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General Certificate of Secondary Education

Law 4162

Unit 1 41601 The English Legal System

Report on the Examination

2010 examination - June series

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LAW (41601)

General

This is the first year that the new AQA GCSE Law specification (4162) has been examined. Centres will have already noted the new examination format which represents a major change from the previous AQA specification.

We are pleased to report that well over 1000 candidates have already had experience of the new Paper 1 (41601) and, at first sight, responses have been encouraging. For those of you not familiar with the new format, both the specification document and the specimen examination materials are available on the GCSE Law webpage
http://web.aqa.org.uk/qual/newgcses/business/new/law_materials.php?id=05&prev=05

To summarise what is in place from now on:

- Tiering is a thing of the past. There will be a common examination covering candidates of all abilities.
- Coursework will no longer feature as part of the assessment process. All assessments for the new specification will be made through written examinations.
- All candidates will sit two examination papers, each one and a half hours long
- The specification is divided into two broad areas, namely the English Legal System and Law in Action, comprising revised substantive law sections. These two areas form the two examined units (41601 and 41602).
- Candidates are allowed, on two-year courses, to sit the two examinations in different years and also have the opportunity to resit any paper they have sat in Year 1.
- The English Legal System examination (Paper 1, 41601) consists of a multiple-question short answer section and a further section with a choice of one question from two, which examines an area or areas in more depth (much like the Section B questions in the legacy specification).
- The substantive law examination (Law in Action, Paper 2, 41602) consists of four topics (Tort, Crime, Family, and Rights and Responsibilities) from which candidates are required to answer two questions. Three of those areas are broadly in line with the legacy specification. However, this examination format gives centres some scope in terms of reducing the teaching content and concentrating on certain aspects of the substantive law subject content, if they choose to do so.
- The two examinations will be sat on different days.

You can keep track of any training sessions for the new specification in different parts of the country through the Teacher Support section of the website
http://web.aqa.org.uk/support/teachers.php The webpage for GCSE Law (see above) includes, in its Key Materials section, a Teacher Resource Bank, which contains a list of Resources and sample lesson plans, among other things.

Advice to teachers/candidates of GCSE Law

Regular readers will recognise the usual issues, and it is pleasing to report that standards are generally being maintained from previous years. This appears, at least in part, to be attributable to an improvement in the techniques of answering exam questions in general, and law examination questions in particular. It was clear from the pleasing number of excellent scripts seen (scripts well into the 70s out of 90 marks) that there is a great deal of well-informed and stimulating teaching going on around the country.

The general improvement in the quality of written communication was also maintained from previous years, with the large majority of candidates achieving at least the average level of performance one would expect from a notional 16-year-old candidate under examination conditions. This has probably been helped by the fact that the Quality of Written Communication (AO3) marks are now specifically assigned to particular questions, giving candidates a chance to try to perform at their best across a more limited range of questions.

Another feature commented on by examiners was the willingness of most candidates to attempt questions, even if the legal basis of the answer was a little shaky! It is obvious that the candidate who fails to answer a question and writes nothing must score zero. The candidate who writes something, even when not sure of the relevant law, may get some reward.

Nevertheless, weaknesses still occur and whilst these may follow familiar patterns from previous years, how they arise will still vary from year to year. The following is a list of the main issues arising from this year's examination, though regular readers will recognise a familiar format!

1. Specification coverage

With compulsory questions in Section A and only a limited choice in Section B, centres must ensure that they cover the full range of topics on the specification and produce both schemes of work and revision schedules which cover all of it. Whilst this year there were probably fewer questions which candidates did not attempt at all, there were still some areas where generally weaker responses were seen, often on a centre by centre basis. This suggests that certain areas had not been covered as well as others. This sometimes occurred in some surprising areas and included in particular:

- *Fast Track features* (Question 5)
  Most candidates were able to identify at least two, if not three, features of the Small Claims Track. However, it was noticeable that the same candidates were far less certain when it came to the key features of the Fast Track.

- *Legal advice and representation* (Question 7)
  It appeared obvious to all examiners that legal advice and representation was not an area of the subject content which many centres had paid much attention to and the marks for this question reflected that failing. Only about a quarter of the candidates achieved full marks on what should have been a straightforward question.

- *Differences between barristers and solicitors* (Question 8)
  Marks here were generally quite poor, perhaps especially in (e) and (f) but also, for some candidates, across the range.

- *Appointment of Magistrates* (Question 9d)
  Very few candidates were aware of anything other than basic details. Regular readers may remember that exactly the same point was made in last year's Report on the Examination (legacy specification 3161).

- *Jury selection* (Question 9e)
  Answers were generally good on the qualification aspect of the question, but selection was either ignored or only hazily known.

- *Green and White Papers* (Question 10a)
  Candidates in general were unable to expand upon the meaning of Green and White Papers and the differences between them.

- *Persuasive precedents* (Question 10e iii)
  The notion of a persuasive precedent was a mystery to far too many candidates.

As can be seen from the above list, there are some significant gaps occurring right across the range of questions and in both sections of the examination. Of course, when those gaps occur in areas where candidates get no choice (Section A), the effect of a lack of knowledge on the candidates' final grade becomes proportionally that much greater. The gaps themselves reflect perhaps too narrow a range, either in specification coverage or in terms of the revision programme.

AQA used to get comments from teachers that the legacy GCSE Law specification was very wide. The new specification has been deliberately drafted to retain the potential breadth of the legacy, but also give teachers and candidates the opportunity to select topics, especially in Paper 2. We await with interest your comments on the new specification where the content and potentially the teaching requirements have been reduced. The trick, from the teacher's point of view, is to teach candidates enough so that they can perform in the examination, but not so much that they flounder under a weight of detail. Many centres seem to be able to organise their teaching to achieve the desired objective, but others do seem to have more difficulty.

All centres are reminded that the Teacher Resource Bank on the website includes schemes of work for the new specification in both thematic and linear formats. The author of this Report has been using the thematic approach for more than twenty years and would definitely recommend it to the uninitiated! It provides the opportunity to teach law in context and, as the Themes unfold, builds in its own revision schedule. It also allows all the specification content (if the teacher chooses to teach it all) to be taught within a realistic timetable. I would especially recommend this approach where centres are preparing candidates in one year and where both examinations are going to be taken at the same sitting.

2. Answering the question

Without doubt, this is the most basic of examination instructions and whilst examiners have a reasonable amount of leeway to credit alternative, but still creditworthy, responses, only limited credit will be awarded if candidates fail to answer the basic requirement of the question. Inevitably, some candidates in this year's examination fell foul of this.

For example, Question 3 required candidates to state which **sentence** or **remedy** may be imposed and briefly explain **why**. Most candidates handled this pretty well, though a significant minority either failed to make the basic identification (or identified several potential sentences or remedies), or failed to justify their choice, or both. It follows that full credit would only be awarded if there was a justifiable link (at least in the candidate's eyes) between the sanction imposed and the reason for its choice. That link would best be made with **one** sanction chosen and a **clear reason(s)** for that choice. Candidates would do well to remember that as good technique for subsequent examinations.

In Question 9 (a) (i), the candidates were asked to **explain** three differences between the Magistrates Court and the Crown Court. It should be obvious that explaining a difference requires something to be said about both of the things being differentiated: in fact, this did not seem to be obvious to all candidates. A statement about one court without a balancing statement about the other can only attract limited credit.

In Question 9 (e), candidates were asked to describe/outline how jurors **qualified** and were **selected** for jury service. Good descriptions of qualification were all too often accompanied by sketchy or no descriptions of the selection processes and marks were inevitably sacrificed, simply by failing to answer the question as set.

Other examples of candidates failing to answer the question set were found in other parts of the examination.

However, a more positive feature was the generally better use of the stem material. This was very apparent in both Section B questions, though perhaps particularly in Question 10. This is a positive trend and to be encouraged, though some failings were still apparent. The key is to **use** the stem material, not just **copy** it!

3. Relating the answer to the number of marks available

This issue has been raised in successive Reports on the legacy examination, and it is pleasing to note that the majority of the candidates now seem to have got the message. The basic rule is simple: one- or two-mark questions can generally be answered quite briefly and the examiner will be looking for a specific word/phrase, Act of Parliament, etc. Questions which carry more marks require more depth/discussion/comment, depending on the 'trigger' word used (see below). Candidates who do follow this rule will inevitably score better than those who do not. As indicated last year, some candidates did themselves no favours by ignoring this basic instruction. For example, five- or six- (or more) mark descriptive/discussion/explanation or commentary part-questions, which can be found in all Section B questions, do require more than two or three sentences.

By contrast, questions prefaced with trigger words, such as ‘Name’, ‘State’ or ‘Identify’, will frequently carry only a limited number of marks with only an (accurate) minimum response required. Thus, in Question 9 (c) (iv), candidates were asked to ‘Identify four conditions which magistrates may impose on bail’. This question could be answered in very few words (eg curfew, reporting to a police station, residence, surrendering passport) for full marks. Three or more sentences and a more detailed explanation were not required.

4. Trigger Words

Great care is exercised during the setting process to ensure that the question is prefaced by the appropriate trigger word – name; state; identify; describe; discuss; comment on, etc. This care needs to be matched by the candidates when answering the question!

A good example of how things can go wrong is provided by Question 10 (d) (ii). The question asked candidates to ‘Identify and briefly discuss **one** example of a recent change in the law which Parliament has made. *(3 marks)*’. The identification mark was generally reasonably easily obtained, but the discussion was often very limited or even non-existent. This shows bad examination technique in two respects: failing to read and carefully respond to the question (some candidates ignored both ‘recent’ and ‘Parliament’ when identifying their change in the law) and also failing to respond appropriately to a clear trigger word.

5. The ‘Shopping List’ answer

The Mark Scheme for GCSE law is written in positive terms, and examiners are required to mark positively, giving credit for those aspects of an answer which are creditworthy, and generally ignoring those aspects which cannot be credited. However, the ‘shopping list’ or ‘scatter-gun’ approach to answering law questions will penalise candidates, as the following example, taken from this year’s legacy examination, illustrates. Centres should note that this rule was not enforced in this year’s new specification examination, but that is no guarantee that it will not appear in future examinations.

Example question: (from Question 3 (c) (iv), 3161/F)

> “Identify three conditions which magistrates may impose on bail.” *(3 marks)*
>
> *Answer: “curfew, residence, reporting to the police.”*
> All answers are correct = 3 marks.
>
> *Answer: “curfew, residence, reporting to the police, restraining order”*
> All four responses are (fortunately) correct = but still only the maximum 3 marks.
>
> *Answer: “curfew, residence, reporting to the police, removal of driving licence”*
> Three correct responses and one is wrong = 2 marks.

The rule that emerges is simple – there can be no benefit in giving more than the number of responses demanded by the question, and there can be a penalty where errors creep in. So STICK TO THE PRESCRIBED NUMBER is the only and best advice.

6. Citation of authority

This remains a significant problem, perhaps more so in relation to relevant case-law. Examiners reported this year that candidates, similarly to last year, often failed to cite relevant authority, even where the appropriate case could be seen as a 'standard'. Compared with earlier years, relevant Acts appeared a little more frequently (often gleaned from the stem, but that is perfectly acceptable), but section numbers and dates, or at least accurate dates, were more of a rarity. Centres are reminded of the general instruction to support answers by referring to relevant **statutes, cases** or **examples**. The latter opportunity is rarely used and would be credited.

The nature of Section A questions often precludes the giving of authority and therefore candidates would not be criticised for that. However, Section B questions, which are more in depth, certainly do not preclude it and candidates would be best advised to take advantage. When it comes to Paper 2 next year and beyond, candidates will be expected to include authority or the highest marks may well be out of reach.

The Section B questions this year did provide some opportunities for authority. For example, in Question 9 (c) (ii), candidates could have referred to the Bail Act 1976, but hardly any did. Question 9 (e) could have been supported by reference to the Juries Act 1974 and/or the Criminal Justice Act 2003 but, in practice, few candidates took the chance. In Question 9 (g), there were clear opportunities to cite authority relating to the shortcomings of jury trial but hardly any candidates took advantage. In Question 4 (c) (ii), there could have been references to the Factortame case and there were plenty of opportunities in the later precedent questions, but these opportunities were almost universally missed.

It cannot be stressed how beneficial cases and other authority are in terms of raising candidates' marks. We live, as ever, in hope that this Report next year will able to comment on a significant increase in the use of authority to support candidates' answers.

7. Out-of-date material

Examiners reported generally less evidence of candidates using seriously out-of-date material this year which, pleasingly, continues a trend noticed from previous years. However, a few instances still occur. For example, references to the pre-**Criminal Justice Act 2003** disqualification rules for jury service were still in evidence. Conversely, some centres still seem to be ahead of the game when it comes to the sentencing powers of magistrates. These provisions of the **Criminal Justice Act 2003** have not yet come into force and therefore the maximum sentence in a Magistrates Court remains at six months for a single offence, not 12 months as many candidates stated.

8. Quality of Written Communication (QWC)

The general improvement noted in recent years was maintained this year. The majority of candidates scored the standard 1 mark for QWC in those questions where QWC was assessed and there were generally more twos awarded than there were noughts. Misspelling specialist terms remains something of an issue, but better use of the stem material removed some of the more obvious errors that have occurred in previous years. On an equally positive note, the rising level of legibility, noted last year, was maintained this year, which is very welcome. Examiners also reported a little less use of slang expressions than in previous years but one particular bugbear remains (as it does every year). No matter how bad it may be, defendants are never “done for….”. Prosecuted or sued would be infinitely preferable! Equally, offenders do not “go down” for committing an offence. Imprisoned would be a much more appropriate term.

9. Rubric infringement

Relatively few candidates made rubric errors this year and the opportunity only existed in Section B if both Questions 9 and 10 were answered. Centres need to spell out a clear message to their candidates and that is to stick to the required number of questions. Surely the message from teachers should be that it is better to spend the time more wisely on the required number of responses rather than waste time and energy on additional questions to no benefit.

10. Commentary questions

Although the quality varied depending on the particular question, the general improvement in techniques, noted on last year’s legacy examinations, was generally maintained. In short, trying to find both positive and negative features and then drawing a reasoned conclusion is the best way to tackle such questions, and many candidates tried to adopt this approach. One-sided and/or non-concluded responses will tend to attract less credit, though there were questions in this year’s examination which only required one side of the argument to be discussed eg “the advantages of lay magistrates” from Question 9 and “the disadvantages of juries”, also from Question 9.

On a less positive note, commentary questions all too often produced disappointingly limited responses. One example will illustrate. Question 10 (e) (v) asked candidates to comment on the advantages and disadvantages of judicial precedent. Answers were at best very good, but too many candidates wrote very little and produced either one-sided responses or note-points with little or no development. This would have affected both the law and QWC aspects of the overall mark. It appears that centres need to work on commentary question technique. For the new GCSE Law specification, commentary questions will play a significant part in both examinations, so good technique is vital.

11. Answering problem questions in law

This section has been included not in relation to this paper, but as a help in relation to 41602, the substantive law paper, which will be sat for the first time next year. For many candidates, answering problem questions can be a difficult skill to acquire, and therefore it is hoped this section in the Report will be of help to candidates and teachers alike.

Examiners frequently comment upon the lack of organisation of the candidates' responses to problem questions, and therefore the following mini-guide may be of use.

(a) Identify the relevant fact(s) from the problem.
(b) Identify the relevant area of law raised.
(c) Quote relevant authority from that area of law.
(d) Apply that law to the facts of the problem.
(e) Draw the appropriate conclusion from that application.

For a trained lawyer, the above should be second nature, but not for a notional 16-year-old. Showing them the above guide and practising on past/specimen papers both individually and in groups should lead to better technique in next year's exam.

12. General Instructions to candidates

These remain broadly unchanged from year to year and should be drilled into candidates prior to the examination.

(a) Do complete personal and other details, including centre and candidate numbers on page 1 of the Answer Booklet. Many examiners comment that candidates should be completing these details for themselves. For examiners, this is a chore we could well do without! Surely every candidate should be doing this in every exam. Perhaps centres need to address this issue on a wider basis.

(b) Stay within the designated area for writing their answers. Candidates who write outside of those areas risk their responses not being picked up if the work is scanned into the computer. This could then affect their marks. If more space is needed, use a continuation sheet, and insert candidate and centre details at the top.

(c) Do try and write as neatly as possible, and, if you have time, go back and underline Acts and cases (but not in red).

(d) Do manage your time effectively. There are recommended times on the front of the question paper. Stick to them.

(e) Do not use any colour other than black. This is particularly important as, if these answers are scanned, other colours are not picked up as well.

(f) Do not use correction fluid.

(g) Do not waste time by writing out the question, nor indeed waste further time by writing out all the relevant law in an area and then picking the right bit for the answer. Answer the question as directly as you can.

The English Legal System (41601)

SECTION A

Question 1

This question, on people involved in the law, was well answered by the large majority of candidates. The only part-question which attracted any significant number of incorrect answers was Question 1 (b), which some candidates identified as a member of the legal profession. A few candidates got the wrong designation of judge in Question 1 (c), but Question 1 (a) and (d) produced almost exclusively correct answers.

Question 2

Most candidates scored at least five of the seven marks available on this question on barristers' training. Those areas where errors did occur included the wrong type of exam for non-law graduate entry or the wrong post-graduate barristers' professional qualification. Other than that, answers were generally good.

Question 3

Most candidates were able to recognise a suitable sentence or remedy but many then failed to link this part of the response to key features in the four scenarios in order to justify their choices.

In Question 3 (a), the popular choice was either prison (with the candidate focussing on Alan's seventh offence of theft) or a Community Order, usually with a Drug Rehabilitation Requirement (focussing on his serious drug problem). Either answer achieved full credit. More difficult to mark were the candidates who identified a particular sentence but who then failed to provide a relevant linked reason. Most of those candidates only gained one mark. Very few candidates suggested reasoned alternative disposals.

In Question 3 (b), most candidates recognised either damages or an injunction, and usually then said enough to justify the second mark.

Question 3 (c) was the most difficult to mark. Any of the standard sentences could have been justified. Unfortunately, candidates were rarely precise enough in their responses to pinpoint exactly why they were arguing for their chosen sentence. This was particularly so in relation to a prison sentence, where the obvious mitigating factors (age, plea, no previous) might have suggested otherwise.

Question 3 (d) produced an overwhelming number of answers involving damages claims, usually justified on the basis of a breach of contract by the shop. Two marks were therefore easily awarded.

Question 4

Most candidates scored well on this question with three, four or five marks awarded to the large majority. The problem parts were generally either (b) or (c), both of which contained one wrong statement and should have been marked with a cross. Generally speaking, questions (a), (d) and (e) were well answered.

Question 5

There were some excellent answers to this question on both the Small Claims Track and the Fast Track, with a significant minority of candidates achieving the maximum 6 marks. Where marks were lost, that tended to be in relation to the Fast Track, where generally the key features were less well known. Many candidates were able to score maximum marks on the Small Claims Track, which appeared to be particularly well known. Typical answers on the Small Claims Track included claims up to £5000, informal/straightforward procedure, self-representation, quick and cheap and heard by the District Judge in the County Court. All of these were creditworthy. Typical correct answers on the Fast Track included claims up to £15,000 (£25,000) (both old and new limits were credited this year), heard in the County Court by a Circuit Judge, maximum 30 weeks to hearing, maximum one day hearing and controlled costs. Again, all of these were creditworthy.

Question 6

Most candidates recognised the criminal court hierarchy and the majority were able to name the highlighted courts accurately. It was pleasing to note how many knew of the name change of the House of Lords to the Supreme Court, although full credit (this year) was given to either name. A common error was to put the European Court of Justice at the top of the hierarchy and work down, meaning confusion when naming the lower courts. As the question was set out, if candidates had started at the bottom with 6 (a) and the Magistrates Court, the rest should have just fallen into place, particularly with signposts given within the diagram.

Question 7

This question was auto-marked and then checked afterwards by a senior examiner. It is pleasing to note that the computer got it 100% correct!

It is interesting to note that a legal advice/representation question on the legacy specification examinations was generally badly done by many candidates. The new specification candidates were often as poor, especially as this question simply involved matching definitions to the type of help available.

Only about 25% of the candidates picked up all five marks, which does suggest that this topic would benefit from greater attention in centres. This will become even more crucial as and when this topic appears within Section B.

As there were 171 different variations of answers from the range of candidates (only one of which was all correct), it would be difficult to pick out where most marks were lost, though Legal Help was probably the worst-answered aspect.

Question 8

Answers to this question on the differences between barristers and solicitors were generally very disappointing.

In (a), many candidates failed to identify the Law Society as the governing body of solicitors. Part (b) was generally better answered, with a good proportion of the candidates either naming the cab-rank rule or providing an equivalent explanation which showed they understood the difference from solicitors.

In (c), most candidates were able to identify at least one of the inferior courts where solicitors would have an automatic right of audience. The Crown Court was the most common error. Part (d) was correctly answered by many, though the term 'partnership' was rarely used. "An office" or "offices" were not creditworthy.

Answers to parts (e) and (f) were the most disappointing, with very few candidates recognising that barristers work for an honorarium and that solicitors work for a contractual fee.

SECTION B

Question 9

This was easily the more popular of the two Section B questions. Common strengths and weaknesses were apparent and are detailed below. There were a significant number of very good/excellent responses and nearly all candidates achieved reasonable marks, with hardly any in single figures or even in the low teens.

(a) (i) This question on the differences between the Magistrates Court and the Crown Court was well answered by the majority of candidates. Differences in personnel, sentencing powers and types of offences were the popular and obviously creditworthy responses. Some dealt well enough with representation issues. There were some instances of a general failing in a question of this type: when dealing with a difference, candidates must deal with both sides of the difference, and also must not simply give the second one as a negative of the first. For example, "The Crown Court uses a jury and the Magistrates Court does not" would only attract limited credit. In addition, candidates can make the examiner's job a lot easier by dealing with the difference directly. Explaining various features of the Magistrates Court initially and then later detailing features of the Crown Court is not good technique.

(a) (ii) This question was generally less well answered, with many candidates simply restating the difference rather than commenting on the reason(s) for the difference. For example, an understanding that magistrates have limited sentencing powers could have been justified by a reference to a lack of legal qualifications in comparison with a professionally-qualified judge in the Crown Court. Such an answer would inevitably have attracted the two marks available.

(b) Most candidates recognised the legal advice role and picked up the couple of marks available for that key aspect. However, in a four-mark question, more was clearly needed. The court administrator role was understood by a reasonable number of candidates, and if properly described, together with legal advice, could have made maximum marks. Few candidates were aware of the clerk's judicial role in court, such as granting unconditional bail, or of their role in terms of magistrates' training, organising meetings, etc.

(c) (i) This part-question saw a straightforward two marks for most candidates, with arrest and search being the popular answers. A warrant of further detention was also offered by some candidates.

(c) (ii) Virtually all candidates were aware that bail involves the release of a suspect and the first mark available was readily awarded. The second mark required some sort of development, eg police or courts, presumption in favour of unconditional bail, conditions, Bail Act, etc. Most candidates arrived at two marks through some means. The weakest answers seemed fixed on the American system of paying to be released, and this was not creditworthy.

(c) (iii) The popular answers included a risk of failing to surrender, committing further offences and interfering with witnesses. The public and the accused's own protection also featured. It should be noted that the presence of a criminal record and/or an accusation of a serious offence are not in themselves a basis for objection. Candidates should have indicated why these factors may be an argument against unconditional bail.

(c) (iv) This question was a straightforward 3/4 marks for most candidates, achieved by a combination of residence, reporting, curfew (tagging), restraining order or surrendering passport. It should be noted that curfew and electronic tagging are not separate bail conditions: they go together as one condition.

(c) (v) Most candidates managed to say something sensible about both chosen conditions to acquire two marks. The third mark required a little more in-depth comment on one of those conditions. The best way to achieve this was to find a positive/negative aspect of that condition, eg 'reporting to the police enables the police to keep track of the accused and make sure he is still in the area, but would do little to prevent him re-offending away from the police station'. With respect to electronic tagging, many candidates seem to be of the view that this enables the police to know where the accused is at all times. This is an unduly optimistic view of the value of tagging!

(d) Appointment of magistrates was something of a mystery to many candidates. Some candidates re-hashed jury qualification/selection and inevitably scored badly. Some candidates simply ignored the question and moved on. Those candidates who were a bit better informed variously picked up marks for application, interview(s), and appointment by the Lord Chancellor. The role of the Advisory Committee, key qualities, training and swearing-in were outlined by only a few candidates.

(e) Answers on jury qualification (18+, electoral register, residence) were widely recognised, as was the notion of random selection. This, depending on the quality of the response, achieved 3/4 marks, which was the limit of many candidates' achievement. Top Band answers required more, either in terms of accurate descriptions of the disqualification, discharge, deferral rules under the Criminal Justice Act 2003, or with some indication of the selection processes both in and out of court. Jury vetting, the jury panel ballot, challenging and swearing-in were only mentioned by a small minority of candidates. Overall, the examiners had expected better responses to this standard question.

(f) The quality of written communication was generally good, most candidates scoring the one extra mark for average performance and with more candidates picking up two marks than scoring none. In relation to QWC, spelling was the most common problem. In relation to the law, there were some very detailed responses involving several comments on advantages of magistrates, including lay involvement, wider background than the judges and local knowledge. However, some answers were far too brief and amounted to little more than key points given in note form with little or no development. This would have affected both the law and QWC aspects of the overall mark.

(g) The commentary question on the disadvantages of trial by jury was better done by more candidates than the other commentary questions in Section B. The standard points relating to lack of legal understanding, bias, media pressures, threats/bribery, etc, were much in evidence and all creditworthy. It would be nice occasionally to see some case-law/statistical/research evidence in support of answers. For this topic especially, there is plenty out there! Quality of written communication followed much the same pattern as question 9 (f).

Question 10

This was the less popular option question, answered by about 10% of the candidates. There were some excellent responses seen, with marks into the thirties. Weaker responses were also seen, both across the board and also in respect of individual part-questions, where even the better candidates seemed to struggle. It is appreciated that this topic is less accessible to the ordinary 16-year-old and we do make allowances for that within the mark scheme.

(a) This question, on the purposes of Green and White Papers, produced either well-informed or, more generally, disappointing responses. The main failings were either an inability to divorce the publication of these documents from the parliamentary stages in the passing of an Act, or an inability to distinguish properly between the two. The notion of a government-sponsored discussion document with options for change, followed by a statement of government intent which forms the basis of the draft Bill, was lost on too many candidates.

(b) Answers to this standard question on parliamentary legislative process were generally quite strong, with a good number of candidates achieving, or getting close to, Top Band answers. The main strengths were probably the Committee Stage (by some candidates), the House of Lords (again by some candidates) and the Royal Assent (by most candidates). The main weakness was a common inability to distinguish properly between First and Second Readings. Candidates who used the stem material generally scored well enough on the role of the House of Lords.

(c) Answers to this question on the advantages and disadvantages of parliamentary law-making were generally encouraging. The popular responses, wisely using the stem material as suggested, focussed on the detailed consideration of Bills as they are processed by Parliament, the opportunity for public consultation and the revising role of the House of Lords. On the disadvantages side, the standard responses included the time it takes to process legislation, and many candidates were of the view that Parliament spends too much time on politics and not enough on law-making! They may be right!! On the whole, this produced a decent set of responses. Quality of written communication was as in Question 9, average for most candidates, and with more who were above average than significantly below.

(d) (i) Most candidates knew that supremacy meant highest or most powerful and when this was applied to Parliament it was not difficult for them to obtain one mark. Some development was required for the second mark and that proved more elusive. Those candidates who offered some development usually did so by reference to Parliament’s position in relation to the ECJ or European law. Relatively few candidates were able to say that, domestically, Parliament can pass or repeal any law made by a predecessor, and cannot be bound by a law made by a previous Parliament.

(d) (ii) This was a very new question on the GCSE Law paper and examiners were generally encouraged by the level of responses. The hunting ban, smoking ban or the creation of the Supreme Court were popular and sound responses, and with some development could make 2/3 marks with little real difficulty. Weaker responses were less focussed on the question demands of "recent" and "Parliament" and dealt with either very old or common law developments, which only attracted very limited credit. A few candidates offered non-existent changes in the law which could not be credited at all.

(d) (iii) The standard answer was to introduce EU law as the basis of a limitation on parliamentary sovereignty and candidates generally knew enough to pick up at least two out of the three marks available. A few candidates were even able to introduce either the Factortame case or make reference to the introduction of tachographs, either of which was creditworthy. Very few candidates looked at the alternative limitations, such as common law developments/statutory interpretation, delegated legislation, the Privy Council, etc.

(e) (i) Most candidates were aware that "hierarchy" implies a court structure and most of those were able to give some accurate examples. The better candidates were able to apply that in the context of precedent (higher binds lower). No more would have been demanded for a Band 3 response. Weaker candidates were less accurate!

(e) (ii) Virtually all candidates were aware that the House of Lords (Supreme Court) stands at the top of the court hierarchy, generally for one mark. Those candidates who then used the stem material were able to explain the effect and occasionally the significance of the 1966 Practice Statement. A very few candidates were able to cite cases where the Practice Statement had been used. Too many candidates simply settled for a basic answer, and failed to use the stem material.

(e) (iii) Surprisingly, the notion of a persuasive precedent was not well known by a significant number of candidates. The better informed were able to identify an *obiter dicta* statement or inferior court decisions, and both were creditworthy responses. Development beyond this was much more limited, and real case or other examples were hardly seen. This was a weak area for many candidates.

(e) (iv) Most candidates were aware of the importance of Law Reports as a historical record upon which later judges and others can draw. The examples were less certain, and the mark scheme was extended to include both the physical places where a Law Report might be found (Law Library, solicitor's office, court) as well as the name of one of the standard reports such as All England, Weekly or Times which was the original intention of the question.

(e) (v) Generally, the answers on the advantages/disadvantages of precedent were quite strong and the usual points (certainty, real-life, inflexibility, illogical distinctions, bulk and complexity) were well in evidence. Those candidates who used the Practice Statement from Extract 2, as advised, generally scored well. Weaker candidates offered simplistic answers based on the fact that precedent enables lawyers and clients to predict the outcome of their case, and this was the only advantage they named, with little or no development in terms of disadvantages.

Mark Ranges and Award of Grades (2010)

Grade boundaries and cumulative percentage grades are available on the Results Statistics page of the AQA Website: http://www.aqa.org.uk/over/stat.html .