



**General Certificate of Education
January 2011**

Law LAW01

Law Making and The Legal System

Unit 1

Mark Scheme

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.

Further copies of this Mark Scheme are available to download from the AQA Website: www.aqa.org.uk

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LAW01

Assessment Objectives One and Two

General Marking Guidance

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

Positive Marking

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

Mark Range

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

Citation of Authority

Candidates will have been urged to use cases and statutes whenever appropriate. Even where no specific reference is made to these in the mark scheme, please remember that their use considerably enhances the quality of an answer.

Assessment Objective Three

QUALITY OF WRITTEN COMMUNICATION (QoWC)

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

The level of understanding in AS Law – LAW01

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

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

Section A: Law Making

0 1 Briefly explain what is meant by the doctrine of Parliamentary supremacy. Outline **one** limitation on this doctrine. **(10 marks)**

Potential content

- (A) Brief explanation of doctrine of Parliamentary supremacy could include legal sovereignty (highest form of law, must be applied by judges), political sovereignty, parliament not binding successors
- (B) Outline of one limitation could include – devolution, supremacy of EU law, compliance with Human Rights Act

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.

<p>0 2 There are various influences operating on Parliament as a law maker. Four of these influences are the Law Commission, the media, pressure groups and political influence. Describe the operation of one of these influences. <i>(10 marks)</i></p>
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Potential Content

Either

(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)

Or

(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)

Or

(A) Description of political influence could include influence of different political parties, possible reference to European Union, example(s)

Mark bands

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

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

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

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

0 The answer contains no relevant information.

0 3 Discuss advantages **and** disadvantages of the influence on Parliament you have described in your answer to question **0 2** above. *(10 marks + 2 marks for AO3)*

Potential Content

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

Law Commission

Advantages of the Law Commission could include legal expertise, well informed and researched, independent/non-political, draft laws presented with report, examples

Disadvantages of the Law Commission could include non-implementation of recommendations, non-consultation by government, lengthy investigations, number of investigations undertaken on limited resources, examples

Pressure groups

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, examples

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, examples

Media

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

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, examples

Political influences

Advantages of political influence could include democratic nature of proposed law, particularly if contained in election manifestos, likelihood of success if proposed by governing party, examples

Disadvantages of political influence could include non-democratic nature towards end of parliamentary term, dealing with live issues, eg anti-terrorism measures, 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 4	Outline what is meant by statutory instruments and by-laws.	<i>(10 marks)</i>
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Potential Content

- (A) Outline 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 and laying before Parliament, use of commencement orders, example(s)

- (B) Outline of meaning of by-laws could include how and when made by local authority and/or other bodies, example(s)

Mark bands

- 8 – 10 The candidate deals with (A) and (B) as follows:
max 10: two sound
max 9: one sound, one clear
max 8: one sound, one some **or** two clear.

- 5 – 7 The candidate deals with (A) and (B) as follows:
max 7: one sound **or** one clear, one some
max 5: one clear **or** two some.

- 3 – 4 The candidate demonstrates some understanding of (A) or (B), or limited understanding of (A) and (B).

- 1 – 2 The answer consists of brief, fragmented comments or examples so that no coherent explanation emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.

- 0 The answer contains no relevant information.

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

- (A) Description 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.

0 6 Discuss the reasons for the use of delegated legislation in the English legal system. <i>(10 marks + 2 marks for AO3)</i>

Potential Content

- (A) Discussion of why we have delegated legislation could include:
- the need to act with speed if Parliament is not in session when an emergency arises
 - need for detail to fill in outline of primary legislation
 - need for specialist rules
 - the need to be flexible
 - need to set starting date for primary legislation
 - to update rules, eg amount of fines
 - the need 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	7	In relation to statutory interpretation, briefly describe the following: <ul style="list-style-type: none"> • either internal or external aids • one rule of language. 	(10 marks)
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Potential Content

Either

(A) Brief description of internal aids could include - long & short titles, long title, preamble, definitions, schedules, interpretation section

Or

(A) Brief description of external aids could include – documents outside the Act – dictionaries, external treaties, reports on which Act is based, Interpretation Act, Hansard.

(B) Brief description of rule 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 8 Outline the purposive approach and the golden rule of statutory interpretation. <i>(10 marks)</i>
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Potential Content

- (A) Outline of purposive rule could include judges finding intention of parliament, EU approach, applying Human Rights Act to legislation, example(s)
- (B) Outline of golden rule could include judge selecting meaning to avoid absurdity, or judge modifying literal meaning to avoid absurdity, 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 advantages **and** disadvantages of **either** the purposive approach **or** the golden rule. *(10 marks + 2 marks for AO3)*

Potential Content

Discussion of advantages and disadvantages of purposive approach could include:

- (A) Advantages – flexible, avoiding unjust and absurd decisions, giving effect to intention of Parliament, consistent with EU approach
- (B) Disadvantages – undemocratic as judicial law making, inconsistent, result difficult to anticipate, decisions made on public policy grounds

Or

Discussion of advantages and disadvantages of golden rule could include:

- (A) Advantages – prevents unjust and absurd decisions, can give effect to intention of Parliament
- (B) Disadvantages – what is an absurd outcome? Gives too much power to judges, undemocratic

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:
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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 the key features of judicial precedent.	<i>(10 marks)</i>
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Potential Content

- (A) Outline of the key features of precedent could include the hierarchy of courts, law reports with examples, *ratio decidendi* – the reason for the decision - and *obiter dicta* – other things said by the way with examples of both, binding and persuasive precedent, *stare decisis*

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	1	Briefly explain how the Supreme Court (formerly the House of Lords) and the Court of Appeal can avoid following a precedent.	<i>(10 marks)</i>
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Potential Content

- (A) Brief explanation of avoidance by Supreme Court (House of Lords) could include - 1966 Practice Direction, power to overrule, distinguish or disapprove any precedent from a lower court, explanation of example(s)
- (B) Brief explanation of avoidance by Court of Appeal could include - the power to overrule, distinguish or disapprove any precedent from a lower court (except for House of Lords), in civil cases by referring to **Young v Bristol Aeroplane**; in criminal cases to avoid injustice, explanation of example(s)

Mark bands

- 8 – 10 The candidate 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 Discuss disadvantages of the doctrine of judicial precedent. <i>(10 marks + 2 marks for AO3)</i>
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Potential Content

(A) Discussion of disadvantages of precedent could include undemocratic nature, 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.

Section B: The Legal System

1 3 Describe dispute resolution by tribunals, including reference to the types of cases they deal with. <i>(10 marks)</i>

Potential Content

(A) Description of dispute resolution by tribunals could include qualification of panel, how tribunals can come about – statutory or disciplinary, types of cases heard, 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.

1 4 Briefly explain the process of conciliation **and** the process of negotiation. (10 marks)

Potential Content

- (A) Brief explanation of conciliation could include reference to who is conducting the resolution, nature of hearings, type of cases dealt with, process, outcomes, possibility of appeal
- (B) Brief explanation of negotiation could include reference to who carries out the negotiation, possible forms of negotiation, type of cases dealt with, process, outcomes and effect of conclusion

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 5 Briefly discuss advantages **and** disadvantages of using the civil courts to settle a dispute. *(10 marks + 2 marks for AO3)*

Potential Content

- (A) Brief discussion of advantages of using civil courts could include resolution by impartial tribunal, hearing of all evidence, possible public hearing, legal expertise likely, certain outcome, right of appeal
- (B) Brief discussion of disadvantages of civil courts could include cost and possible award of costs, formality, possible lack of legal representation and imbalance between parties, efficiency of process, preservation of relationship, convenience, lack of technical expertise, procedure, 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.

1 6 Outline the qualifications required for appointment as a lay magistrate. Briefly explain the training a lay magistrate has to undergo after appointment. *(10 marks)*

Potential Content

- (A) Outline of lay magistrate’s qualifications could include age, disqualified groups, key (personal) qualities. Reference to need for balance on bench, geographical limitations, reference to requirements of local bench could enhance answer

- (B) Brief explanation 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. Reference to specialist Chair and panel training for, eg youth court and family court could enhance 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.

1 7 Describe the role of a jury in a Crown Court trial. <i>(10 marks)</i>

Potential Content

- (A) Description of the role of a jury could include listening to evidence and submissions, listening to judge's summing up of evidence and legal directions, secret discussion, unanimous and 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.

1 8 Discuss disadvantages of using a jury in a criminal trial. *(10 marks + 2 marks for AO3)*

Potential Content

- (A) Discussion of disadvantages of use of jurors could include perverse verdicts, possible bias, selection issues, influence within jury, media pressure, complexity of issues, cases/examples to illustrate

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 process of qualifying as a solicitor. *(10 marks)*

OR

Describe the process of qualifying as a barrister. *(10 marks)*

Potential Content

EITHER

- (A) Description of qualifying process of solicitors could include – degree entry, CPE/Diploma for non-law degree, possible reference to Legal Executive route, LPC, training contract, membership of Law Society, application to be called to roll of solicitors

OR

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

Mark bands

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

2 0	Sian has been badly injured in a road accident and wants to claim compensation. Outline where she could get advice about a possible claim and outline how she could pay for bringing such a claim. <i>(10 marks)</i>
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Potential Content

- (A) Outline of possible sources of advice could include – solicitor, Community Legal Service, CAB, claims company, internet, trade union, insurance company, motoring organisation
- (B) Outline of how claim could be paid for (or financed) could include – Legal Help, private funding, no win no fee conditional fees, via insurance policy or union membership, Legal Aid (Representation) in certain very limited cases

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	Briefly discuss advantages and disadvantages of two possible methods of funding a civil court claim.	<i>(10 marks + 2 marks for AO3)</i>
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Potential Content

- (A) Brief discussion of advantages and disadvantages of one method
- (B) Brief discussion of advantages and disadvantages of second method

Methods could include:

- Private funding - advantages could include allowing choice of representative, choice of how much to spend. Disadvantages could include general expense including issues such as rule of loser paying winner’s costs, difficulty of estimating total costs, need for experts to be paid, possible financial imbalance between parties
- ‘No win no fee’ – advantages could include allows claims from those who could not afford court action or would not qualify for legal aid. Disadvantages could include cost of insurance policies required for ‘no win no fee’ cases, threshold test for ‘no win no fee’ cases, availability of types of cases and lawyers prepared to work under the scheme
- Legal Help/Representation - advantages could include allowing advice for those of limited means. Disadvantages could include limited availability of state funding, qualifying threshold
- Funding provided by insurance or union - advantages could include allowing members/policyholders to claim, low threshold qualification, no deductions likely from award. Disadvantages could include the need to be a member/policyholder to qualify, union/insurance company could decide to settle for lower amount, higher cost of future membership/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 emerges
or
mistakes and confusion fundamentally undermine a more substantial attempt at explanation.
- 0 The answer contains no relevant information.

2 2 Describe how judges are trained for their work.	<i>(10 marks)</i>
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Potential Content

- (A) Description of judicial training could include - responsibility of Judicial Studies Board, provision of initial practical training, eg how to run a court, sitting with experienced judges and visits, annual training and induction courses when receiving new responsibilities, mentoring scheme

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 Explain the role of a judge in a civil case involving a claim for damages. (10 marks)

Potential Content

- (A) Explanation of role of judge could include – dealing with pre-trial issues (eg tracking), acting as trial manager, ruling on legal issues during trial, deciding liability, deciding compensation or other remedy, possible reference to appeals

Mark bands

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

2 4 Discuss the importance of judicial independence. <i>(10 marks + 2 marks for AO3)</i>

Potential Content

- (A) Discussion of importance of judicial independence could include – public confidence in judiciary, upholding Rule of Law, decision-making free of pressure, ability to hear judicial review and cases involving the government, possible reference 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.

ASSESSMENT GRID

(To show the allocation of marks to Assessment Objectives)

A Level Law (LAW01)

	AO 1	AO 2	AO 3		
Topic: Parliamentary Law Making					
Question <table border="1"><tr><td>0</td><td>1</td></tr></table>	0	1	10	0	
0	1				
Question <table border="1"><tr><td>0</td><td>2</td></tr></table>	0	2	10	0	
0	2				
Question <table border="1"><tr><td>0</td><td>3</td></tr></table>	0	3	0	10	2
0	3				
Topic: Delegated Legislation					
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