

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 (QoWC)**

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

The level of understanding in AS Law – LAW01

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

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

Section A: Law Making

0 1 Describe either pressure groups or the Law Commission as an influence operating on Parliament in the making of statute law. <i>(10 marks)</i>

Potential Content

(A) Description of pressure group as an influence could include general description of meaning of pressure group, how and when they can influence, whom they can influence, effect of influence, campaigns, example(s)

Or

(A) Description of Law Commission could include who sits on it, how it works in investigating issues, role in codifying law, role in consolidating law, role in recommending repeals of old law, example(s)

Mark Bands

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

0 2	In Parliamentary law making, outline the following <ul style="list-style-type: none"> • the nature and purpose of Green and White papers • the legislative procedure in the House of Commons. 	<i>(10 marks)</i>
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Potential Content

- (A) Outline of Green and White papers could include:
- for Green papers – nature – consultative document, offer of range of options, inviting comment from interested parties – purpose – to help formulate ideas for future legislation, example(s)
 - for White papers – nature – statement of government’s firm intent, basis of draft legislation – purpose – to direct those who draft bill, example(s)
- (B) Outline of legislative procedure in House of Commons could include drafting and introduction of Bill, order of readings and outline of process, possible reference to public and private members bills, ping pong procedure in conjunction with House of Lords, powers under 1911 and 1949 Parliament Acts, 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.

0 3 Discuss the disadvantages of the process of Parliamentary law making. <i>(10 marks + 2 marks for AO3)</i>

Potential Content

(A) Discussion of disadvantages of parliamentary law making could include delay in dealing with issues, political influences rather than genuine debate, process run by government, complex language, piecemeal development of laws, need to read more than one document, compromise nature of process between Commons and Lords

8 – 10 The candidate demonstrates a sound understanding of (A).

5 – 7 The candidate demonstrates a clear understanding of (A).

3 – 4 The candidate demonstrates some understanding of (A).

1 – 2 The candidate demonstrates limited understanding of (A).

0 The answer contains no relevant information.

0 4 Statutory Instruments and Orders in Council are two forms of delegated legislation. Explain what is meant by Statutory Instruments **and** Orders in Council. (10 marks)

Potential Content

- (A) Explanation of meaning of statutory instruments could include the existence of law made by government ministers with delegated powers under authority of primary legislation, the role of ministers when consulting, drafting of SI and laying them before Parliament, use of SI as commencement orders, example(s)
- (B) Explanation of Orders in Council could include how and when made - by Privy Council, example(s)

Mark bands

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

0 5 Explain why it is necessary for Parliament to delegate some law-making powers. <i>(10 marks)</i>
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Potential Content

- (A) Explanation of need for delegation could include any of:
- Parliament not in session when emergency arises
 - Lack of parliamentary time
 - Need for detail to fill in outline of primary legislation
 - Need for specialist rules
 - Need to set starting date for primary legislation
 - To update rules, eg amount of fines
 - To deal with local issues
 - To deal with specific needs of public authorities, eg transport providers

Mark bands

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

0 6 Discuss the disadvantages of delegated legislation as a form of law making. <i>(10 marks + 2 marks for AO3)</i>

Potential Content

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

Mark bands

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

0 7	Briefly describe internal aids and external aids to interpretation.	<i>(10 marks)</i>
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Potential Content

- (A) Brief description of internal (intrinsic) aids could include long and short titles, long title, preamble, definitions, schedules, interpretation section, cases/example(s)
- (B) Brief description of external (extrinsic) aids could include documents outside the Act – dictionaries, external treaties, reports on which Act is based, Interpretation Act, Hansard, cases/example(s)

Mark bands

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

0 8	Describe the literal rule and one of the rules of language.	<i>(10 marks)</i>
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Potential Content

- (A) Brief description of literal rule could include words having their ordinary natural dictionary meaning, same meaning throughout the Act, words in old statutes get their old meaning, cases/example(s)
- (B) Brief description of one of the rules of language could include:
- the *eiusdem 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.

0 9 Discuss the advantages **and** disadvantages of the operation of the literal rule.
(10 marks + 2 marks for AO3)

Potential Content

- (A) Discussion of advantages could include judges respecting and applying the will of parliament, democratic, predictable, certainty, cases/example(s)
- (B) Discussion of disadvantages of literal rule could include rigidity, bad precedent, absurd results, cannot be used if words are not in Act, assumption that Act perfectly written, cannot be used if words capable of more than one meaning, possible need for Parliament to rectify error following case, assumption that Parliament meant the result, cases/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 0 Outline what is meant by the terms ‘hierarchy of the courts’ **and** ‘*obiter dicta*’.
(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/not bound, need for hierarchy, treatment of own prior precedents
- (B) Outline of *obiter dicta* could include other things said by the way, the non binding part of the decision which does not have to be followed by other judges, may be persuasive, cases/examples

Mark Bands

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

1	1	Outline two ways by which judges can avoid following a binding precedent.	(10 marks)
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Potential Content

- (A) Outline of first way of avoiding precedent
- (B) Outline of second way of avoiding precedent

Ways of avoiding precedent could be any of:

- House of Lords/Supreme Court using 1966 Practice Direction or power to overrule/distinguish or disapprove any precedent from a lower court, case/example(s)
- Court of Appeal could include having the power to overrule, distinguish or disapprove any precedent from a lower court (not House of Lords), in civil cases by referring to *Young v Bristol Aeroplane*; and/or criminal cases to avoid injustice, case/example(s)
- In general the power to distinguish which could include what is distinguishing, who can distinguish and when in the context of a prior judgement, case/ example(s)
- In general the power to overrule which could include what is overruling, who can overrule, context of prior/current case, case/example(s)
- In general the power to disapprove which could include what is disapproving, who can disapprove, disapproving which can lead to avoiding precedent in the future, context of prior/current case, 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 2 Briefly discuss **two** advantages **and two** disadvantages of judicial precedent.
(10 marks + 2 marks for AO3)

Potential Content

- (A) Brief discussion of two advantages which could include any of:
- flexibility
 - dealing with real cases
 - providing detailed rules for later cases
 - just
 - authoritative and impartial decisions
 - certainty
- (B) Brief discussion of two disadvantages which could include any of:
- undemocratic
 - case having to come to court
 - case having to reach higher courts
 - multiple reasons for decision
 - difficulty in identifying ratio
 - the number of precedents/diversity of law reporting
 - inflexibility

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

1 3 Outline what is meant by negotiation **and** mediation in the settlement of a civil dispute.
(10 marks)

Potential Content

- (A) Outline of negotiation could include how negotiation arises, types of cases dealt with, process and outcomes
- (B) Outline of mediation could include how process comes about, who acts as mediator, types of cases dealt with, process of mediation and outcomes

Mark bands

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

1 4 Describe arbitration as a means of civil dispute resolution.	<i>(10 marks)</i>
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Potential Content

- (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

Mark bands

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

1 5 Discuss the disadvantages of alternative dispute resolution. <i>(10 marks + 2 marks for AO3)</i>
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Potential Content

(A) Discussion of disadvantages of alternative dispute resolution could include lack of state funding, lack of no win no fee funding, cost of issuing case, limited appeal rights, unpredictable decisions, limited public awareness, possible imbalance between parties

Mark bands

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

1 6 Explain the work of lay magistrates.	<i>(10 marks)</i>
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Potential Content

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

Mark bands

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

1 7 Describe how jurors qualify and are selected.	<i>(10 marks)</i>
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Potential Content

- (A) Description of basic jury **qualification** could include age, electoral register, residence, random selection by Central Summoning Bureau, reasons for **not qualifying** such as disqualification, discharge, deferral, **selection** such as ballot in jury room and in court, vetting and challenges, 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 demonstrates some understanding of (A).
- 1 - 2 The candidate demonstrates limited understanding of (A).
- 0 The answer contains no relevant information.

1 8 EITHER

Discuss the advantages of using **lay magistrates** in the criminal justice system.

OR

Discuss the advantages of using **jurors** in the criminal justice system.

(10 marks + 2 marks for AO3)

Potential Content

EITHER

- (A) Discussion of the advantages of lay Magistrates could include trial by peers, open justice, public confidence, fairness, limited number of appeals, cost compared to judge only trials, reduction of professional involvement

OR

- (A) Discussion of the advantages of jurors could include long established trial by peers, open justice, public confidence, fairness, reduction of professional involvement

Mark bands

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

1 9 EITHER

Describe the work of a solicitor.

OR

Describe the work of a barrister.

(10 marks)

Potential Content

EITHER

(A) Description of solicitor’s work could include negotiation during dispute, in civil cases - initial advice on contentious work when assessing merits of claim, preparation of claim, obtaining evidence, possible advocacy with increased right of audience; in criminal cases – duty solicitor work and advice, magistrates court work, preparation of case for Crown Court, instructing and assisting barrister; non contentious work in areas such as conveyancing, probate, family and commercial work, possible reference to specialisation of city firms

OR

(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.

2	0	Keith has been arrested in connection with a serious criminal offence. Outline where and from whom he could get legal advice and representation and how this would be paid for. <i>(10 marks)</i>
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Potential Content

- (A) Outline of **where** and **from whom** legal advice and representation is available could include 24 hour duty solicitor, duty solicitor at Magistrates Court (first appearance only), representation at Magistrates and Crown Courts by solicitor and barrister
- (B) Outline of **how** legal advice and representation could be paid for could include private finance, free 24 hour duty solicitor scheme at police station, free duty solicitor at Magistrates Court (subject to limits of types of case), Legal Representation Order for Magistrates and Crown Court hearings with possible reference to qualifying tests (means and interests of justice); State schemes may be free or contributory

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	1	Discuss the disadvantages of the methods of funding advice and representation in criminal cases.	<i>(10 marks + 2 marks for AO3)</i>
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Potential Content

- (A) Discussion of disadvantages of methods of advice funding could include in theory 24 hour/ 7 day a week cover, in practice cover is patchy, advice may be by telephone only, quality issues relating to advice given at police station; high costs associated with private funding
- (B) Discussion of disadvantages of methods of representation could include limitations on duty solicitors in Magistrates Court (first appearance only, does not extend to minor motoring and non-imprisonable offences); financial constraints on Criminal Legal Representation orders, eg low financial limits, family rather than accused's income assessed, high financial contributions, narrow tests for interests of justice (assessed on money rather than justice); high costs of private funding (dual fees – both solicitors and barristers)

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 2 Describe the work of a judge in a civil court claim for negligence. <i>(10 marks)</i>
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Potential Content

- (A) Description of work of judge could include dealing with pre trial issues (eg tracking) and case management, hearing evidence and legal arguments, ruling on legal issues during trial, deciding liability and award of damages/remedy, possible reference to appeal role

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 3	Outline how inferior and superior judges are selected and appointed.	<i>(10 marks)</i>
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Potential Content

- (A) Outline of selection and appointment of inferior and superior level judges, could include eligibility, advertisements, application, testing, promotion, reference to Judicial Appointments Commission and consideration of application, for inferior judges - appointment by Lord Chancellor after recommendation by JAC; for superior judges - appointment by Queen, after recommendation by JAC, possible reference to choice of appeal judges by Lord Chancellor when vacancy arises after consideration and selection by selection panel

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	4	Discuss the advantages and disadvantages of the methods of selection and appointment of judges.	<i>(10 marks + 2 marks for AO3)</i>
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Potential Content

Either

- (A) Discussion of advantages of selection and appointment methods could include legal knowledge, knowledge of court rules and procedure, methods provide choice of best applicants, independence of JAC
- (B) Discussion of disadvantages of selection and appointment methods could include best lawyers may not apply or may not be offered position, predominance of barristers applying, judiciary is not reflective of country, judges may not be experienced/knowledgeable in area of law they are required to sit in

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)

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