decision, to be followed by other judges, cases/examples
- (C) Outline of law reporting could include need for and use of reporting, content of report, examples

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.

1	(b) Outline how judges can avoid following precedent by: <ul style="list-style-type: none">• distinguishing a previous precedent• overruling a previous precedent.	<i>(10 marks)</i>
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Potential Content

- (A) Outline of distinguishing could include what is distinguishing, who can distinguish and when in the context of an earlier decision in a different case, example(s)
- (B) Outline of overruling could include what is overruling, who can overrule, context of previous and current case, 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.

1	(c) Discuss either the advantages or the disadvantages of the doctrine of judicial precedent.	<i>(10 marks)</i>
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Potential Content

Either

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

Or

(A) Discussion of disadvantages of precedent could 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.

2 (a) Briefly describe the Parliamentary procedure for passing an Act of Parliament. <i>(10 marks)</i>
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Potential Content

- (A) Brief description of procedure in House of Commons could include drafting and introduction, order of readings and outline of process, possible reference to public and private members bills
- (B) Brief description of procedure in House of Lords could include introduction, order of readings, possible reference to different forms of bills, amending role, ping pong procedure in conjunction with House of Commons, constitutional role of Queen and effect of Royal Assent

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.

2	(b) Describe either pressure groups or the media as an influence operating on Parliament in the making of laws. <i>(10 marks)</i>
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Potential Content

Either

(A) Description of 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)

Or

(A) Description of media as an influence could include how and when they can influence, who they can influence, effect of influence, campaigns, 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.

2	(c)	Discuss the advantages and disadvantages of the influence described in your answer to Question 2(b).	<i>(10 marks)</i>
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Potential Content

- (A) Discussion of advantages of influence
- (B) Discussion of disadvantages of influence

Advantages of pressure groups could include raising public awareness, keeping Parliament in touch with issues of public concern, non-political, can influence all political parties, expertise on single issue, size of membership means they can be representative of general public, can provide international experience, insider groups have the ear of decision makers, successful if have media support.

Disadvantages of pressure groups could include undemocratic, provide one sided argument, undesirable/illegal tactics used for promotion of their view, can represent small numbers, outsider groups unlikely to influence decision makers, unlikely to be successful if no media support.

Advantages of media could include raising issues of public concern with decision makers, can support pressure groups, can raise public awareness of an issue.

Disadvantages of media could include can lead to knee jerk legislation, commercially orientated could mean they pick and choose campaign to promote, may not be objective.

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.

3 (a) By-laws and Orders in Council are forms of delegated legislation. Explain what is meant by By-laws and Orders in Council. (10 marks)
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Potential Content

- (A) Explanation of By-laws could include how and when made by local authority and/or other bodies, examples
- (B) Explanation of Orders in Council could include how and when made by Privy Council, 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.

3	(b) Delegated legislation is controlled by Parliament itself and by judges. Explain judicial controls on delegated legislation. (10 marks)
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Potential Content

(A) Explanation of judicial controls could include explanation of judicial review and grounds – procedural, substantive, reasonableness, cases and/or 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.

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

Potential Content

(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

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.

4	In the context of statutory interpretation,	
	(a) describe the golden rule and one of the rules of language;	<i>(10 marks)</i>

Potential Content

- (A) Description of the golden rule could include judge selecting meaning to avoid absurdity or judge modifying literal meaning to avoid absurdity, example(s)
- (B) Description of one of the 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)

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.

4	(b) describe the mischief rule;	<i>(10 marks)</i>
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Potential Content

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

4	(c) discuss the advantages and disadvantages of the mischief rule.	<i>(10 marks)</i>
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Potential Content

- (A) Advantages of mischief rule can include avoidance of absurd and unjust outcomes of literal rule, flexibility, examples to illustrate
- (B) Disadvantages of mischief rule can include limitations on use, judicial law making, difficult to find mischief, examples to illustrate

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.

Section B: The Legal System

5	(a) Describe the work of barristers in and out of court.	<i>(10 marks)</i>
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Potential Content

- (A) Description of barrister's work could include advocacy in court, rights of audience, advice and conduct of possible appeal, giving specialist advice out of court, preparation of specialist documents, possible reference to access via solicitor or BarDirect, cab rank, possible reference to work of QC

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.

5 (b) Outline how legal executives qualify and briefly explain the work they do. (10 marks)

Potential Content

- (A) Outline of qualification of legal executives could include minimum qualification on entry, training courses whilst working, on job training, continuing professional development
- (B) Brief explanation of work of legal executive could include working in solicitor's office, eg conveyancing, probate, family work, advocacy rights, work as duty lawyers, possible reference to legal executives qualifying and practising as Licensed Conveyancer or Licensed Probate practitioner

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.

- 5** (c) Legal advice can be obtained by the public from solicitors and from other sources, such as Citizens Advice Bureaux and law centres. Briefly discuss the advantages **and** disadvantages of obtaining legal advice from solicitors **and** from other sources. *(10 marks)*

Potential Content

- (A) Brief discussion of advantages and disadvantages of solicitors as source of advice could include:
 Advantages: possible ease of availability, possible specialism in area of dispute, one stop service.
 Disadvantages: cost, limited specialism in area of dispute, solicitors choosing not to offer advice in required field.
- (B) Brief discussion of advantages and disadvantages of CAB/other sources of advice could include:
 Advantages: possible specialist advice in areas such as immigration, lower cost compared to lawyers, local availability of advice.
 Disadvantages: limited experience or specialism in area of dispute, limited availability, having to refer case to specialist.

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.

6	(a) 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

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.

6	(b) Explain how judges can be dismissed from office.	<i>(10 marks)</i>
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Potential Content

- (A) Explanation of dismissal of judges could 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, possible reference to Judicial Appointments and Conduct Ombudsman and/or Office of Judicial Complaints

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.

6	(c) Discuss the importance of judges being independent.	<i>(10 marks)</i>
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Potential Content

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

Mark bands

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

7	(a)	Briefly describe the appointment of lay magistrates. Outline the training of lay magistrates.	<i>(10 marks)</i>
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Potential Content

- (A) Brief description of appointment of lay magistrates could include age, disqualified groups, key (personal) qualities, need for balance on bench, geographical limitations, requirements of local bench
- (B) Outline of training of lay magistrates could include reference to responsibilities of Judicial Studies Board and court clerk, initial compulsory training, initial mentoring, ongoing training, appraisal, specialist Chair and panel training for, eg youth court and family court

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.

7	(b) Describe the role of a jury in a Crown Court trial.	(10 marks)
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Potential Content

- (A) Description of the role of jury could include listening to evidence and submissions, listening to judge's summing up of evidence and legal directions, secret discussion, unanimous & majority verdicts, public announcement of verdict

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.

7	(c) Discuss the disadvantages either of using lay magistrates in the criminal justice process or of using jurors in the criminal justice process. <i>(10 marks)</i>
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Potential Content

(A) Discussion of disadvantages of use of lay magistrates could include perverse/inconsistent sentencing, feelings of possible bias towards police/prosecution, make up of panel and selection issues, influence within panel, media pressure, complexity of issues

OR

(A) Discussion of disadvantages of use of jurors could include perverse verdicts, possible bias, selection issues, influence within jury, media pressure, complexity of issues

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.

- 8** (a) Tilly has suffered injuries in an accident and wants to claim compensation. Her claim may be settled in court or through the process of negotiation.

Outline the courts (including any appeal courts) in which her case could be heard **and** briefly explain what is meant by negotiation. *(10 marks)*

Potential Content

- (A) Outline of courts could include County Court or High Court with possible reference to tracking. Appeals to Court of Appeal and House of Lords/Supreme Court with possible reference to grounds of appeal and orders that appeal courts can make
- (B) Brief explanation of negotiation could include how negotiation arises, process and outcomes, examples

NB: Max clear without reference to Tilly.

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.

8 (b) Describe either arbitration or tribunals as a means of civil dispute resolution. <i>(10 marks)</i>
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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

Or

(A) Description of Tribunals could include qualification of panel, how tribunals can come about – statutory, disciplinary, nature of hearings, process, outcomes, possible appeals, enforcement of awards

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.

8 (c) Discuss the advantages **and** disadvantages **either** of arbitration **or** of tribunals as a form of civil dispute resolution. *(10 marks)*

Potential Content

Either

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

Or

- (A) Discussion of advantages of Tribunals could include 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) Discussion of disadvantages of Tribunals could include influence of chair, cost, lack of public funding, imbalance between parties, formality of hearings, limited availability of appeals, 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.

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	