



# **General Certificate of Secondary Education**

## **Law 3161**

**Foundation Tier 3161/F**

## **Mark Scheme**

*2007 examination - June series*

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## Foundation Tier

Suggested answers are neither prescriptive nor exhaustive.

Within Question 1, there are 3 sub-questions, each of which is to be marked out of 4 marks according to the following banded types of response. Marks are to be awarded for identifying the legal issue(s) involved, together with the quality of the explanation, showing the application of knowledge and understanding of the legal issues involved.

All 3 parts of Question 1 are to be marked according to the following banded marking scheme.

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**SECTION A****1****Total for this question: 12 marks**

In **each** of the following situations, identify whether it involves **civil** law, **criminal** law or **both civil and criminal** law. Identify the **specific** area of law involved, **and** briefly discuss the main issues which are likely to be raised in court.

- (a) Alan had just bought and repaired a large house which was converted into sheltered flats for older people. Because he was running short of money during the conversion, Alan decided to buy some second-hand gas boilers for the central heating. He serviced and installed them himself, despite not being qualified to do so. Unfortunately, one of the boilers exploded and one of the residents, Beth, was killed. (4 marks)

**Potential Content**

Recognition of both crime and tort **1 mark**  
 Recognition of the crime of manslaughter **1 mark**  
 Recognition of the tort of negligence **1 mark**  
 Development of crime based on gross negligence/"so bad" test/possible case  
 Development of negligence based on duty, breach, damage/possible case  
 Application and conclusion(s)  
*Recognition of crime only – max 3 marks*  
*Recognition of tort only – max 2 marks* **[AO1:4, AO2:0]**

- (b) Clyde was shopping in town and saw a stereo system in the window of Decks Ltd (D), a top-of-the-range hi-fi store. The hi-fi system was, in error, priced at £150 when it should have been £1500. Clyde insisted on having it for £150, but the manager refused to sell it at that price. (4 marks)

**Potential Content**

Recognition of civil law only **1 mark**  
 Recognition of contract law **1 mark**  
 Development based on discussion of offer/invitation to treat/acceptance  
 Case or example in support  
 Application and conclusion (*no contract*) **[AO1:4, AO2:0]**

- (c) Elizabeth is an experienced and well-respected teacher at Fineways School, where she teaches home economics. While reading *The Gazette*, her local newspaper, Elizabeth saw a letter from Heidi, a parent of a child at the school. This letter attacks the teaching of home economics, "especially to boys, and especially by a teacher who is more interested in the boys than the baking!" Elizabeth is furious, and is disputing what is being suggested in the letter. (4 marks)

**Potential Content**

Recognition of civil law only **1 mark**  
 Recognition of the tort of defamation **1 mark**  
 Potential for libel (letter + printed in *Gazette*)  
 Proof of defamation  
 Possible defences  
 Application and conclusion **[AO1:4, AO2:0]**

2

**Total for this question: 8 marks**

In **each** of the following situations, **identify** who is most likely to be trying the case, and **briefly** explain **why**.

- |   |
|---|
| (a) Ivy, aged 16, has been charged with actual bodily harm (abh) and is due in court next week. <span style="float: right;"><i>(2 marks)</i></span> |
|---|

**Potential Content**

(Youth Court) Magistrates	<b>1 mark</b>
Age of defendant/not a grave crime	<b>1 mark</b>
<i>Note – shopping list rule applies</i>	<b>[AO1:2, AO2:0]</b>

- |  |
|--|
| (b) John has been accused of a serious assault on a teacher. At an initial hearing, the magistrates decided that they should not try the case. <span style="float: right;"><i>(2 marks)</i></span> |
|--|

**Potential Content**

District Judge/Circuit Judge/High Court Judge/Jury	<b>1 mark</b>
Too serious for Magistrates Court – must go to Crown Court	<b>1 mark</b>
<i>Note – shopping list rule applies</i>	<b>[AO1:2, AO2:0]</b>

- |  |
|--|
| (c) Keith, despite being very well qualified, has been turned down for promotion in his job as a ladies fashion designer. A female employee, Lena, has been promoted instead, even though she is less well qualified and less experienced. <span style="float: right;"><i>(2 marks)</i></span> |
|--|

**Potential Content**

Tribunal members	<b>1 mark</b>
Sex Discrimination case – must go to Employment Tribunal	<b>1 mark</b>
<i>Note – shopping list rule applies</i>	<b>[AO1:2, AO2:0]</b>

- |   |
|---|
| (d) Megan was seriously injured at work in an accident caused by the negligence of Nazir. Megan has been awarded £120 000 damages by the High Court, much less than she was expecting. Megan is now planning to appeal. <span style="float: right;"><i>(2 marks)</i></span> |
|---|

**Potential Content**

Lords Justices of Appeal	<b>1 mark</b>
Court of Appeal (Civil Division) - only place where appeals of this nature can go	<b>1 mark</b>
<i>Note – shopping list rule applies</i>	<b>[AO1:2, AO2:0]</b>

**SECTION B**

**3**

**Total for this question: 30 marks**

(a)	Explain, in outline, what is meant by the following:	
	<ul style="list-style-type: none"> <li>• common law actions</li> <li>• probate</li> <li>• family-based cases.</li> </ul>	(4 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

- (i) An action in contract or tort
- (ii) Connection to wills (succession)
- (iii) Examples to include eg divorce, maintenance, orders under the Children Act etc

*Notional division of marks 2:1:2 (check Band at end)* **[AO1:3, AO2:1]**

(b)	(i) Describe the key features of the <b>Fast Track</b> procedure.	(3 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Case heard in local County Court  
 Claim between £5000 and £15 000  
 Max 6 months from issue of Claim Form  
 Trial within one day  
 Costs must be reasonable  
 Case Management by judge **[AO1:3, AO2:0]**

(ii)	Briefly comment on the <b>advantages</b> of this procedure.	(3 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Effective guarantee that the case will be heard reasonably quickly  
 Costs limited and controlled by the judge  
 Local hearing – convenient to the parties  
 Significant improvement on civil procedure pre 1999 **[AO1:0, AO2:3]**

(c) **Not** including training, outline **two** of the traditional differences between solicitors and barristers. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Identification of two relevant differences + some sensible development, eg areas of work, organisation of profession, responsibility to client, contractual position etc

*Note – only one dealt with: max 2 marks for a good answer* [AO1:2, AO2:1]

(d) Describe, in outline, the **specialist training** which must be undertaken by the following:  
 (i) a would-be solicitor;  
 (ii) a would-be barrister. (4 marks)

(i) and (ii)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

(i) Solicitor – law degree, LPC, 2 year training contract, professional skills course, enrolment  
 (ii) Barrister – law degree, Join an Inn, residential training (dining), BVC, 1 year pupillage, called to the Bar

*Note – only one dealt with: max 3 marks for a good answer* [AO1:4, AO2:0]

(e) With reference to barristers, explain what is meant by **QC** and, briefly, how such an appointment is made. (2 marks)

**Potential Content**

Translation of QC = Queen’s Counsel, or outline explanation, eg senior advocate (generally a barrister)

Appointment process by independent panel/post can now be revoked  
**1 mark**  
**1 mark**  
**[AO1:2, AO2:0]**

(f) Discuss whether the public would be better served by a single (fused) legal profession or by a divided profession, as it is now. (4 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Arguments for fusion, eg cost, easier communication, more specialists available ‘in-house’ etc  
 Arguments against fusion, eg loss of national specialist advocates, loss of second opinion etc  
 Discussion based on above (*credit other points*) + *a reasoned conclusion*

*Unbalanced argument: max 3 marks* [AO1:0, AO2:4]

- (g) With respect to the provision of legal advice, explain what is meant by the following:
- (i) Legal Help;
- (ii) Citizens Advice Bureau (CAB). (4 marks)

(i) and (ii)		
Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

(i) Legal Help – official government-funded legal advice scheme, solicitor or other contracted body, means test, excluded areas

(ii) CAB – local authority + government funding, free advice, volunteer service (some ‘professional’ help available), tends to specialise in social welfare issues

*Note – only one dealt with: max 3 marks for a good answer*

**[AO1:3, AO2:1]**

- (h) Outline how a claimant may qualify for Legal Representation in a civil case. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Government funded assistance with a court case

Means test/disposable income + capital/contributions

Funding Code criteria

Excluded areas

**[AO1:3, AO2:0]**



4

**Total for this question: 30 marks**

(a) There are two different types of magistrate who sit in the Magistrates' Court. There are lay magistrates and District Judges (Magistrates' Court).

Briefly explain the main differences between them. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Legally qualified/not, full-time/part-time, paid/unpaid, sit alone/sit in threes

Note – at least 2 differences for top Band

**[AO1:1, AO2:2]**

(b) As indicated in the first article, a Magistrates' Clerk is present in court to act as Legal Adviser to the magistrates. Briefly describe **one** other role carried out by a Magistrates' Clerk. (2 marks)

Recognition of eg training role, court administrator/paperwork etc	<b>1 mark</b>
Any sensible development showing reasonably sound understanding	<b>1 mark</b>
	<b>[AO1:2, AO2:0]</b>

(c) As indicated in the first extract, magistrates hear a range of different cases in court.

(i) Outline the **procedural** difference between a case of a **minor theft** and a **minor motoring offence**. (2 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Answer based upon limited understanding	<b>1 mark</b>
Band 2	Appropriate answer showing reasonably sound understanding	<b>2 marks</b>

**Potential Content**

"Motoring offences" - summary only/triable only by magistrates/max sentence

"Minor theft" - triable either way/Magistrates or Crown

Note – other differences (not necessarily strictly procedural) eg representation/sentencing –

Max Band

**[AO1:2, AO2:0]**

(ii) Briefly explain the type of work involved in cases concerning the following:

- families and children
- young people.

(3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

"Families and young children" – work of the Family Proceedings Court/elected + trained panel

Examples of work, eg judicial separation, maintenance, adoption etc

"Young people" – work of the Youth Court/elected + trained panel

Age limits/other features of the Youth Court, eg press limitations

**[AO1:3, AO2:0]**

(d)	Explain how magistrates decide on an appropriate <b>sentence</b> following a plea or verdict of guilty.	(3 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Factors to consider, eg age of defendant, plea, antecedents, aggravating + mitigating factors etc  
 Range of sentences available – custodial, community, fines, discharge **[AO1:3, AO2:0]**

(e)	Briefly comment on the <b>advantages</b> of using lay magistrates.	(3 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Recognition of and comment on appropriate advantages  
 Eg cheap, local involvement, common sense perspective, shared decision making etc  
*Note - at least 2 advantages discussed for top Band* **[AO1:0, AO2:3]**

(f)	(i) State the <b>three</b> basic qualifications for jury service.	(3 marks)
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18 -70 (18+), electoral register, (5 year) residence qualification **1 mark each**  
*Note – shopping list rule applies* **[AO1:2, AO2:1]**

(f)	(ii) Name <b>two</b> groups of people who may be <b>disqualified</b> from jury service.	(2 marks)
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Those sentenced 5+ years imprisonment, imprisonment/community sentence last 10 years (previous convictions), anyone on bail, mentally ill, those connected to case, unable to try the case fairly **1 mark each**  
*Note – shopping list rule applies* **[AO1:2, AO2:0]**

(g)	Briefly describe <b>one</b> problem of using juries in defamation cases.	(2 marks)
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Recognition of relevant problem, eg juries awarding damages **1 mark**  
 Any sensible development showing reasonably sound understanding, eg case **1 mark**  
**[AO1:2, AO2:0]**

(h)	Outline what is meant by a <b>majority verdict</b> in court and when such a verdict would be allowed.	(3 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Recognition that not all the jurors agree on a unanimous verdict (G/NG)

Initial requirement that verdict is unanimous

Numbers who must agree

Time limits

Possible reference to Act

**[AO1:3, AO2:0]**

(i)	Discuss any <b>disadvantages</b> of the system of trial by jury.	(4 marks)
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Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Eg Juries make mistakes, individual bias, individual incompetence etc

*Note – at least 2 points discussed for top Band, at least 3 for max*

**[AO1:0, AO2:4]**

**SECTION C**

**5**

**Total for this question: 30 marks**

(a) Explain what is meant by an **intention to create legal relations** when applied to an agreement between members of a family. *(4 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Recognition of the need for an intention to create legal relations as a contract essential  
 Presumption against a contract in family agreements  
 Presumption rebuttable with clear evidence  
 Case/example

*Note – no application required*

**[AO1:3, AO2:1]**

(b) With reference to the luxury holiday, discuss the following:

(i) taking into account Anton’s age, whether the purchase of the holiday would amount to a valid contract; *(4 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Is the holiday necessary or otherwise?  
 Statutory definition of necessities  
 Case/example

Application + conclusion

**[AO1:4, AO2:0]**

(ii) whether or not Anton could, if necessary, legally recover any of the £500 from Charlotte. *(4 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Holiday was booked by Anton - Charlotte was not a party to the original contract  
 Promising to pay afterwards would be based on past consideration  
 Would there be an intention to create legal relations even if Charlotte had agreed to share costs?

Possible case/example

Application + conclusion

*Answer based on consideration only – can achieve max. Answer based on intention only – max 3 marks.*

**[AO1:4, AO2:0]**

- (c) Taking into account Anton's age, discuss the legal position regarding the loans from Denis and FSL to Anton:
- (i) whilst Anton remains a minor;
  - (ii) after Anton's eighteenth birthday. (6 marks)

(i) and (ii)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

(i) Loans of money to minors are considered unenforceable against the minor

Minors Contracts Act 1987

Case/example

Application + conclusion

(ii) Contract remains unenforceable unless Anton ratifies the contract

Minors Contracts Act 1987

Possible case/example

Application + conclusion

*Note – in either (i) or (ii), credit reference to undue influence/unconscionable bargain re Denis*

*Note – only one aspect dealt with: max Band 2*

**[AO1:5, AO2:1]**

- (d) With reference to the car bought by Anton from Ellie, discuss the following:
- (i) Anton's contractual rights, taking into account the fact that the engine seized only five days after the car was bought;
  - (ii) how the legal position might have been different if Anton had bought the same car from a car dealer. (6 marks)

(i) and (ii)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

(i) Potential breach of contract depending on what was said at time of sale by Ellie. Otherwise

caveat emptor.

Sale of Goods Act will only apply if there is a breach of S.13

Potential remedy

Authority

Application + conclusion

(ii) Sale of Goods Act S.14

Satisfactory quality/fitness for purpose

Possible case/example

Application + conclusion

*Note – only one aspect dealt with: max Band 2*

**[AO1:3, AO2:3]**

- (e) If Anton were to pursue a case in respect of the car, it would almost certainly be heard through the Small Claims Track.

Identifying **at least one** advantage and **at least one** disadvantage, comment on how well the Small Claims Track meets the needs of the general public. (6 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

Identification of a relevant advantage, eg quick, cheap, convenient, local, DIY etc **1 mark**

Identification of a relevant disadvantage, eg limited appeals, no Legal Representation **1 mark**

Discussion based on the above + other relevant points

*Note – unbalanced answer: max Band 2*

**[AO1:2, AO2:4]**

**6****Total for this question: 30 marks**

- (a) Consider the various forms of **trespass** that may have been committed as a result of the following:
- (i) the illegal 'raves' on Gordon's farm;
  - (ii) the fly-tipping on Gordon's farm;
  - (iii) the threats made by Hamish to Gordon. *(8 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-5 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>6-8 marks</b>

**Potential Content**

(i) Trespass to land based upon unlawful entry/remaining on land

Case/example

Application + conclusion

(ii) Trespass to land based upon placing objects on land

Case/example

Application/conclusion

(iii) Trespass to the person based upon assault (definition)

Case/example

Application + conclusion

*Note – only one aspect: max 4 for an excellent answer. Only two aspects: max 6 for good answers*

*Notional 3:3:3 split may help – check Band at end*

**[AO1:6, AO2:2]**

(b) Ian is also considering suing Gordon in tort, and has been advised that he may have a case in either **trespass** or **negligence**.

Consider his chances of success, taking into account any **defence(s)** which Gordon may be able to plead. (8 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-5 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>6-8 marks</b>

**Potential Content**

Recognition of trespass to the person based upon battery (definition)

Case/example

Application/conclusion (*intentional?*)

Alternative action based on the tort of negligence

Duty, breach and damage

Case/example

Application/conclusion

*Note – only one aspect dealt with – max 6 marks*

Possible defences – inevitable accident and/or self-defence/defence of property

Case(s)/example(s)

Application/conclusion

*Note – candidates may deal with either or both defences and receive full credit*

*No defence(s) raised – max 6 marks*

*Answer based on defence(s) only – max 3 marks*

**[AO1:6, AO2:2]**



(c) Consider which form(s) of **trespass** may have been committed by Gordon with respect to the following:

- (i) Gordon's forcing Jock to drive him to the farmhouse and locking Jock in the shed;
- (ii) Gordon's taking and hiding the Land Rover. (8 marks)

(i) and (ii)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-5 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>6-8 marks</b>

**Potential Content**

(i) Recognition of trespass to the person in the forms of assault, battery and false imprisonment  
 Definitions  
 Case/example  
 Application + conclusion

(ii) Recognition of unlawful interference with goods based on trespass to goods/conversion  
 Torts (Interference with Goods) Act 1977

Definitions

Case/example

Application/conclusion

*Note – only one aspect dealt with: max Band 2*

**[AO1:6, AO2:2]**

(d) (i) Identify any **two** remedies which may be appropriate in a trespass case. (2 marks)

(i) Any two from damages, injunction, ejection, specific delivery **1 mark each**  
*Note – shopping list rule applies* **[AO1:2, AO2:0]**

(ii) Discuss which of these remedies would be better for Gordon in these circumstances and explain why you have chosen this remedy. (4 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Recognition that damages may compensate for loss, but can be slow and expensive

Recognition that an injunction will prevent future trespasses but will not compensate for past + equally slow and expensive

Recognition that ejection may provide an instant solution, but can be dangerous

Possible recognition that no remedy is perfect, combination may come closest

*Credit any other reasonably sensible points + credit any reasonably sensible, reasoned conclusion*

**[AO1:1, AO2:3]**

7

**Total for this question: 30 marks**

- (a) Ignoring any potential defence(s), discuss Kevin's criminal liability as a result of the following:
- (i) the threats made towards Owen;
  - (ii) the injury suffered by Ranjit;
  - (iii) the injury suffered by Sarah-Louise. *(8 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-5 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>6-8 marks</b>

**Potential Content**

(i) Recognition of common assault based on the crime of assault  
S.39 Criminal Justice Act 1988

Definition

Case/example

Application/conclusion

(ii) Recognition of gbh (definition). Recognition of abh (basic only).

*Mens rea* issue S.18 or S.20

Authority – Act/case/example

Application/conclusion

(iii) Recognition of abh (alternative gbh) – definition(s)

*Mens rea*

Authority – Act/case/example

Application/conclusion

*Note – only one aspect dealt with: max 4 marks for an excellent answer*

*Only two aspects dealt with: max 6 marks for two good answers*

**[AO1:6, AO2:2]**

- (b) Identify and briefly discuss any relevant defence(s) that Kevin may be able to plead with respect to the above incidents. *(3 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Re Owen – no apparent defence

Re Ranjit – intoxication/basic + specific = possible defence to S.18 charge: possible plea of self-defence if Ranjit hit Kevin first

Re Sarah-Louise – intoxication (as above) = no defence to a charge under S.47/S.20

Case(s)/example(s)

Application/conclusion

*Note – intoxication only can achieve max if well discussed/applied*

**[AO1:2, AO2:1]**

(c) Consider Lester's criminal liability for offences under the Theft Act 1968 with respect to the packet of peanuts. (6 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

(i) Definition of the crime of theft  
 S.1 Theft Act 1968/possible case or example  
 Application/conclusion

(ii) Definition of the crime of burglary  
 S.9 Theft Act 1968/possible case or example  
 Application/conclusion

*Only theft dealt with: max 5 marks, unless the response is comprehensive* **[AO1:5, AO2:1]**

(d) Consider Martin's criminal liability for the various offences he may have committed during the incident with Phil at the cash machine. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5 marks</b>

**Potential Content**

Recognition of theft (definition)/Authority/Application + conclusion  
 Recognition of robbery (definition)/Authority/Application + conclusion  
 Recognition of wounding (definition) Authority/Application + conclusion

*Note – theft only: max Band 1; robbery only: max Band 2; wounding only: max Band 1* **[AO1:3, AO2:2]**

(e) Identify the **two** courts before which the four friends are likely to appear, before decisions can be reached in their cases. (2 marks)

Magistrates Court + Crown Court **1 mark each**  
*Note – shopping list rule applies* **[AO1:2, AO2:0]**

(f) If convicted, all four could be facing lengthy custodial sentences.

Identify and comment upon the various **aggravating** factors (those things which make the incidents more serious) in the problem set out above. (6 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

Potential aggravating features, eg group action, unprovoked, violence with associated offences, use of weapons, use of phone camera ('happy slapping'), serious injury, possible racial attack.

*Identification only: max 3 marks*

Discussion based on any of the issues, eg should this factor aggravate? How much should it affect sentence?

*Note – credit any other sensible points raised in the context of sentencing/public disorder/binge drinking, etc* **[AO1:3, AO2:3]**

**8**

**Total for this question: 30 marks**

(a) Briefly explain the difference between a **void** and a **voidable** marriage. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Void marriage – definition + effect + example(s)

Voidable marriage – definition + effect + example(s)

Matrimonial Causes Act 1973

*Note – only one aspect: max 2 marks for a good answer*

**[AO1:2, AO2:1]**

(b) Identify and briefly discuss the key legal issue relating to the intended marriage of Ursula and Vasily. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Marriage Act 1949 as amended

Requirement of 7-day residence before a notice can be issued + 15 days after notice before ceremony

Possible alternative answer - do Ursula + Vasily know each other? Possible 'marriage of convenience'?

**[AO1:3, AO2:0]**

(c) Explain to Tom the legal requirements relating to **age** and **marriage**, and the potential consequences for Winston and Yolande if these requirements are not met. (4 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

**Potential Content**

Recognition that marriage under 16 would be void

Recognition that 16/17-year-olds require parent/court permission

Recognition that marriage valid despite lack of permission, possible prosecution for fraud

Matrimonial Causes Act 1973

**[AO1:3, AO2:1]**

(d) Describe the relevant law on marriage, relating to **witnesses, permitted times** and **legal venues**, that you will need to explain to Zak when you return his call. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based upon limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5 marks</b>

**Potential Content**

Witnesses – must be two competent witnesses

Permitted times – normally 8 am to 6 pm, unless a special licence exists

Venues – Church or other recognised religious building, Register Office, other approved premises

Authority, eg Marriage Acts 1949 + 1994

*Note – only one aspect: max 2 marks for a good answer*

*Only two aspects: max 4 marks for two good answers*

**[AO1:4, AO2:1]**

(e) In relation to the law on divorce, explain to Tom the legal meaning of the following terms which he has read in his leaflet:

(i) 'irretrievable breakdown', and how it can be proved;

(ii) *decree nisi* and *decree absolute*;

(iii) 'maintenance';

(iv) 'mediation'.

(10 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-3 marks</b>
Band 2	Answer based upon limited understanding	<b>4-7 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>8-10 marks</b>

**Potential Content**

(i) Marriage cannot be saved/proved by one of the 'five facts'  
Matrimonial Causes Act 1973

(ii) Stages in the divorce process/translations of the two terms  
Significance re status of marriage/6-week rule + purpose

(iii) Payment between (ex)-spouses on the break-up of a marriage  
Factors which the court will consider  
Matrimonial and Family Proceedings Act 1984

(iv) 'Counselling' process related to divorce  
Role of Relate/purpose if the marriage cannot be saved  
Family Law Act 1996

*Note – a notional 3:3:3:3 split may help: check Band at end*

**[AO1:6, AO2:4]**

(f) Choose **one** of the following legal requirements of a marriage:

- minimum age
- permitted times
- permitted venues
- one man and one woman.

Identify and comment upon the relevant law in relation to the requirement you have chosen. *(5 marks)*

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based upon limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

**Potential Content**

Identification of relevant legal issues **max 2 marks**  
 Commentary based on the above, showing critical understanding of the current law and possible suggestions for reform.

Eg “At the moment, permitted times of marriage are 8 am to 6 pm, unless special arrangements are put in place. This may have been appropriate in times when the lack of lighting was an issue, but not today. I would suggest either the rules are scrapped or the hours significantly increased to accommodate modern lifestyles. This would improve the law because ...”

**[AO1:1, AO2:4]**

**MARKING CRITERIA FOR QUALITY OF WRITTEN COMMUNICATION****Standard Criteria**

<b>High Performance</b>	Candidates spell, punctuate and use the rules of grammar with almost faultless accuracy, deploying a range of grammatical constructions; they use a wide range of specialist terms adeptly and with precision.	<b>4 marks</b>
<b>Intermediate Performance</b>	Candidates spell, punctuate and use the rules of grammar with considerable accuracy; they use a good range of specialist terms with facility.	<b>2-3 marks</b>
<b>Threshold Performance</b>	Candidates spell, punctuate and use the rules of grammar with reasonable accuracy; they use a limited range of specialist terms appropriately.	<b>1 mark</b>
<b>Below Threshold Performance</b>		<b>0 marks</b>

Having marked the candidate's script for subject content, recording the question totals for each question, you must review the script as a whole and according to the bands of marks defined above, decide on the mark to be awarded to the candidate for their quality of written communication including spelling, punctuation and grammar. This mark should be written in the next available mark box on the front of the answer book, and 'QoWC' written next to it in the corresponding question number box. Then you should add the question total marks together and add the 'QoWC' mark to give the grand total and enter this in the box for the total mark. The grand total for the whole paper (including 'QoWC') is the mark you should write and encode on the Examiner's Mark Sheet.



## GCSE LAW Paper

## ASSESSMENT GRID PER COMPONENT (Foundation)

Assessment Objective	1 Max. No. Marks	2 Max. No. Marks	3 Max. No. Marks
Question 1 (a)4 (b)4 (c)4	4 4 4	0 0 0	
Question 2 (a)2 (b)2 (c)2 (d)2	2 2 2 2	0 0 0 0	
Question 3 (a)4 (b)6 (c)3 (d)4 (e)2 (f)4 (g)4 (h)3	3 3 2 4 2 0 3 3	1 3 1 0 0 4 1 0	
Question 4 (a)3 (b)2 (c)5 (d)3 (e)3 (f)5 (g)2 (h)3 (i)4	1 2 5 3 0 4 2 3 0	2 0 0 0 3 1 0 0 4	
Question 5 (a)4 (b)8 (c)6 (d)6 (e)6	3 8 5 3 2	1 0 1 3 4	
Question 6 (a)8 (b)8 (c)8 (d)6	6 6 6 3	2 2 2 3	

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Question 7			
(a)8	6	2	
(b)3	2	1	
(c)6	5	1	
(d)5	3	2	
(e)2	2	0	
(f)6	3	3	
Question 8			
(a)3	2	1	
(b)3	3	0	
(c)4	3	1	
(d)5	4	1	
(e)10	6	4	4 OVERALL
(f)5	1	4	
SUB-TOTAL	59	21	4