



**General Certificate of Education  
June 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.

<b>Sound</b>	<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>
<b>Clear</b>	<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>
<b>Some</b>	<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>
<b>Limited</b>	<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**

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|--|
| <b>0 1</b> Briefly explain what is meant by the doctrine of parliamentary supremacy.<br>Outline <b>one</b> limitation on this doctrine. <span style="float: right;"><i>(10 marks)</i></span> |
|--|

**Potential Content**

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

**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.

**0 2** Outline the following:

- the nature and purpose of Green and White papers
- the law-making process in the House of Commons.

*(10 marks)*

**Potential Content**

(A) Outline of Green and White papers could include:

- for Green papers – purpose, who consulted, need and result of consultation, example(s)
- for White papers – purpose, effect of issue, example(s).

(B) Outline of process 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 and/or ping pong procedure in conjunction with House of Lords and/or reference to powers given by Parliament Acts 1911 and 1949, announcement of 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.

**0 3** Discuss disadvantages of the law-making process in Parliament.  
(10 marks + 2 marks for AO3)

**Potential Content**

- (A) Discussion of disadvantages of parliamentary law making process can include delay in dealing with issues, political influences rather than genuine debate, non-democratic issues, complex language, piecemeal development of laws, with law contained in more than one Act, compromise nature of process between Commons and Lords.

**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>

**0 4** Statutory instruments, Orders in Council and By-laws are all forms of delegated legislation. Briefly describe any **two** of these forms. *(10 marks)*

**Potential content**

(A) Brief description of first form of delegated legislation.

(B) Brief description of second form.

- 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 Privy Council, 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.

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<b>0 5</b> Describe parliamentary controls on delegated legislation.
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*(10 marks)*

**Potential Content**

- (A) Description of parliamentary control could include affirmative resolution procedure, negative resolution procedure, repealing of primary legislation, scrutiny committees, questions in Parliament.

**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.

**0 6** Discuss why Parliament delegates law-making power.

*(10 marks + 2 marks for AO3)*

**Potential Content**

(A) Discussion why parliament delegates law making power 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
- examples in support.

Note: Max 8 when no 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.

**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>

**0 7** Outline external (extrinsic) aids to interpretation **and one** of the rules of language.  
(10 marks)

**Potential Content**

- (A) Outline of external (extrinsic) aids could include documents outside the Act – dictionaries, external treaties, reports on which Act is based, Interpretation Act, Hansard (Pepper v Hart), Law Commission Reports (Black Clawson case), example(s).
- (B) Outline of one of the rules of language could include one of:
- 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> Describe the golden rule of statutory interpretation.	<i>(10 marks)</i>
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**Potential Content**

- (A) Description of the golden rule could include judge following the literal rule unless this would lead to an absurd result, narrow approach and broad approach, cases and/or 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.

**0 9** Briefly discuss advantages **and** disadvantages of the golden rule.  
*(10 marks + 2 marks for AO3)*

**Potential Content**

- (A) Brief discussion of advantages could include fewer absurd and unjust results being made, Parliament would not have wanted to pass laws that produced unfair results, democratic, deals with unfairness of literal rule, case(s).
- (B) Brief discussion of disadvantages of golden rule could include that it depends on each judge to decide what is an absurdity or a repugnant result, gives too much power to judges, undemocratic nature, unclear what is absurd result, case(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>

**1 0** Outline the main features of judicial precedent.

*(10 marks)*

**Potential Content**

(A) Outline of main features of precedent:

- hierarchy of courts - outline of court structure (either civil and/or criminal), which courts bind others, which courts are bound, need for hierarchy
- *ratio decidendi* - the reason for the decision, the binding part of the decision, distinguished from *obiter dicta*, to be followed by other judges, cases/examples
- law reporting - the need for reporting, content of report, who written by, authorised by judge, examples of different sources of reports.

Possible reference to binding precedent and *stare decisis* would enhance the answer.

**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 1</b>	Outline the process of overruling <b>and</b> briefly explain how judges in the Supreme Court can avoid following a binding precedent.	(10 marks)
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**Potential Content**

(A) Outline of overruling could include what is overruling, who can overrule, context of previous and current case.

Brief explanation of Supreme Court avoiding precedent using 1966 Practice Direction **or** power to overrule/distinguish/disapprove any precedent from a lower court, explanation of example(s).

Note: Max 7 if brief explanation of Supreme Court avoidance only.

Max 5 if outline of overruling with no reference to Supreme Court.

**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.

**1 2** Discuss **either** advantages **or** disadvantages of judicial precedent.  
 (10 marks + 2 marks for AO3)

**Either**

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

**Or**

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

**Mark bands**

- 8 - 10            The 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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**Section B: The Legal System**

<b>1 3</b>	Describe the operation of tribunals as a method of dispute resolution.	<i>(10 marks)</i>
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**Potential Content**

- (A) Description of operation of Tribunals could include qualification of panel, how tribunals can come about – statutory or disciplinary, nature of hearings, process, outcomes, possible appeals, enforcement of awards, possible reference to Tribunals Courts and Enforcement Act structures, examples of cases dealt with.

**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.

**1 4** Including appeal courts, outline the civil courts that can deal with a claim for negligence **and** briefly describe the process of negotiation. *(10 marks)*

**Potential Content**

- (A) Outline of courts could include Small Claims Court, County Court or High Court with reference to financial limits. Appeals to Court of Appeal and Supreme Court with possible reference to grounds of appeal and orders that appeal courts can make.
- (B) Brief description of process 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, lack of appeal rights.

**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>5</b>	Discuss advantages <b>and</b> disadvantages of using civil courts as a method of dispute resolution.	<i>(10 marks + 2 marks for AO3)</i>
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**Potential Content**

- (A) Discussion of advantages of using civil courts could include: resolution by impartial tribunal, authority of court, hearing of all evidence, possible public hearing, certain outcome, right of appeal.
- (B) Discussion of disadvantages 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, expertise, procedure, publicity.

**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 6</b> Describe how jurors qualify <b>and</b> are selected for service. <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,.
- Reasons for **not qualifying** such as disqualification, discharge, deferral, excusal
  - **Selection** such as random selection by Central Summoning Bureau and issue of summons, ballot in jury waiting room and in court, vetting and challenges, swearing in.

Note: Max 7 for qualification or selection only.

**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 7</b> Explain the work of lay magistrates.
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*(10 marks)*

**Potential Content**

- (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, appeals, issuing warrants and extensions of custody, 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.

**1 8** Discuss disadvantages of using lay persons in the criminal justice process.  
(10 marks + 2 marks for AO3)

**Potential Content**

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

**Note:** a student who fails to distinguish between magistrates and juries or whose answer is based on magistrates or juries only – max 7.

**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>

**1 9 EITHER**

Briefly explain where a person arrested for a serious criminal offence could get legal advice and representation **and** outline how this could be paid for.

**OR**

Briefly explain where a person badly injured in an accident could get legal advice and representation for a civil claim for damages **and** outline how this could be paid for.

*(10 marks)*

**Potential Content**

**Either**

- (A) Brief explanation 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/or 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); Representation scheme may be free or contributory.

**Or**

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

**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>2 0</b> Describe how a barrister is trained and qualifies for entry to the profession (10 marks)
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**Potential Content**

**Either**

(A) Description of training and qualifying stages of barrister can include degree entry, CPE/GDL for non-law degree, BVC/BPTC, enrolling with Bar Council and Inns of Court, pupillage, call to Bar, finding place in chambers.

**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.

**2 1** Discuss advantages **and** disadvantages of using solicitors and barristers to resolve legal disputes. *(10 marks + 2 marks for AO3)*

**Potential Content**

(A) Discussion of advantages:

- Availability – lawyers available in most areas of country; direct Access to barristers in certain areas for specialist advice and services
- Specialism – lawyers may specialise in certain areas of law/dispute settlement; they will know the procedures and routes to deal with dispute; they may be able to bring about resolution through alternatives to court; their involvement may bring an early resolution to dispute
- Cost – state funding/'no win-no fee'/pro bono services may only be available through lawyers

(B) Discussion of disadvantages:

- Availability – some lawyers are not specialists in certain areas of law, lawyers may for business reasons choose not to offer some legal services, may only be available during working week so practical unavailability
- Delay – communications between own solicitors and barristers and between own and opponent's solicitors and barristers may cause significant delays, the public perception of delay as a means of raising costs of action
- Cost – the need to use both solicitors and barristers, the cost of private funding if state funding or 'no win-no fee' services are not available
- Language – legal words/phrases used may be inaccessible to the general public - lawyer to lawyer language, the wording of court documents, the language used by courts

**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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**A03**

<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>2 2</b> 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, promotion training following prior judicial experience/sitting as part-time judge.

**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 3</b> Describe the work of a judge <b>either</b> in a civil court claim for negligence <b>or</b> in a Crown Court trial. (10 marks)
--

**Potential Content**

**Either**

- (A) Description of work 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.

**Or**

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

**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.

**2 4** Discuss why it is important for judges to be independent.

*(10 marks + 2 marks for AO3)*

**Potential Content**

(A) Discussion of importance of judicial independence could include reference to the theory of Separation of Powers, democratic implications of that theory, possible reference to where judges can be influenced by either executive or legislature, public confidence in judiciary, upholding Rule of Law, decision making free of pressure, ability to hear judicial review and cases involving the government, cases/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.

**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)**

	AO 1	AO 2	AO 3		
<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)