



A-level LAW COMPONENT CODE

PAPER 3 – HUMAN RIGHTS

Mark scheme

Series

V1.0

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Mark schemes are prepared by the Lead Assessment Writer and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation events which all associates participate in and is the scheme which was used by them in this examination. The standardisation process ensures that the mark scheme covers the students' responses to questions and that every associate understands and applies it in the same correct way. As preparation for standardisation each associate analyses a number of students' scripts. Alternative answers not already covered by the mark scheme are discussed and legislated for. If, after the standardisation process, associates encounter unusual answers which have not been raised they are required to refer these to the Lead Assessment Writer.

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.

Further copies of this mark scheme are available from aqa.org.uk

Level of response marking instructions

Level of response mark schemes are broken down into levels, each of which has a descriptor. The descriptor for the level shows the average performance for the level. There are marks in each level.

Before you apply the mark scheme to a student's answer read through the answer and annotate it (as instructed) to show the qualities that are being looked for. You can then apply the mark scheme.

Step 1 Determine a level

Start at the lowest level of the mark scheme and use it as a ladder to see whether the answer meets the descriptor for that level. The descriptor for the level indicates the different qualities that might be seen in the student's answer for that level. If it meets the lowest level then go to the next one and decide if it meets this level, and so on, until you have a match between the level descriptor and the answer. With practice and familiarity you will find that for better answers you will be able to quickly skip through the lower levels of the mark scheme.

When assigning a level you should look at the overall quality of the answer and not look to pick holes in small and specific parts of the answer where the student has not performed quite as well as the rest. If the answer covers different aspects of different levels of the mark scheme you should use a best fit approach for defining the level and then use the variability of the response to help decide the mark within the level, ie if the response is predominantly level 3 with a small amount of level 4 material it would be placed in level 3 but be awarded a mark near the top of the level because of the level 4 content.

Step 2 Determine a mark

Once you have assigned a level you need to decide on the mark. The descriptors on how to allocate marks can help with this. The exemplar materials used during standardisation will help. There will be an answer in the standardising materials which will correspond with each level of the mark scheme. This answer will have been awarded a mark by the Lead Examiner. You can compare the student's answer with the example to determine if it is the same standard, better or worse than the example. You can then use this to allocate a mark for the answer based on the Lead Examiner's mark on the example.

You may well need to read back through the answer as you apply the mark scheme to clarify points and assure yourself that the level and the mark are appropriate.

Indicative content in the mark scheme is provided as a guide for examiners. It is not intended to be exhaustive and you must credit other valid points. Students do not have to cover all of the points mentioned in the Indicative content to reach the highest level of the mark scheme.

An answer which contains nothing of relevance to the question must be awarded no marks.

Examiners are required to assign each of the students' responses to the most appropriate level according to its overall quality, then allocate a single mark within the level. When deciding upon a mark in a level examiners should bear in mind the relative weightings of the assessment objectives (see page 17) and be careful not to over/under credit a particular skill. For example, in question 8 more weight should be given to AO2 than to AO1. This will be exemplified and reinforced as part of examiner training.

Examiners are reminded that AO1, AO2 and AO3 are regarded as interdependent. When deciding on a mark all should be considered together using the best fit approach. For example, a level 3 mark could be awarded for level 3 evidence against each objective, or a mixture of level 4, 3 and 2 evidence across different objectives.

01 Select the **one true** statement.

[1 mark]

Marks for this question: AO1 = 1

D It is still possible for a claimant in England to bring an action directly in the European Court of Human Rights.

02 Select the **one false** statement.

[1 mark]

Marks for this question: AO1 = 1

B Interpretation of Article 5 makes it unlawful for an ordinary citizen to carry out an arrest.

03 All of the following are suitable as Orders in Council **except**..

[1 mark]

Marks for this question: AO1 = 1

C A law regulating parking in a city

04 Choose the best description of regulations as a form of European Union (EU) law.

[1 mark]

Marks for this question: AO1 = 1

B EU regulations automatically become law in the UK once they are issued.

05 Select the **true** statement about civil and criminal law

[1 mark]

Marks for this question: AO1 = 1

A The same unlawful conduct may sometimes be both a crime and a breach of the civil law

06 Explain **two** elements that can be considered to be aspects of ‘the rule of law’. Briefly explain why the independence of the judiciary is important in relation to the rule of law.

[5 marks]

Marks for this question: AO1 = 5

Levels of response mark scheme 5 marks – AO1 only	
Mark range	AO1
4-5 Band 3	Knowledge is good and demonstrates a good understanding of the English legal system. Where appropriate a good example of a case to illustrate suggested reasons.
2-3 Band 2	Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system. Where appropriate a satisfactory example of a case to illustrate reasons.
1 Band 1	Knowledge is limited and demonstrates a limited understanding of the English legal system. Where appropriate a limited example of a case to illustrate reasons.
0	Nothing worthy of credit

Answers that do not provide two elements cannot progress beyond band 2.

Indicative Content:

AO1

Elements of the rule of law (any two)

- Persons are subject to law rather than arbitrary exercise of power by individuals/institutions.
- No individual/institution is above the law.
- Laws are clear and accessible.
- There is equality before the law.
- Law is made and administered fairly by accessible processes.
- All have access to legal processes for resolution of disputes.

The importance of the independence of the judiciary

- Independence of the judiciary guarantees freedom of judges from improper influence/interference.
- Independence of the judiciary ensures that judges can prevent/restrict arbitrary exercise of power (especially by Government officials/agents) and resolve disputes strictly according to the law in a fair manner.

Credit any other relevant point(s).

07 Suggest why Adam’s action in detaining Bina would be unlikely to be a breach of Article 5 of the European Convention on Human Rights.

[5 marks]

Marks for this question: AO1 = 2 and AO2 = 3

Levels of response mark scheme 5 marks – AO1 (2) and AO2 (3)	
Mark range	Description
4-5 Band 3	<p>Good outline explanation of legal rules and principles and good application to the scenario in order to present a legal argument using appropriate terminology.</p> <p>Good explanation of a relevant case to support the application.</p>
2-3 Band 2	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles.</p> <p>Satisfactory application of legal rules and principles to the scenario.</p> <p>Satisfactory explanation of a relevant case to support the application.</p>
1 Band 1	<p>Knowledge is limited and demonstrates a limited understanding of legal rules and principles.</p>
0	<p>Nothing worthy of credit</p>

Indicative Content:

AO1

- Statement that ECHR Article 5 guarantees a right to liberty and security of person, though 5.1(a)-(f) specify circumstances in which it may not be a breach to deprive a person of liberty.
- Brief explanation that Article 5.1(b) permits deprivation of liberty “*in order to secure the fulfilment of any obligation prescribed by law*”.

AO2

- Identification of the key facts as that Adam’s primary purpose appears to have been temporarily to remove Bina from the scene for her own protection, and that detention was in a police van and for two hours only.
- Application to suggest that the detention is probably unlikely to be a deprivation of liberty within Article 5, given the precise circumstances identified above; but that, if it were held to be a prima facie breach, it could be justified under 5.1(b), as Adam took the action to fulfil his obligation to preserve the peace.
- Brief explanation of an appropriate case to support any aspect of the application and conclusion (eg. *Austin v UK*, *HM v Switzerland*, *HL v UK*, *Benham v UK*, *Guzzardi v Italy*, *Brogan v UK*)

Credit any other relevant point(s).

08 Advise the police as to how the provisions of Article 2 of the European Convention on Human Rights might apply to these facts.

[10 marks]

Marks for this question: AO1 = 3 and AO2 = 4 and AO3 = 3

Levels of response mark scheme 10 marks – AO1 (3), AO2 (4), AO3 (3).	
Mark range	Description
7-10 Band 3	<p>Knowledge is good and demonstrates a good understanding of relevant legal rules and principles.</p> <p>Good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario.</p> <p>Good explanation of relevant legal authority to support the application.</p> <p>A good legal argument is presented using appropriate terminology to support advice.</p>
3-6 Band 2	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles.</p> <p>Satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario.</p> <p>Satisfactory explanation of relevant legal authority to support the application.</p> <p>A satisfactory legal argument is presented using some appropriate terminology to support advice.</p>
1-2 Band 1	<p>A limited demonstration of knowledge.</p> <p>Limited analysis of legal rules and principles in relation to the scenario but rules and principles are not applied correctly to the scenario.</p>
0	Nothing worthy of credit

Indicative Content:

AO1

- Identification and description of the basic obligation on States and their agents not to take life (Article 2.1).
- Identification and outline explanation of the qualifications to the basic obligation, including exceptions (a) in defence of any person from unlawful violence, (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained, and of the requirement that force used for such purposes must be ‘no more than absolutely necessary’ (Article 2.2)

- Reference to appropriate case interpretation of the obligation (for example, *McShane v UK*, *McCann v UK*, *Bubbins v UK*)

AO2

- Application to suggest that, since state agents were involved (the police), Article 2 was directly engaged with an obligation not to take life
- Application to suggest that, in view of the advance intelligence received, the police had an obligation to plan the operation very carefully, since it is clear that violence, including the use of firearms was very likely: police trained in appropriate techniques should have been used; If possible, any interception should have taken place in an unpopulated, or sparsely populated, area
- Application to suggest that deadly force should have been used only if ‘absolutely necessary’, and this clearly bore not only on the nature of the threats which emerged as the interception took place but also on the planning of the operation itself to anticipate and minimise threats.
- Application to suggest that, in view of the death, and of the failure to find weapons, doubt was cast on the quality of the intelligence, on the nature of the interception, and on the conduct which resulted in the death, so that an independent investigation which could be effective in determining the reasons for the death must be undertaken.

AO3

- Analysis and evaluation of the extended obligations imposed by European Court of Human Rights interpretation of Article 2: training, planning and control of any operation by state agents must minimise to the greatest extent possible any risk to life
- Analysis and evaluation of the extended obligations imposed by European Court of Human Rights interpretation of Article 2: an effective investigation of any death should be carried out and, where the death is at the hands of state agents, it is especially important that the investigation should be independent.
- Further development of supporting cases (for example, in addition to those cited above, *Hugh Jordan v UK*, *Gul v Turkey*)

Credit any other relevant point(s).

09 Examine the relationship between legal rules and moral rules. Discuss the extent to which rules in Human Rights law are founded on moral rules.

[15 marks]

Marks for this question: AO1 = 5, and AO3 = 10

Levels of response mark scheme 15marks – AO1 (5) and AO3 (10).	
Mark range	Description
13-15 Band 5	<p>Knowledge is excellent and demonstrates an excellent understanding of the Nature of Law and legal rules and principles. Excellent selection and use of relevant legal authority.</p> <p>Excellent analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Excellent drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
10-12 Band 4	<p>Knowledge is good and demonstrates a good understanding of the Nature of Law and legal rules and principles. Good selection and use of relevant legal authority.</p> <p>Good analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Good drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
7-9 Band 3	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of the Nature of Law and legal rules and principles. Satisfactory selection and use of relevant legal authority.</p> <p>Satisfactory analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Some drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
4-6 Band 2	<p>Knowledge is limited and demonstrates a limited understanding of the Nature of Law and legal rules and principles. Limited selection and use of relevant legal authority.</p> <p>Limited analysis and evaluation of legal rules and principles; concepts and issues.</p>

	Limited drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study Some reasoning is attempted which leads to a limited conclusion.
1-3 Band 1	Knowledge is minimal and demonstrates a minimal understanding of the Nature of law and legal rules and principles. Minimal selection and use of relevant legal authority. Minimal analysis and evaluation of legal concepts and issues. No chain of reasoning is attempted.
0	Nothing worthy of credit

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
5	10	15

Indicative Content:

AO1

- Basic definitions of legal rules and moral rules
- Outline explanation of the relationship between legal rules and moral rules, suggesting similarities, overlap and differences
- Identification of appropriate examples drawn from civil and/or criminal law to illustrate in general propositions about the relationship between legal rules and moral rules
- Identification of appropriate areas of the law and supporting legal authority to illustrate specifically an assessment of extent to which legal rules may be founded on moral rules in human rights law (as indicated below),

AO3

- Analysis of similarities and overlap between legal and moral rules: for example, form and structure; sources; content; outcomes
- Analysis of the differences between legal and moral rules: for example, sources; change in response to changes in society; formality and informality in enforcement
- Evaluation of the relationship between legal and moral rules, based on the analyses above: for example, origins of many legal rules in moral rules; absence of any moral dimension per se in many legal rules; use of law to promote change in moral values
- Analysis of relevant legal rules in human rights law: for example, the right to life, the right to freedom from arrest and detention, the right to private life, the right to freedom of expression, supported by relevant legal authority
- Evaluation of the relevant legal rules; for example, human rights may be said to be rights which derive from a fundamental moral vision of the potential in human life, implying equality, universality, and inalienability. As aspects of the realisation of this moral vision, the right to life, the right to liberty and security of person, and to private life may be seen as based on a moral rule respecting and protecting the integrity of the individual in the broadest possible sense; the right to freedom of expression may be seen as respecting a moral injunction to permit development and self-realisation of the individual.

- Conclusion perhaps to suggest that many of the rules in human rights can be associated with specific moral rules or implement a moral vision.

Credit any other relevant point(s).

10 Consider what rights and remedies David may have against the police and ‘The Recorder’ arising out of these incidents.

[30 marks]

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

Levels of response mark scheme 30 marks – AO1 (10), AO2 (10) and AO3 (10).	
Mark range	Description
25-30 Band 5	<p>Knowledge is excellent and demonstrates an excellent understanding of relevant legal rules and principles. Excellent selection and use of appropriate legal authority.</p> <p>There is excellent analysis and evaluation of legal rules and principles leading to excellent application of the correct rules and principles to the scenario. An excellent legal argument is presented using appropriate terminology.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
19-24 Band 4	<p>Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good selection and use of appropriate legal authority.</p> <p>There is good analysis and evaluation of legal rules and principles leading to good application of the correct rules and principles to the scenario. A good legal argument is presented using appropriate terminology.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
13-18 Band 3	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory selection and use of appropriate legal authority.</p> <p>There is satisfactory analysis and evaluation of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. A satisfactory legal argument is presented using some appropriate terminology</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
7-12 Band 2	<p>Knowledge is limited and demonstrates a limited understanding of relevant legal rules and principles. Limited selection and use of appropriate legal authority.</p> <p>There is limited analysis and evaluation of legal rules and principles which may lead to limited application of the correct rules and principles to the scenario. A limited legal argument is presented using little appropriate terminology. Some reasoning is attempted which leads to a limited conclusion.</p>
1-6 Band 1	<p>Knowledge is minimal and demonstrates minimal understanding of legal rules and principles. Minimal selection and use of legal authority.</p> <p>There is minimal analysis and evaluation of legal rules and principles which may lead to minimal application of the correct rules and principles to the scenario. A fragmented legal argument is attempted. No chain of reasoning is attempted.</p>

0	Nothing worthy of credit
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Indicative Content:

AO1

- Outline explanation of Article 8 of the European Convention on Human Rights, the right to respect for private life.
- Outline explanation of the permitted limitations on the right, including recognition and explanation of Article 10, right to freedom of expression, as a possible relevant limitation.
- Outline explanation of the action for breach of the duty of confidentiality in English law.
- Brief explanation of the requirements of the Human Rights Act 1998 s12 in relation to the significance to be accorded to freedom of expression in any action which may restrict it.
- Reference to relevant supporting case interpretation (for example, *Perry v UK*, *Von Hannover v Germany*, *Campbell v MGN*, *PJS v NGN Ltd*)

AO2

- Application to distinguish between the police and 'The Recorder', to determine whether or not Article 8 is engaged and, if so, whether there has been an 'interference'.
- Application to determine whether any such interference can be justified according to the terms of Article 8.2, including the importance of the right to freedom of expression.
- Application to argue that there may be a breach by the police redressable by an action under the Human Rights Act 1998 s7 which could result, inter alia, in an award of damages.
- Application to argue that, in the case of 'The Recorder', the prima facie breach of confidentiality/privacy may nonetheless be justified by reference to Article 10 considerations.

AO3

- Analysis and evaluation of Human Rights Act 1998 provisions and the method of incorporation of the European Convention on Human Rights provisions to distinguish between obligations on a 'public authority' (s6) and obligations on private entities via the interpretative obligation (s2/s3) on courts as 'public authorities'
- Analysis and evaluation of the consequent requirement to identify an existing English law action, save for the interpretation of the implications of s12 concerning the relationship between Articles 8 and 10
- Analysis and evaluation of the European Court of Human Rights interpretation of the monitoring of public incidents by CCTV and like technology, and of recording, storing and use of the images generated, in the context of right to respect for private life.
- Analysis and evaluation of the development of the duty of confidentiality into an action underpinned by the interest in privacy, imposed in circumstances where there is a reasonable expectation of privacy, and the significance of the requirement under the Human Rights Act 1998 to have regard to freedom of expression.
- Further development and use of supporting case interpretation of relevant ECHR and English law provisions, including those cited above and, for example, *S v UK*, *R (Catt) v Association of Chief Police Officers of England, Wales and Northern Ireland* (Equality and Human Rights Commission intervening), *In the matter of an application by JR38 for Judicial Review* (Northern Ireland)

Credit any other relevant point(s).

11 Having regard to the human rights issues raised, consider the legality of the police actions in relation to the march and associated incidents.

Assess the extent to which the rules that you have applied in relation to these incidents achieve an appropriate balancing of the interests involved.

[30 marks]

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

Levels of response mark scheme 30 marks – AO1 (10), AO2 (10) and AO3 (10).	
Mark range	Description
25-30 Band 5	<p>Knowledge is excellent and demonstrates an excellent understanding of the Nature of Law and legal rules and principles. Excellent selection and use of relevant legal authority.</p> <p>There is excellent analysis of legal rules and principles leading to excellent application of the correct rules and principles to the scenario. An excellent legal argument is presented using appropriate terminology</p> <p>There is excellent analysis and evaluation of legal concepts and issues.</p> <p>Excellent drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
19-24 Band 4	<p>Knowledge is good and demonstrates a good understanding of the Nature of Law and legal rules and principles. Good selection and use of relevant legal authority.</p> <p>There is good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario. A good legal argument is presented using appropriate terminology There is good analysis and evaluation of legal concepts and issues.</p> <p>Good drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
13-18 Band 3	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system and legal rules and principles. Satisfactory selection and use of relevant legal authority.</p> <p>There is satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. A satisfactory legal argument is presented using some appropriate terminology</p> <p>There is satisfactory analysis and evaluation of legal concepts and issues. Some drawing together of knowledge and understanding from substantive and non-</p>

	substantive law from across the course of study. A chain of reasoning starts to develop which leads to a partially justified conclusion.
7-12 Band 2	Knowledge is limited and demonstrates a limited understanding of the Nature of Law and legal rules and principles. Limited selection and use of relevant legal authority. There is limited analysis of legal rules and principles leading to limited application of the correct rules and principles to the scenario. A limited legal argument is presented using little appropriate terminology There is limited analysis and evaluation of legal concepts and issues. Limited drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study Some reasoning is attempted which leads to a limited conclusion.
1-6 Band 1	Knowledge is minimal and demonstrates a minimal understanding of the Nature of Law and legal rules and principles. Minimal selection and use of relevant legal authority. There is minimal analysis of legal rules and principles leading to minimal application of the correct rules and principles to the scenario. A fragmented legal argument is attempted. There is minimal analysis and evaluation of legal concepts and issues. Minimal drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study No chain of reasoning is attempted.
0	Nothing worthy of credit

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
23	7	30

Indicative Content:

AO1

- Outline explanation of the provisions of the Public Order Act 1986 ss11-14 as to control of 'processions' and static 'assemblies'.
- Outline explanation of relevant provisions as to police powers in connection with obstruction and breach of the peace
- Outline explanation of the provisions of Article 10 of the European Convention on Human Rights as to the right to freedom of expression
- Outline explanation of the provisions of Article 11 of the European Convention on Human Rights as to the right to freedom of assembly and association, and of the effect of the Human Rights Act 1998 ss6-8
- Reference to relevant supporting case interpretation (for example, Ollinger v Austria, Beatty v Gillbanks, Laporte v Chief Constable of Gloucestershire Constabulary)

AO2

- Application to suggest that, as organiser, Henry committed an offence in failing to give notice of the march ('procession'), though this did not make either the march or the planned demonstration ('assembly') unlawful in themselves
- Application to suggest that Henry committed an offence when refusing to accept police instructions about the march, in the context of the continuing violence, justifying police interpretation of the incidents as obstruction, and possibly justifying the decision to order dispersal to prevent further breaches of the peace
- Application to question the approach to breach of the peace, taking into account the source of the breach in the counter-demonstrators and applying the requirements of Articles 10 and 11
- Application to suggest that the police reaction may have been disproportionate, as excessive and possibly wrongly targeted, and so failing to satisfy the conditions under Articles 10 and 11 for the legitimate imposition of restrictions on the relevant freedoms
- Application to argue that, as agents of the State, the police may have acted in a manner incompatible with Convention rights under Articles 10 and 11 (Human Rights Act 1998 s6), so entitling Henry to resist any criminal charge and/or bring an action for damages (ss7-8) against the police, with consequent implications for a conclusion as to the legality of the actions of the police

AO3

- Analysis and evaluation of rules in the Public Order Act 1986 ss11-14 concerning advance notice of processions, and of police powers to impose conditions on the conduct of processions and static assemblies, where there is a reasonable belief that serious public disorder, serious damage to property or serious disruption to the life of the community may ensue
- Analysis and evaluation of police powers in connection with obstruction and breach of the peace, particularly in circumstances where the peace is threatened by counter-demonstrators
- Analysis and evaluation of Article 10 and 11 rights, as interpreted by the European Court of Human Rights, including the recognition that neither right is unqualified, and including exposition of the legitimate aims which may be pursued by restrictions – in particular, 'in the interests of public safety, for the prevention of disorder or crime ... [and] for protection of the rights and freedoms of others.'
- Further use of supporting case authority (for example, further development of cases cited above, and of additional cases, such as *UMO Ilinden v Bulgaria*, *Austin v UK*, *R v Morpeth Ward JJ ex parte Ward*, *Percy v DPP*, *Nicol & Selvanayagam v DPP*, *Redmond-Bate v DPP*, *Austin v Commissioner of Police of the Metropolis*, *Mengesha v Commissioner of Police for the Metropolis*)
- Analysis of the concept of balancing interests, and of what would represent an appropriate balance between the interests to be protected (here, related to the interests of individuals, and of society, principally in expression which serves the purposes of a fully functioning democracy, against the interests of the state in preventing public disorder and crime)
- Evaluation of the balance struck by reference to the provisions analysed above, possibly concluding that there is a tendency in the courts to favour public order over freedom of expression

Credit any other relevant point(s).

Assessment Objectives Grid

	AO1	AO2	AO3	Total
1	1			1
2	1			1
3	1			1
4	1			1
5	1			1
6	5			5
7	2	3		5
8	3	4	3	10
9	5		10	15
10	10	10	10	30
11	10	10	10	30
Paper Total	40	27	33	100

Distribution of marks for substantive and non-substantive law

Question	Substantive	Non-substantive	Total Marks
1	1		1
2	1		1
3		1	1
4		1	1
5		1	1
6		5	5
7	5		5
8	10		10
9	5	10	15
10	30		30
11	23	7	30
Tot	75	25	100
Tot %	75	25	100