



**General Certificate of Secondary Education
June 2012**

Law 41601

The English 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 senior examiners 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 examiner understands and applies it in the same correct way. As preparation for the standardisation process each examiner analyses a number of students' scripts: alternative answers not already covered by the mark scheme are discussed and legislated for. If, after this process, 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.

Further copies of this Mark Scheme are available to download from the AQA Website: www.aqa.org.uk

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GCSE Law

Suggested answers are neither prescriptive nor exhaustive.

Within the exam paper as a whole, questions are set involving a varying number of marks. Some of these use a banded mark scheme. When using a banded mark scheme, 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 and/or the level of critical awareness displayed. All answers must be judged according to the standard one would expect from a notional 16-year-old, under examination conditions.

Banded Mark Scheme

Band 0	Inappropriate answer showing no understanding	The number of marks will reflect the marks appropriate to the individual question
Band 1	Basic awareness	
Band 2	Answer based on limited understanding	
Band 3	Appropriate answer showing sound understanding	

In addition to the above banded mark scheme, the mark scheme for some questions will include marks for specific points. Such questions will clearly be identified in the detailed Mark Scheme which follows.

While it is not expected that alternative answers to such questions will attract credit, students may, on occasions, interpret questions in an unexpected way and produce answers which, though not expected, should still be credited. Answers such as these will be discussed during the pre-standardisation process in the period following each new examination and credited where appropriate.

Quality of Written Communication is to be assessed in certain questions within each paper. The relevant questions are clearly identified on the front cover of the question paper, and within the body of the paper it also carries the instruction 'Answer in continuous prose'. The mark bands for these questions indicate the criteria which examiners should use to decide the band in which to place a student's response, looking at both legal content and QWC to arrive at a band of 'best fit'.

Section A

- 1 Carefully read the scenarios below. Look at the list in the box above the scenarios and identify **which court** would be used for the hearing. Write your answers in the spaces provided.

- 1 (a) Andy has been charged with murder and has been sent for trial following his initial appearance at the Magistrates Court. (1 mark)

Potential Content

The Crown Court

1 mark

Answer as it appears, with no variations. Ignore spelling errors.

- 1 (b) Brian bought an expensive diamond ring for his wife. It cost him nearly £2000. The first time his wife wore the ring, a diamond fell out. The shop has refused to refund Brian's money. (1 mark)

Potential Content

The County Court (Small Claims Track)

1 mark

Answer as it appears, with no variations. Ignore spelling errors.

- 1 (c) Chas bought a new car from Dave's Autos which cost him £17 995. Six months later, the car developed numerous faults and now needs a new clutch and gearbox. Chas wants his money back, but the garage has refused. (1 mark)

Potential Content

The County Court (Fast Track)

1 mark

Answer as it appears, with no variations. Ignore spelling errors.

- 1 (d) Eric was convicted of theft and sentenced to two years' imprisonment. He and his solicitor believe that the sentence was too harsh. (1 mark)

Potential Content

The Court of Appeal (Criminal Division)

1 mark

Answer as it appears, with no variations. Ignore spelling errors.

2 Below is a description of the qualification and selection requirements to become a juror.
Fill in the gaps **(a)** to **(f)**, choosing the correct word or phrase from the box. *(6 marks)*

Award 1 mark for each word/phrase which students have correctly selected from the answers available.

To qualify for jury service, a person's name must appear on the **(a) Electoral Register**,

Answer as it appears, with no variations. Ignore spelling errors.

he or she must be aged between **(b) 18 and 70**

Answer as it appears, with no variations. Ignore spelling errors.

and must have been resident in the UK for the past **(c) five years**.

Answer as it appears, with no variations. Ignore spelling errors.

A potential juror will be sent a jury summons based on the names supplied by the **(d) Central Summoning Bureau**.

Answer as it appears, with no variations. Ignore spelling errors.

When in court, there will be panel of jurors, usually about 15, from which the individual jurors are chosen by **(e) ballot**.

Answer as it appears, with no variations. Ignore spelling errors.

Finally, each individual juror will be **(f) sworn in** before taking his or her place in the jury box.

Answer as it appears, with no variations. Ignore spelling errors.

- 3** In **each** of the following situations, state which **bail condition** is most likely be imposed and briefly explain **why** you have chosen that condition.

- 3 (a)** Frank has pleaded not guilty to an offence involving domestic violence. His trial is in two months' time. Frank's solicitor has asked the court for unconditional bail, but the prosecutor has objected to bail being unconditional. (2 marks)

Potential Content

Likely bail condition – restraining order to stop him contacting his wife/going to her home

Alternative bail condition – residence (elsewhere than with his wife). **1 mark**

Reason – to protect his wife from further offences/stop him interfering with a witness. **1 mark**

Note – credit other relevant answers/approaches provided the answer is tenable.

Note – the marks above can be awarded separately, eg right reason, wrong condition still gets 1 mark.

- 3 (b)** George has been charged with an offence of criminal damage to a car. He has previous similar convictions, most of which relate to his coming home drunk from his local pub after closing time. (2 marks)

Potential Content

Likely bail condition – curfew to cover the evening/night hours.

Alternative bail condition – restraining order not to go to his local pub. **1 mark**

Reason – to stop him committing further offences (not simply stopping him going to the pubs or getting drunk). **1 mark**

Note – credit other answers/approaches provided the answer is tenable.

Note – the marks above can be awarded separately, eg right reason, wrong condition still gets 1 mark.

- 3 (c)** Harun, a rich businessman with international connections, has been charged with a serious fraud offence. His solicitor says in court that Harun is a family man of good character who has lived in the UK for over 20 years. (2 marks)

Potential Content

Likely bail condition – surrender of passport.

Alternative bail condition – daily reporting to the police or a bail surety. **1 mark**

Reason – to deal with the risk of Harun failing to surrender (not simply to stop him carrying out his business activities). **1 mark**

Note – credit other answers/approaches provided the answer is tenable.

Note – the marks above can be awarded separately, eg right reason, wrong condition still gets 1 mark.

4 Identify the people labelled (a) to (e) in the following picture of a Crown Court at work. Write your answers in the spaces provided below the picture. (5 marks)
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Potential Content**4 (a)** The **judge** (High Court, Circuit, Recorder, District) **1 mark**

*Key words in **bold** are worth the one mark available for this question. If in doubt, please escalate to the Principal Examiner.*

4 (b) The **jury** or **jurors** **1 mark**

*Key words in **bold** are worth the one mark available for this question. If in doubt, please escalate to the Principal Examiner.*

4 (c) A **witness/someone giving evidence** **1 mark**

*Key words in **bold** are worth the one mark available for this question. If in doubt, please escalate to the Principal Examiner.*

4 (d) The defence **barrister/defence lawyer** (do not accept lawyer or solicitor) **1 mark**

*Key words in **bold** are worth the one mark available for this question. If in doubt, please escalate to the Principal Examiner.*

4 (e) The prosecution **solicitor (Crown Prosecutor or Crown Prosecution Service or CPS)** **1 mark**

*Key words in **bold** are worth the one mark available for this question. If in doubt, please escalate to the Principal Examiner.*

5 When an offender is sentenced, the court will take into account any **aggravating factors** (which will generally make the sentence harsher) as well as any **mitigating factors** (which will usually mean a more lenient sentence).

In the spaces below, identify or briefly describe any **three aggravating factors and any three mitigating factors.** (6 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5-6 marks

Potential Content

Note – this question is to be marked out of 6 in total. Notionally, you will be crediting 1 mark for each correct factor. Add these up to give you a total out of six. Then check the Banded Mark Scheme above. Is the answer overall sound, limited or basic? The overall mark can then be adjusted accordingly.

For example, a student may produce four completely correct answers which are fully creditworthy and two others which are close but not spot on. If you gave both marks for these, that would be over-generous. If you gave neither, you would be too severe. If you balance one against the other and award 5 marks, the student will be properly rewarded for his/her overall answer.

Aggravating Factors

Eg previous convictions (recent/similar), vulnerable victim, planning, high value, serious injury (not serious offence), use of a weapon, group action, under the influence of drink or drugs, failed to cooperate with the police, racially aggravated, multiple offences, etc.

Note – both offence and offender aggravating factors can be credited. **1 mark for each factor**

Mitigating Factors

Eg guilty plea, previous good character or first offence, remorse, no victim, impulsive or unplanned, low value, minor or no injury, provocation, family responsibilities, age of defendant (must be developed in some way), etc.

Note – both offence and offender mitigating factors can be credited. **1 mark for each factor**

6 In **each** of the following scenarios, state which remedy/or remedies could be granted **and** briefly explain why you have made this choice.

6 (a) Imran has been badly injured in a road traffic accident caused by the negligence of James. Imran's claim is being heard by the High Court. (2 marks)

Potential Content

Remedy – damages	1 mark
Reason – to compensate Imran for his injuries or damage/no other practical remedy available	1 mark

6 (b) Kelvin, a Premier League footballer, has been informed that *The Muckraker*, a Sunday newspaper, is planning to run a story about him. The story will be about Kelvin's private life, and will include an interview with an old schoolmate and close friend, Mike.

(2 marks)

Potential Content

Remedy – an injunction.

1 mark

Reason – to stop publication of the story/no other practical remedy available as the story has not yet been published/to protect Kelvin's privacy/ to prevent defamation or damage to reputation. **1 mark**

Alternative answer based on damages post-publication max 1 mark.

6(c) Nigel is very angry about the activities of his next-door neighbours. Regular bonfires have badly damaged Nigel's rare shrubs, and noisy, late-night parties are frequently preventing him from sleeping.

(3 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 mark
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3 marks

Potential Content

Remedy – Damages to compensate Nigel for the damage to his shrubs **and** an injunction (to limit the frequency of the bonfires/parties).

Note – a sound answer is most likely to be achieved by students who recognise both potential remedies and give appropriate reasons.

Only one remedy identified – normally max 2 marks, unless the answer contains a developed reason with additional detail.

Eg "Nigel has clearly been the victim of a private nuisance and will need to apply for an injunction to restrain the activities of his neighbour." This answer would be sound and worth 3 marks.

7 Briefly explain these stages for **each** of the following.

Stages in qualifying as a solicitor
Stages in qualifying as a barrister

(6 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5-6 marks

Potential Content

Solicitors – become a student member of the Solicitors' Regulation Authority, Legal Practice Course, two-year training contract, professional skills course, enrolment (Rolls of the Supreme Court).

Barristers – join an Inn of Court, Bar Vocational Course or Bar Professional Training Course, residential training (dining), pupillage, called to the Bar.

Note – only one aspect dealt with – max 4 marks for a very good answer.

Note – Law degree, CPE/GDL not creditworthy.

8 In the spaces marked **(a)** to **(e)**, write an appropriate word or phrase to show the relevant similarity **or** difference between lay magistrates and District Judges (Magistrates Court).

(5 marks)

Potential Content

(a) part-time (or equivalent phrase).

(b) District Judges are paid for their work (or equivalent phrase).

(c) Lay magistrates are not legally qualified/are trained specifically for their role (or equivalent phrases).

(d) District Judges are limited in exactly the same way (or equivalent phrase).

(e) Lay magistrates sit in the same cases as District Judges/have the same role, etc (if students answer by identifying the different areas of work, they must identify all three to get the mark).

1 mark for each correct answer

Section B**Question 9**

9	(a)	Outline what is meant by public law and by private law.	<i>(4 marks)</i>
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Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 mark
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3-4 marks

Potential Content

Public law – the law that governs the relationship between the state and all citizens
 Examples can include criminal law, constitutional and administrative law, human rights, etc.
 Private law – same as civil law, governs the relationships between individuals
 Examples can include contract, tort, family, etc.

Note – credit any other relevant points made.

Note – only one aspect dealt with – max 3 marks for a very good answer.

9	(b)	(i)	Identify two different criminal courts.	<i>(2 marks)</i>
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Potential Content

Magistrates Court, Youth Court, Crown Court, Court of Appeal (Criminal Division), Divisional Court of Queens Bench (not the High Court), Supreme Court.

Note – shopping list rule applies.

1 mark for each correctly identified court

9	(b)	(ii)	Identify two different civil courts.	<i>(2 marks)</i>
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Potential Content

County Court, The Family Proceedings Court (not Magistrates), High Court (or any of the three Divisions), Court of Appeal (Civil Division), Divisional Court of Family Division, Divisional Court of Chancery Division, Supreme Court.

Note – Small Claims can be credited, but not both Small Claims and County Court.

Note – shopping list rule applies.

1 mark for each correctly identified court

9 (b) (iii) Other than the courts, explain **three** differences between civil law and criminal law. (6 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5-6 marks

Potential content

Eg purpose of law (remedy v punishment), case brought by individual (claimant) v State (CPS), sue v prosecute, liable v guilty, different standard of proof, different outcomes (damages v prison), citation of cases, decision makers (lay people v judges), etc.

*Note – for each difference, students should say something relevant about civil **and** criminal law. Half the answer = half the credit.*

Note – this can be marked on a notional 2:2:2 basis – check Band at end.

Only 1 difference dealt with – max 3 marks for an excellent answer.

Only 2 differences dealt with – max 5 marks for two very good answers

9 (b) (iv) In some situations, a person can be liable in both civil and criminal law for the same incident. Comment on the advantages **and** disadvantages of one incident leading to a civil action and a criminal prosecution. (5 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5 marks

Potential content

Comments can include:

Advantages – some wrongs too serious to leave it to individuals to deal with; what would happen with victimless crimes? What if victim cannot take action? (eg victim dies); ensures wrongdoer is subject to both civil and criminal sanctions, justice is done by both punishment and remedy, etc.

Disadvantages – dual liability means two separate court actions, time and cost issues, etc.

Credit any other reasonably sensible points.

Note – unbalanced answer – max 4 marks.

9 (c) (i) Briefly explain the role of the following:

- a circuit judge in the Crown Court
- a High Court judge in the High Court
- Justices of the Supreme Court.

(8 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-3 marks
Band 2	Answer based on limited understanding	4-6 marks
Band 3	Appropriate answer showing sound understanding	7-8 marks

Potential content

Circuit judge – presiding over a trial on indictment.

To include, eg legal rulings, summing up for jury, sentencing, etc.

High Court Judge – presiding over a major civil trial (multi-track).

To include, eg legal rulings, delivering judgement, awarding remedy, etc.

Supreme Court Justices – five (or more) judges presiding over an appeal, on a point of law of general public importance.

To include, eg legal rulings, delivering judgement. Possible reference to precedent position.

Note – notional 3:3:3 mark split may help – check Band at end.

Note – only 1 aspect dealt with – max 4 marks for an excellent answer.

Note – only 2 aspects dealt with – max 7 marks for two very good answers.

- 9 (c) (ii)** Comment on how well judges carry out their role. **(Answer in continuous prose.)** **(5 marks)**

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

Add the two marks (for law and QWC) together. Then place the response in the band which provides the ‘best fit’ in the light of both the legal content and the QWC.

Band 0	Inappropriate answer showing no understanding. The student spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	0 marks
Band 1	Basic awareness. The student spells, punctuates and uses the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	1 mark
Band 2	Answer based on limited understanding. The student spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	2-3 marks
Band 3	Appropriate answer showing sound understanding. The student spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	4-5 marks

Potential content

Positive factors – eg all judges have practised in law prior to becoming judges, ie experienced and often more ‘in touch’ than many realise. All judges are supported by the doctrine of precedent, ie certainty of decision making. Judges are assisted in court by specialist barristers, ie improves quality of decision making.

Negative factors – eg many believe that judges are all old and out of touch with real life, educational elitism. Imbalance of male to female judges or race. Judges may sit in cases far from their own experiences in practice, etc.

A reasoned conclusion.

Note – credit any other sensible points raised.

Note – unbalanced answer – max 4 marks (assuming 2 marks for QWC, otherwise max 3).

9 (d) (i) With regard to the doctrine of precedent, explain the difference between a binding precedent and a persuasive precedent. <i>(4 marks)</i>

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 mark
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3-4 marks

Potential Content

Binding precedent – a previous decision (*ratio decidendi*) which must be followed by a lower court.

Case or example based on court hierarchy.

Persuasive precedent – a previous decision which can be followed but does not have to be

Case or example, eg *obiter dicta*, Privy Council decision, etc.

Note – only one aspect dealt with – max 2 marks.

9 (d) (ii) Briefly explain what is meant by a Law Report and briefly explain the importance of Law Reports. <i>(4 marks)</i>

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 mark
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3-4 marks

Potential Content

Collection of case reports dating from the 16th century to date. Probable example in support. Generally written by experienced barristers.

Importance – provides a library of judgements which judges and lawyers can rely on when making judgements and advising clients.

Note – credit any other sensible points made.

Note – only 1 aspect – max 2 marks.

- 9 (d) (iii)** Comment on the **advantages** of the use of case law, based on the doctrine of precedent. **(Answer in continuous prose.)** **(5 marks)**

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

Add the two marks (for law and QWC) together. Then place the response in the band which provides the ‘best fit’ in the light of both the legal content and the QWC.

Band 0	Inappropriate answer showing no understanding. The student spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	0 marks
Band 1	Basic awareness. The student spells, punctuates and uses the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	1 mark
Band 2	Answer based on limited understanding. The student spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	2-3 marks
Band 3	Appropriate answer showing sound understanding. The student spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	4-5 marks

Potential content

Advantages include: certainty of decision making, real life situations, possibility of growth, detail contained within the rules, ability of judges to avoid out-of-date precedents, etc.

Note – credit any other sensible points raised.

Note – no balancing arguments or conclusions required for max.

10 (a) With respect to law making in Parliament, explain the following terms.

- “.. both Houses of Parliament ...”
- “... various Readings ...”
- “... Parliamentary Committees ...”
- “... the Royal Assent ...”

(12 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-4 marks
Band 2	Answer based on limited understanding	5-8 marks
Band 3	Appropriate answer showing sound understanding	9-12 marks

Potential Content

“both Houses of Parliament” –

recognition of both the House of Commons (**1 mark**) and the House of Lords (**1 mark**).

Any sensible development beyond there, eg constitution, elected v (largely) appointed, relationship between the two Houses, etc.

“various Readings” –

First Reading – Formal presentation of a Bill to Parliament. MPs can take a copy to read. Generally two weeks gap before.

Second Reading – debate and division in the Commons. Possible reference to political influences (Party, Whips, etc).

Third Reading – debate on Bill and any amendments + Division. Final House of Commons stage before passing to House of Lords.

Note – recognition of number of Readings – 1 mark

“Parliamentary Committees” –

Detailed consideration of the Bill (**1 mark**)

Types and composition of Committees

Amendments

“the Royal Assent” –

Royal Assent by or on behalf of the Queen (**1 mark**)

Formal process/Bill to Act of Parliament

Note – notional 4:4:4:4 split may help (possible max with three v good answers) – check Band at end

Note – the identified marks would add up to the bottom of limited understanding. Relevant material beyond there will move the mark through that Band towards sound understanding.

<p>10 (b) (i) Outline what is meant by Parliamentary Supremacy and briefly explain how this principle is affected by membership of the European Union. <i>(5 marks)</i></p>
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Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5 marks

Potential Content

Basic definition of supremacy – legally, Parliament takes priority over other English sources (or equivalent wording).

Any sensible development, eg an example of Parliamentary supremacy or further development of the principle, eg Parliament can undo the work of its predecessors.

EU effect – where EU and domestic law conflict, EU prevails.

Possible reference to **Factortame** case.

Possible reference to direct effect of Regulations, indirect effect of directives, significance of ECJ decisions.

Note – one aspect only – max 3 marks.

- 10 (b) (ii)** Comment on the advantages of law making by Parliament. In your answer, you may find it helpful to refer to the extract. **(Answer in continuous prose.)**
(5 marks)

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

Add the two marks (for law and QWC) together. Then place the response in the band which provides the 'best fit' in the light of both the legal content and the QWC.

Band 0	Inappropriate answer showing no understanding. The student spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	0 marks
Band 1	Basic awareness. The student spells, punctuates and uses the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	1 mark
Band 2	Answer based on limited understanding. The student spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	2-3 marks
Band 3	Appropriate answer showing sound understanding. The student spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	4-5 marks

Potential Content

Advantages – democratic process, planned changes to the law, opportunities for public involvement, political involvement from other parties, press scrutiny, detailed consideration by the committee, etc.

10 (c) (i) In a **criminal** case, a person may be able to access the services of a duty solicitor. Explain where and when duty solicitors can be used **and** describe their role, both in and out of court. *(8 marks)*

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-3 marks
Band 2	Answer based on limited understanding	4-6 marks
Band 3	Appropriate answer showing sound understanding	7-8 marks

Potential content

Police station (**1 mark**) – further development, eg operates on a local rota, must be a qualifying offence, etc.

Role – based on legal advice only (telephone, pre-interview, interview, bail).

Magistrates Court (**1 mark**) – first appearance only, qualifying (imprisonable) offence.

Role – advice and representation (pre-court, in court, plea, bail applications, mitigation, etc).

In either situation – reference to the Access to Justice Act 1999/government funded.

Note – one aspect only – max 5 marks for a good answer.

- | |
|---|
| <p>10 (c) (ii) Comment on the advantages of the Duty Solicitor scheme.
 (Answer in continuous prose.) (5 marks)</p> |
|---|

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

Add the two marks (for law and QWC) together. Then place the response in the band which provides the ‘best fit’ in the light of both the legal content and the QWC.

- | | | |
|--------|---|------------------|
| Band 0 | Inappropriate answer showing no understanding. The student spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately. | 0 marks |
| Band 1 | Basic awareness. The student spells, punctuates and uses the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately. | 1 mark |
| Band 2 | Answer based on limited understanding. The student spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility. | 2-3 marks |
| Band 3 | Appropriate answer showing sound understanding. The student spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly. | 4-5 marks |

Potential Content

Available 24 hours a day and 365 days a year, free to client, good advice even before interview starts, best protection against oppressive questioning, better chance of getting bail, etc.

- | |
|--|
| <p>10 (d) (i) Identify the name of the scheme which provides government-funded legal advice. (1 mark)</p> |
|--|

Potential Content

Legal Help or Citizens Advice Bureau or CAB

1 mark

10 (d) (ii) Briefly explain how a person qualifies for Civil Legal Representation.
(4 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 mark
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3-4 marks

Potential Content

Means test – based on disposable income and capital (could be 3 marks if well explained).

Funding Code – criteria and exclusions. Eg Civil Legal Representation would normally be refused if there is an alternative dispute resolution available, for small claims cases, personal injury claims, or where the costs outweigh the benefits of funding. Civil Legal Representation more likely to be granted where the claim has a public interest issue at stake or where the applicant is particularly vulnerable (children, mentally ill, etc).

Possible reference to the *Access to Justice Act 1999*.

10 (d) (iii) Comment on the **advantages** of government-funded **and** privately financed civil cases.
(5 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-4 marks
Band 3	Appropriate answer showing sound understanding	5 marks

Potential Content

Government funding – invaluable to people of limited means, case would otherwise not get to court, poorest people can pursue the case at no cost, contributions for those who qualify for civil Legal Representation are within their means, etc.

Private finance – choice of own (trusted) legal representative, better guarantee of high quality advice/representation, etc.

Note – credit any other sensible advantages raised.

Note – only one aspect dealt with – max 3 marks.

GCSE LAW
ASSESSMENT GRID UNIT 1

	Maximum Mark	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3
Question 1	4	0	0	4
Question 2	6	3	0	3
Question 3	6	3	0	3
Question 4	5	2	0	3
Question 5	6	6	0	0
Question 6	7	3	0	4
Question 7	6	6	0	0
Question 8	5	0	0	5
Question 9	45	a) 4 b) 6 c) 5 d) 8	0 0 0 0	0 9 8 5
Question 10	45	a) 10 b) 5 c) 6 d) 2	0 0 0 0	2 5 7 8
SUB-TOTAL	90	46	0	44

ASSESSMENT GRID OVERALL

	Target	Achieved
AO1	30-40%	37.2%
AO2	20-30%	27.8%
AO3	30-40%	35.0%