

Report on the Units

January 2007

H124/H524/MS/R/07J

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All Examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

The reports on the Examinations provide information on the performance of candidates which it is hoped will be useful to teachers in their preparation of candidates for future examinations. It is intended to be constructive and informative and to promote better understanding of the syllabus content, of the operation of the scheme of assessment and of the application of assessment criteria.

Mark schemes and Reports should be read in conjunction with the published question papers.

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REPORT THE UNITS

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Chief Examiners' Report

The January 2007 exam session was an exciting one for the Law team marking, as it did, the beginning of the new 4-unit specification. Inevitably, as with all new things, there was a sense of expectation as to how the new AS would perform by contrast with the previous specification. I am happy to report that it was as successful as we had anticipated.

The session was also a busy one for the AS teams, particularly the senior teams, as it incorporated resit exams in 2568 (Machinery of Justice), 2569 (Legal Personnel) and 2570 (Sources of Law), as well as the first sittings of G141 (English Legal System) and G142 (Sources of Law). There were around 1500 in each of the legacy resits. Although some teachers at INSET Training days had expressed concern at being, in effect, locked into entering Sources of Law in January under the new AS, and not feeling comfortable about teaching those topics first, G142 performed, as expected, comparably with the former 2570, and the size of the entry for G142 compared with the former entry for Machinery of Justice. Surprisingly, since it has much the larger specification content, a number of centres entered candidates for G141.

The individual Principal Examiners' reports and the statistical evidence show that the exams, both old and new, were generally successful for the majority of candidates who entered and that high grades were achievable in good numbers. As usual grades were overall at a higher level than might be expected from the June cohort. The spread of marks also points to good differentiation between candidates of different capabilities but that the papers were also accessible to all candidates.

Both G141 and G142 performed well. Although the Principal Examiner for English Legal System (G141) reported that some candidates showed signs of lack of knowledge and attributed this to the June sitting being more appropriate for the volume of content to be covered, nevertheless, candidates on the whole performed as well as candidates on average would do in Machinery of Justice and Legal Personnel in a January sitting. Candidates also responded well to the Section B questions, although the style of question in itself is not new. Candidates for G142 (Sources of Law) performed comparably with a June sitting of 2570 and well up on a normal January sitting of that paper. In general then it is hard to say other than the new AS has been successful at this sitting.

On Sources of Law, both papers (2570 and G142) candidates did well on a very popular statutory interpretation question despite the (b) questions being slightly different to the norm. It was very disappointing for the examiners that the numbers attempting the question on EU Law was even lower than usual, probably only around 1%. For sittings from January 2008 onwards candidates might expect papers without either statutory interpretation or judicial precedent, the usual favourites. It is therefore important that candidates should be well prepared for EU Law sources and questions in order to give themselves a real choice in the exam.

At A2, option papers on the 6-unit specification performed as usual for the sitting. There were some reports of better problem solving skills on certain papers and some of weaker evaluative skills on others but as usual the papers produced good differentiation and some very good individual scripts. The Special Study papers were generally done well and performance was similar to January 2005, the last time a theme was in its fourth sitting. This variation in performance over the duration of a theme on the Special Study was noted by the Awarding Team. While candidates are not considered to be disadvantaged at the start of a theme, because of the support given in the Special Study Materials and the narrow focus of the content, it was felt that teachers had a greater level of familiarity with the materials and with the style and content of questions towards the end of a theme. In order to prevent any unfair advantage being given to candidates at the end of a theme the favoured change is to maintain the materials and theme for one academic year only, January and June. This modification is likely to commence in January 2010 and so it is probable that the new theme commencing in January 2008 and

Report on the Units Taken in January 2007

currently due to end in January 2009 will be held over for another sitting in June 2009 and a resit in January 2010.

Other than that as usual I hope your candidates achieved what they deserved in the individual exams sat, and congratulate them all for their successes, particularly those that scored high UMS marks. I hope they continue to enjoy their study of the law and wish them all success in their June papers.

G141 English Legal System

General comments

This was the first sitting for this paper and there were more candidates than expected as the specification covers two thirds of the AS material. It was a very large volume of information to have covered in a term.

Different centres appeared to have varying success with the paper. Some centres had obviously prepared their candidates very well and they were able to answer four questions fully and to a high standard many gaining over 100 marks. However some centres had obviously had problems covering all the material and some candidates found it hard to find a fourth question they could answer competently and tended to use common sense or just make up the last answer.

There were no major problems with time management as almost all candidates managed to complete four questions although bullet points were sometimes used in the last question in order to finish in time.

Candidates should be reminded to use the mark allocation to help them work out their time management and spend twenty minutes on the part a) of each question and ten minutes on the part b). Many candidates wrote as much for part b) answers as they did for part a) answers.

It is disappointing that so many candidates still fail to enter the question numbers on the front of their scripts especially the large centres where this creates extra work for the examiner.

Comments on individual questions

1. This was by far the most popular question on the paper. Done very well by some candidates but others only managed a very basic answer with some confusion between stop and search and arrest. Many candidates only described stop and search under PACE although there are several other statutory powers which should also be described.

Part (b) varied from the well discussed balanced argument supported with statistics to a very basic reiteration of the description of stop and search with a final comment " this protects an individual's rights", which did not score high marks.

2. The question on juries also proved to be very popular. It was done very well by some candidates who explained the qualifications and selection procedure right up to trial very well. The majority of candidates however, were not clear on the selection procedure once the jurors had reached court and did not reach beyond low Level 3.

In part (b) although there were some excellent answers, many candidates had not really read the question and wasted time discussing why juries should be retained rather than just why they should be abolished.

3. Only candidates from a few centres attempted this question. Some were very good with a good grasp of the qualifications and appointment procedure of both superior and inferior judges and were also able to differentiate the training. Many missed out the qualifications or the manner of appointment.

Part (b) was either answered very well or rather poorly there were very few mid level answers.

4. This question was very rarely attempted and not usually done well if it was. A very few candidates had a good grasp of criminal legal funding and could describe the different both advice and representation well. Most candidates managed to describe the duty solicitor scheme at the police station but could not go any further.

Part (b) was disappointing as few candidates discussed anything more than the expense of the schemes.

5. Popular with some centres. Done very well by candidates from a couple of large centres but generally candidates were fairly good at explaining the track system but had no real understanding of the jurisdiction further than a division of work based on the amount of the claim.

Part (b) tended to be answered better with good comment on cost complexity and delay.

6. There were some very good answers to this very popular question. Part a and part b were equally well done with many candidates managing to score full marks on this question. The weaker candidates were confused about the aims of sentencing or did not describe them well. They often managed a better description of the factors.

Most candidates were able to identify at least the factors that would be relevant to the sentencing of Jade so very few candidates only reached level one or two in part b.

7. Most candidates could identify the different types of offence and give examples but few were able to describe the mode of trial process well for triable either way offences, which put most answers to part at top level 2 or bottom level 3. A few candidates answered the question very well with a good description of the mode of trial process. And gained high level 4 marks.

Part b was on the whole rather poorly done with good answers a rarity. Many of the weakest candidates in fact were very confused with and applied the factors in sentencing to deciding the court of trial.

G142 Sources of Law

General Comments

The overall standard of performance was good with a number of candidates achieving full marks. Candidates were well prepared for the exam, especially given the number of weeks they had to study; for many, this was a first experience of a law exam.

The vast majority of candidates attempted the statutory interpretation question. The number of candidates attempting the Europe source was disappointing. The responses in this area were also generally poor; in the main, the less prepared students attempted this question. This shows reluctance on the part of centres to focus on Europe. It is important to note that centres are not guaranteed the historical choice of statutory interpretation or precedent. In future, exam-sitting centres should plan accordingly.

Most candidates were able to make some use of the source material and demonstrated strong skills in this area by using it as a comparison or to illustrate and support argument. There were a small number of candidates who exclusively used it and an even smaller number who ignored it completely.

It was noticeable that candidates found question cii) the most challenging and found it difficult to evaluate. It is important that centres address evaluative skills as the questions will always be split for question c).

Nearly all candidates answered the questions within the time specified. A number of candidates attempted both questions, but they tended to give limited responses.

Exercise on Statutory Interpretation.

This was the most popular question. Candidates were well prepared for question a) and ci). Question b) had a range of answers, but cii) was disappointing.

- 1(a)** Most candidates could define the literal rule, but the quality of the definitions was variable. There was good use of citation, and the use of the source as a comparative tool. A number of candidates did not use the source.
- 1(b)** These mini problems were well answered, considering this was a new style of question. Most candidates could identify the most suitable extrinsic aid. A number of candidates hedged their answers by discussing a range of most suitable extrinsic aids. Most candidates found it difficult to link extrinsic aids with appropriate case law.
- 1(c)** There was a significant difference in the answers to ci) and cii). Part i) was answered much better in general.

For part (i), most candidates could define the mischief rule and support it with appropriate case law. A small number of candidates showed confusion in their understanding of the purposive approach. A number of candidates had limited awareness of Heydon's case and a number used the Golden Rule case to illustrate their understanding. The use of the source was inconsistent and this limited marks in this area. Centres should encourage students to use the source as much as possible.

Examiners Tip

Using the source is a skill and it is important to practice this skill with students. As a classroom exercise, try giving students a source without any questions. Get students to identify the most likely questions based on the source material. Alternatively, get them to identify what aspects of the source would be useful for the various questions.

The responses to part (ii) were very disappointing. A significant number of candidates could not discuss the strengths and weaknesses. Answers were undeveloped or did not have a balance.

Exercise on EC Law

Only a limited number of candidates attempted this question. Answers were variable. Despite there being some excellent answers in this area, the standard of responses was generally poor.

2(a) The standard of response was poor. There was little or no use of the source or citation. A number of candidates wrote about directives and regulations, or other aspects of Europe.

2(b) A number of candidates had no awareness of referrals, despite the information in the source. Most candidates were not able to distinguish between mandatory and discretionary referrals. A better appreciation of source-based skills would have supported candidates in their responses.

2(c)(i) Although there were some excellent answers, the majority of candidates could not reach above a Level 2 answer.

A number of candidates repeated directly the material in question a) or discussed general issues regarding Europe.

2(c)(ii) This was the worst attempted question on the paper. A significant proportion of candidates discussed Europe in the context of alcohol/tobacco or free movement. Answers had little or no development and relied purely on common sense. A number of candidates also discussed the disadvantages.

**Advanced GCE Law (H124/H524)
January 2007 Assessment Series**

Unit Threshold Marks

Unit		Maximum Mark	a	b	c	d	e	u
G141	Raw	120	91	80	69	58	47	0
	UMS	120	96	84	72	60	48	0
G142	Raw	60	54	48	43	38	33	0
	UMS	80	64	56	48	40	32	0

Specification Aggregation Results

Overall threshold marks in UMS (i.e. after conversion of raw marks to uniform marks)

	Maximum Mark	A	B	C	D	E	U
H124	200	160	140	120	100	80	0
H524	400	320	280	240	200	160	0

The cumulative percentage of candidates awarded each grade was as follows:

	A	B	C	D	E	U	Total Number of Candidates
H124	0	0	0	0	0	0	0
H524	0	0	0	0	0	0	0

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