



**General Certificate of Education  
January 2012**

**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 students' 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 students' 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 students' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

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# LAW01

## Assessment Objectives One and Two

### **General Marking Guidance**

*You should remember that your marking standards should reflect the levels of performance of students, 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 students 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 student'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 student's answer does not deserve credit, then no marks should be given.*

### **Citation of Authority**

*Students 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)**

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

**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.

<p><b>Sound</b></p>	<ul style="list-style-type: none"> <li>• The material will be generally accurate and contain material relevant to the Potential Content.</li> <li>• The material will be supported by generally relevant authority and/or examples.</li> <li>• It will generally deal with the Potential Content in a manner required by the question.</li> </ul> <p>As a consequence, the essential features of the Potential Content are dealt with competently and coherently.</p>
<p><b>Clear</b></p>	<ul style="list-style-type: none"> <li>• The material is broadly accurate and relevant to the Potential Content.</li> <li>• The material will be supported by some use of relevant authority and/or examples.</li> <li>• The material will broadly deal with the Potential Content in a manner required by the question.</li> </ul> <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>
<p><b>Some</b></p>	<ul style="list-style-type: none"> <li>• The material shows some accuracy and relevance to the Potential Content.</li> <li>• The material may occasionally be supported by some relevant authority and/or examples.</li> <li>• The material will deal with some of the Potential Content in a manner required by the question.</li> </ul> <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>
<p><b>Limited</b></p>	<ul style="list-style-type: none"> <li>• The material is of limited accuracy and relevance to the Potential Content.</li> <li>• The material will be supported by minimal relevant authority and/or examples.</li> <li>• The material will deal superficially with the Potential Content in a manner required by the question.</li> </ul> <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>

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### Section A: Law Making

<b>0</b>	<b>1</b>	Outline the process in the House of Commons <b>and</b> the House of Lords in the making of an Act of Parliament. <span style="float: right;"><i>(10 marks)</i></span>
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#### Potential Content

- (A) Outline of process in House of Commons could include introduction, order of readings/committee stage, possible reference to public and private members bills;
- (B) Outline of process in House of Lords could include introduction, order of readings/committee stage, amending role, ping-pong procedure in conjunction with House of Commons, possible reference to Parliament Acts 1911 and 1949/Royal Assent.

#### Mark Bands

- 8 – 10      The student 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 student 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 student 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

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<b>0</b>	<b>2</b>	Describe the Law Commission <b>or</b> the media <b>or</b> pressure groups as an influence operating on Parliament in the law-making process. <span style="float: right;"><i>(10 marks)</i></span>
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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 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 pressure groups 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).

**Mark Bands**

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

<b>0</b>	<b>3</b>	Discuss advantages of the process of parliamentary law making. (10 marks + 2 marks for AO3)
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**Potential Content**

- (A) Discussion of advantages of parliamentary law making could include democratic, discussion of proposals, introduction of proposed law after detailed inquiry/Law Commission report, giving effect to election manifesto commitments, open process, possibility of amendments, scrutiny of proposals, supremacy of Parliamentary law.

**Mark bands**

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

**AO3**

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



<b>0</b>	<b>4</b>	<p>There are different forms of delegated legislation, including statutory instruments, orders in council and by-laws.</p> <p>Describe any <b>one</b> form of delegated legislation. <span style="float: right;"><i>(10 marks)</i></span></p>
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**Potential content**

(A) Description of form of delegated legislation. Forms of delegated legislation could be statutory instruments, orders in council or by-law.

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).

By-laws could include how and when made by local authority and/or other bodies, under approval of Home Office or delegated powers, examples

Orders in Council could include how and when made by the Privy Council, examples.

**Mark bands**

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

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<b>0</b>	<b>5</b>	Explain why Parliament needs to delegate law-making power.	<i>(10 marks)</i>
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**Potential Content**

- (A) Explanation of need for delegation could include:
- Parliament not in session when emergency arises,
  - 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 student demonstrates a sound understanding of (A).
- 5 – 7      The student demonstrates a clear understanding of (A).
- 3 – 4      The student demonstrates some understanding of (A).
- 1 – 2      The student demonstrates limited understanding of (A).
- 0          The answer contains no relevant information.

<b>0</b>	<b>6</b>	Discuss disadvantages of delegated legislation.	<i>(10 marks + 2 marks for AO3)</i>
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**Potential Content****Either**

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

**AO3**

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

<b>0</b>	<b>7</b>	Outline the purposive approach to statutory interpretation <b>and</b> outline <b>one</b> of the rules of language. <span style="float: right;">(10 marks)</span>
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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 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 student 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 student 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 student 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

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<b>0 8</b>	Explain the literal rule of statutory interpretation.	<i>(10 marks)</i>
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**Potential Content****Either**

- (A) Explanation of literal rule can include words being given their ordinary grammatical meaning from a standard dictionary, words in old statutes being given their old meaning, words to be given the same meaning throughout the Act, judges respecting parliamentary sovereignty by giving words their ordinary, natural, dictionary meaning even if it results in an absurdity, example(s).

**Mark bands**

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

<b>0</b>	<b>9</b>	Briefly discuss advantages <b>and</b> disadvantages of the literal rule. <i>(10 marks + 2 marks for AO3)</i>
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**Potential Content**

- (A) Brief discussion of advantages could include applying the will of Parliament, democratic, predictable, certainty, example(s).
- (B) Brief 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, example(s).

**Mark bands**

- 8 – 10 The student 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 student 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 student 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

**AO3**

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

<b>1</b>	<b>0</b>	In the system of judicial precedent, briefly explain the role of law reports <b>and</b> what is meant by <i>ratio decidendi</i> . <span style="float: right;">(10 marks)</span>
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**Potential Content**

- (A) Brief explanation of role of law reports could include need for reporting, content of report, who written by, authorised by judge, when used, examples of different sources of reports, example(s).
- (B) Brief explanation of *ratio decidendi* could include the reason for the decision, the binding part of the decision, to be followed by other judges, cases/examples.

**Mark Bands**

- 8 – 10      The student 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 student 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 student demonstrates some understanding of (A) or (B), or limited understanding of (A) and (B)
- 1 – 2      The answer consists of brief, fragmented comments or examples so that no coherent explanation emerges  
**or**  
mistakes and confusion fundamentally undermine a more substantial attempt at explanation
- 0          The answer contains no relevant information

<b>1</b>	<b>1</b>	Outline <b>two</b> ways in which judges can avoid a binding precedent.	(10 marks)
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### Potential Content

#### Either

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

Ways of avoiding precedent could be any of the following.

- Supreme Court using 1966 Practice Direction, explanation of example(s).
- Court of Appeal having the power to overrule any precedent itself in civil cases by referring to *Young v Bristol Aeroplane*; in criminal cases to avoid injustice, explanation of example(s).
- Distinguishing could include what is distinguishing, who can distinguish and when in the context of an earlier decision in a different case, example(s).
- Overruling could include what is overruling, who can overrule, context of previous and current case, example(s). Possible connection to 1966 Practice Direction and Court of Appeal powers can enhance quality of answer.
- Disapproving could include what is disapproving, who can disapprove, context of previous and current case, effect of disapproving rather than overruling, example(s).

### Mark bands

8 - 10	The student deals with (A) and (B) as follows: <b>max 10:</b> two sound <b>max 9:</b> one sound, one clear <b>max 8:</b> one sound, one some <b>or</b> two clear
5 - 7	The student deals with (A) and (B) as follows: <b>max 7:</b> one sound <b>or</b> one clear, one some <b>max 5:</b> one clear <b>or</b> two some
3 - 4	The student 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 coherence explanation emerges <b>or</b> mistakes and confusion fundamentally undermine a more substantial attempt at explanation
0	The answer contains no relevant information



<b>1</b>	<b>2</b>	Discuss disadvantages of judicial precedent.	(10 marks + 2 marks for AO3)
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**Potential Content**

- (A) Discussion of disadvantages of judicial 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, case(s).

**Mark bands**

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

**AO3**

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

<b>1</b>	<b>3</b>	Describe the process of arbitration as a form of dispute resolution.	<i>(10 marks)</i>
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**Potential Content**

- (A) Description of process 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, relevant legislation/examples.

**Mark bands**

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

<b>1</b>	<b>4</b>	Outline what is meant by mediation <b>and</b> negotiation as alternative forms of dispute resolution. <span style="float: right;"><i>(10 marks)</i></span>
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**Potential Content**

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

**Mark bands**

8 – 10	The student deals with (A) and (B) as follows: <b>max 10:</b> two sound <b>max 9:</b> one sound, one clear <b>max 8:</b> one sound, one some <b>or</b> two clear
5 – 7	The student deals with (A) and (B) as follows: <b>max 7:</b> one sound <b>or</b> one clear, one some <b>max 5:</b> one clear <b>or</b> two some
3 – 4	The student 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 <b>or</b> mistakes and confusion fundamentally undermine a more substantial attempt at explanation
0	The answer contains no relevant information

<b>1</b>	<b>5</b>	Briefly discuss advantages <b>and</b> disadvantages <b>either</b> of mediation <b>or</b> of negotiation. <i>(10 marks + 2 marks for AO3)</i>
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**Potential Content**

(A) Brief discussion of advantages of mediation – advantages could include speed, preservation of relationship, informality, lack of publicity, encouragement by court. Brief discussion of advantages of negotiation – advantages could include speed, efficiency, preservation of relationship, cost, informality, lack of publicity, encouragement by court.

**Or**

(B) Brief discussion of disadvantages of mediation could include problems encouraging parties to take part, inability to reach conclusion, enforcing decision, possible influence by one party over the other. Brief discussion of disadvantages of negotiation could include problems encouraging parties to take part, inability to reach conclusion, enforcing decision, possible reduced amount of compensation.

**Mark bands**

- 8 – 10      The student 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 student 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 student 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

**AO3**

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

<b>1</b>	<b>6</b>	<b>Either</b> describe how jurors qualify and are selected for service <b>or</b> describe the appointment <b>and</b> selection of lay magistrates. <span style="float: right;"><i>(10 marks)</i></span>
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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. Reference to relevant legislation.

**Or**

(A) Description of lay magistrate's appointment could include qualifications, disqualified groups, key (personal) qualities. Reference to need for balance on bench, geographical limitations, reference to requirements of local bench, recommendation by local advisory committee following interviews and appointment by Lord Chancellor, Secretary of State for Justice. Reference to relevant legislation.

**Mark bands**

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

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<b>1</b>	<b>7</b>	Explain the work of lay magistrates in <b>and</b> out of court.	<i>(10 marks)</i>
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**Potential Content****Either**

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

**Mark bands**

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

Students need to address both work in and out of court for max 10.

Addressing work in court only – max 8.

Work out of court refers to warrants.

Equal credit will be given to work associated with role of magistrates, eg training, visits, community involvement.

Credit will be given for warrants as out of court work even where the student does not specifically designate it as out of court.

<b>1</b>	<b>8</b>	Discuss advantages of using lay persons (jurors <b>and</b> lay magistrates) in the criminal justice process. <i>(10 marks + 2 marks for AO3)</i>
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**Potential Content**

**Either**

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

Max 7 if reference to one only (jurors or lay magistrates) or a general answer with no distinction made.

**Mark bands**

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

**AO3**

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

<b>1</b>	<b>9</b>	Chloe has been badly injured in an accident and wants to claim compensation. Outline where she could get advice about a possible claim for compensation, and outline how she could pay for bringing such a claim. <span style="float: right;"><i>(10 marks)</i></span>
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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.

Note: credit can be given for both breadth and/or depth of explanation of sources and how financed.

### Mark Bands

- 8 – 10      The student 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 student 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 student 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



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<b>2</b>	<b>0</b>	Explain how solicitors qualify.	<i>(10 marks)</i>
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**Potential Content**

- (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.

**Mark bands**

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

<b>2</b>	<b>1</b>	Compare <b>and</b> contrast the work of solicitors and barristers. <i>(10 marks + 2 marks for AO3)</i>
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**Potential Content**

- (A) Comparison and contrast of work:
- of solicitors in court can include general advocacy and extended rights of audience in civil and criminal cases; out of court work can include reference to conveyancing, wills and probate, giving advice and drafting papers in traditional provincial practice, negotiation of claims, specialist work in city practice, instructing barrister.
  - of barrister 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 student demonstrates a sound understanding of (A).
- 5 - 7             The student demonstrates a clear understanding of (A).
- 3 - 4             The student demonstrates some understanding of (A).
- 1 - 2             The student demonstrates limited understanding of (A).
- 0                 The answer contains no relevant information.

**AO3**

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

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<b>2</b>	<b>2</b>	Explain the role of a judge in <b>either</b> a Crown Court criminal trial <b>or</b> in a civil claim for negligence. <i>(10 marks)</i>
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**Potential Content**

- (A) Explanation of role of judge in criminal trial could include pre-trial directions, keeping order in court, ruling on law, directing jury on law and evidence, passing sentence.

**Or**

- (A) Explanation of role of judge in civil claim for negligence 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 student demonstrates a sound understanding of (A).
- 5 - 7             The student demonstrates a clear understanding of (A).
- 3 - 4             The student demonstrates some understanding of (A).
- 1 - 2             The student demonstrates limited understanding of (A).
- 0                 The answer contains no relevant information.

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<b>2</b>	<b>3</b>	Explain how judges are selected <b>and</b> appointed.	<i>(10 marks)</i>
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**Potential Content**

- (A) Explanation of selection and appointment of 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 JAC when vacancy arises. Possible reference to changes to selection and appointment introduced by the Constitutional Reform Act 2005.

**Mark bands**

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

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

- (A) Brief 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) Brief discussion of disadvantages of selection and appointment methods could include best lawyers may not apply, 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 student 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 student deals with (A) and (B) as follows:  
**max 7:** one sound **or** one clear, one some  
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- 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

**AO3**

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

**ASSESSMENT GRID**

(To show the allocation of marks to Assessment Objectives)

**A Level Law (LAW01)**

	AO1	AO2	AO3		
<b>Topic: Parliamentary Law Making</b>					
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				
<b>Topic: Delegated Legislation</b>					
Question <table border="1"><tr><td>0</td><td>4</td></tr></table>	0	4	10	0	
0	4				
Question <table border="1"><tr><td>0</td><td>5</td></tr></table>	0	5	10	0	
0	5				
Question <table border="1"><tr><td>0</td><td>6</td></tr></table>	0	6	0	10	2
0	6				
<b>Topic: Statutory Interpretation</b>					
Question <table border="1"><tr><td>0</td><td>7</td></tr></table>	0	7	10	0	
0	7				
Question <table border="1"><tr><td>0</td><td>8</td></tr></table>	0	8	10	0	
0	8				
Question <table border="1"><tr><td>0</td><td>9</td></tr></table>	0	9	0	10	2
0	9				
<b>Topic: Judicial Precedent</b>					
Question <table border="1"><tr><td>1</td><td>0</td></tr></table>	1	0	10	0	
1	0				
Question <table border="1"><tr><td>1</td><td>1</td></tr></table>	1	1	10	0	
1	1				
Question <table border="1"><tr><td>1</td><td>2</td></tr></table>	1	2	0	10	2
1	2				
<b>Topic: The Civil Courts and other forms of dispute resolution</b>					
Question <table border="1"><tr><td>1</td><td>3</td></tr></table>	1	3	10	0	
1	3				
Question <table border="1"><tr><td>1</td><td>4</td></tr></table>	1	4	10	0	
1	4				
Question <table border="1"><tr><td>1</td><td>5</td></tr></table>	1	5	0	10	2
1	5				
<b>Topic: The Criminal Courts and lay people</b>					
Question <table border="1"><tr><td>1</td><td>6</td></tr></table>	1	6	10	0	
1	6				
Question <table border="1"><tr><td>1</td><td>7</td></tr></table>	1	7	10	0	
1	7				
Question <table border="1"><tr><td>1</td><td>8</td></tr></table>	1	8	0	10	2
1	8				
<b>Topic: The Legal Profession and other sources of advice, and funding</b>					
Question <table border="1"><tr><td>1</td><td>9</td></tr></table>	1	9	10	0	
1	9				
Question <table border="1"><tr><td>2</td><td>0</td></tr></table>	2	0	10	0	
2	0				
Question <table border="1"><tr><td>2</td><td>1</td></tr></table>	2	1	0	10	2
2	1				
<b>Topic: The Judiciary</b>					
Question <table border="1"><tr><td>2</td><td>2</td></tr></table>	2	2	10	0	
2	2				
Question <table border="1"><tr><td>2</td><td>3</td></tr></table>	2	3	10	0	
2	3				
Question <table border="1"><tr><td>2</td><td>4</td></tr></table>	2	4	0	10	2
2	4				

### **Mark Ranges and Award of Grades**

Grade boundaries and cumulative percentage grades are available on the Results Statistics page of the AQA Website: <http://www.aqa.org.uk/over/stat.html>.

### **Converting Marks into UMS marks**

Convert raw marks into marks on the Uniform Mark Scale (UMS) by using the link below.

**UMS conversion calculator** [www.aqa.org.uk/umsconversion](http://www.aqa.org.uk/umsconversion)