

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.

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Set and published by the Assessment and Qualifications Alliance.

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. In general, marks can vary between a minimum of 3 marks up to a maximum of 12 marks. All of these questions, irrespective of the number of marks, are to be marked 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 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.

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 which band to place a student in, 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 and identify **who** would be hearing the **appeal**. Write your answer in the space provided. (4 marks)

<p>1 (a) Amir has been convicted of careless driving by his local Magistrates Court. He wishes to appeal against both his conviction and sentence. (1 mark)</p>

Potential Content

Judge and two magistrates

1 mark

Multiple answers – no credit

<p>1 (b) Ben has been convicted of robbery at the Crown Court and sentenced to 12 years' imprisonment. His solicitor has advised him to appeal against his sentence. (1 mark)</p>

Potential Content

Lords Justices of Appeal

1 mark

Multiple answers – no credit

<p>1 (c) Carly took her local garage to the County Court for selling her what she claimed to be an unroadworthy car for £1500. The case was dealt with through Small Claims. She lost the case on a point of law. Her solicitor has advised her to appeal. (1 mark)</p>

Potential Content

Circuit Judge

1 mark

Multiple answers – no credit

<p>1 (d) Denzel, an actor, brought a successful defamation case in the High Court against a newspaper, the Herald. The newspaper has already lost one appeal against that verdict and wishes to appeal again to a higher court. (1 mark)</p>
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Potential Content

Justices of the Supreme Court

1 mark

Multiple answers – no credit

[AO1:0, AO2:0, AO3:4]

2 Below is a description of some of the possible qualification and selection requirements to become a solicitor or a barrister. Several of those requirements are for **solicitors only**, several are for **barristers only** and several could apply to both **solicitors and barristers**.

In each of the boxes below, identify any **two** of these requirements (6 marks)

Award 1 mark for each word/phrase which students have correctly selected from the answers available. Where more than two answers are selected, all must be correct for the two available marks to be awarded. If not, the 'shopping list' rule applies, i.e. the maximum for that box will be 1 mark only.

At the end, insert 1 total out of 6 marks.

Potential Content

Requirements which apply to solicitors only – Legal Practice Examinations, Training Contract, Enrolment on the Rolls of the Supreme Court, Fellowship of the Institute of Legal Executives.

Requirements which apply to barristers only – Bar Vocational Examinations, Pupillage, Called to the Bar.

Requirements which could be for solicitors and barristers – law degree, A degree in a subject other than law, (Post)-Graduate Diploma in Law.

[AO1:3, AO2:0, AO3:3]

3 (a) After a trial in the Magistrates Court, Emrys has been found guilty of an offence of battery involving domestic violence. He has previous similar convictions. His partner has indicated to the court that, for the sake of their children, she does not wish to end the relationship. (3 marks)

Potential Content

Likely sentence – imprisonment **or** suspended sentence **or** Community Order. **1 mark**
Note – only award the mark for the sentence if the reason(s) attempts to justify the sentence

Factors – domestic context/vulnerable victim (often viewed more seriously), to protect his partner from further offences, recognition of similar antecedents, found guilty after trial, **but** recognition that it is a relatively minor offence (not abh or worse and/or max 6 months), parental responsibility, likely ongoing relationship, so better to address the problem in the community? **2 marks**

Note – credit other answers/approaches provided the answer is tenable (but not fine, discharge or award of compensation)

Note – right reasons, wrong sentence can still get up to 2 marks

[AO1:1, AO2:0, AO3:2]

3 (b) Frank has been charged with a minor offence of criminal damage to a car. He has no previous convictions. Frank's wife has recently left him after a fifteen-year marriage. The car belongs to Bruno, his wife's new boyfriend. (3 marks)

Potential Content

Likely sentence – fine or (conditional) discharge. **1 mark**

Note – only award the mark for the sentence if the reason(s) attempts to justify the sentence

Credit also an award of compensation to Bruno for the damage. **2 marks**

Factors – only minor criminal damage (max 3 months imprisonment), no previous convictions, significant mitigation around the personal circumstances (provocation).

Possible aggravating factor – deliberate/planned.

Note – credit other answers/approaches provided the answer is tenable (alternative sentences difficult to imagine?)

Note – right reasons, wrong sentence can still get up to 2 marks.

[AO1:1, AO2:0, AO3:2]

3 (c) Greta, a rich businesswoman, has been convicted in the Crown Court of a serious fraud offence. Her barrister says in court that Greta has children who still live at home, and that she is of good character with no previous convictions. She has also voluntarily started to repay the money she obtained by fraud. (3 marks)

Potential Content

Likely sentence – imprisonment **or** suspended sentence **or** Community Order. **1 mark**

Note – only award the mark for the sentence if the reason(s) attempts to justify the sentence

Factors – Recognition of serious offence, almost certainly being dealt with in the Crown Court, found guilty after trial, **but** family commitments, no previous convictions, voluntary compensation, remorse. **2 marks**

Note – credit other answers/approaches provided the answer is tenable (e.g. a large fine?)

Note – right reasons, wrong sentence can still get up to 2 marks.

[AO1:1, AO2:0, AO3:2]

4 In relation to the doctrine of precedent, explain each of the following: (8 marks)

Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1-2 marks
Band 2	Answer based on limited understanding	3-5 marks
Band 3	Appropriate answer showing sound understanding	6-8 marks

Note – this question is to be marked out of 8 marks in total. In practice, you will be crediting a notional 3:3:3 marks split between the three parts to the question. Add these up to give you a total out of a notional 9 marks. 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 one completely correct answer which is fully creditworthy (3 notional marks in total) and two others which are creditworthy but clearly not sound. If you gave both these other answers a notional 2 marks each (total now 7 marks), that may be over-generous. If you gave both 1 notional mark (total now 5 marks), you may be too severe. If you balance one against the other and award 6 marks, the student will probably be properly rewarded for their overall answer. You will notice that the overall mark falls within the Band showing sound understanding, but at the bottom of that Band. Apply the same principles to answers which are overall less creditworthy (limited or basic).

Potential Content

Ratio decidendi – translation, significance in terms of binding part of judgement/forms the precedent, case or example.

Obiter dicta - translation, significance in terms of persuasive part of judgement/do not create binding precedents, case or example.

Law Reports – written record of case judgements, available in different mediums, significance for future judges, example(s).

[AO1:8, AO2:0, AO3:0]

- 5 This is a diagram for you to show the structure of both the **civil** and the **criminal** courts. In the spaces marked **(a)** to **(f)**, write or complete the names of the first instance (trial) and appeal courts. (6 marks)

Potential Content

Award **1 mark** for each of the following answers (not necessarily spelt correctly, but must be recognisable).

(f) Supreme Court (not 'House of Lords')

(d) Court of Appeal

The Court of Appeal **(e)** (Civil Division)
NB Civil is the key word

(c) High Court (credit also any of the High Court Divisions, i.e. Queen's Bench Division, Family Division, Chancery Division)

(a) Magistrates Court. (credit also 'Youth Court')

(b) County Court (credit also 'small claims')

Note – to be marked out of a total of 6 marks at the end

[AO1:3, AO2:0, AO3:3]

6 Judges deal with a wide range of cases within the civil and criminal courts.

Outline the types of cases which can be dealt with by the following judges: (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

Circuit Judges

Trial of civil cases in the County Court / examples

Trial of criminal cases in the Crown Court/examples.

Possible reference to appeals heard in the County Court (from the District Judge in Small Claims)

Possible reference to appeals heard in the Crown Court (from the Magistrates/Youth Court.

High Court Judges

Trial of complex/high value cases in the High Court/examples

Trial of major cases in the Crown Court/examples

Possible reference to High Court judges sitting in the Divisional Courts dealing with appeals

Possible reference to HCJ's dealing with judicial review

Possible reference to senior HCJ's sitting in the Court of Appeal

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

[AO1:6, AO2:0, AO3:0]

7 In the spaces marked **(a)** to **(f)**, write an appropriate word or phrase to show the relevant difference between civil law and criminal law. (6 marks)

Potential Content

(a) individual (or equivalent word) (credit also 'claimant')

(b) Claimant

(c) Guilty or not guilty (both needed)

(d) on the balance of probabilities (or equivalent phrase)

(e) lay persons (magistrates and/or juries)

(f) damages (compensation) or injunction (accept other civil remedies)

1 mark for each correct answer

[AO1:3, AO2:0, AO3:3]

Note – "Shopping List Rule" applies. If the student offers more than one answer to any part-question, both answers must be correct for the mark to be awarded.

For example, in (f), damages and injunctions = 1 mark; compensation and fines = no marks.

SECTION B**Question 8**

8 (a) (i) Identify the three tracks used for civil actions in court. <i>(3 marks)</i>
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Potential Content

Small Claims Track (accept Small Track)

Fast Track

Multi-Track

1 mark for each correctly identified track

[AO1:3, AO2:0, AO3:0]

Any variations which might be correct, refer to Principal Examiner.

8 (a) (ii) Explain how any two of these tracks operate. <i>(5 marks)</i>

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

Small Claims Track – eg under £5 000 (accept also new limit of £10 000), (£1 000 personal injury), heard in the County Court, heard by a District Judge, only issue costs can be claimed, no representation required, encourages DIY, informal, limited rights of appeal.

Fast Track – eg up to £25 000, heard in the County Court, heard by a Circuit Judge, costs are strictly controlled, representation is normal, case heard within 30 weeks of issue, trial limited to one day, only one expert witness normally allowed, wider rights of appeal.

Multi-Track – eg claims over £25 000, heard in either County Court or High Court depending on complexity + value, heard by Circuit judge/H CJ as appropriate, representation is normal, judge sets the timetable for the hearing.

Note – students can pick any two to explain – if all three are explained, pick best two answers

Note – students are not required to make comparisons between the tracks chosen

Note – only one track explained – max 3 marks

[AO1:3, AO2:0, AO3:2]

8 (a) (iii) Briefly comment on the advantages of negotiation and the disadvantages of taking civil action through the courts. (Answer in continuous prose.) (5 marks)

Note: Quality of Written Communication is to be assessed in this part-question. Examiners should 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

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.

Potential content

Advantages of negotiation – e.g. agreed solution (preserves the relationship of the parties), no court or representation costs, solution quicker than going to court, flexible solutions (not just court remedies), private, protection of reputations, etc.

Disadvantages of court action – e.g. formal process (not always user-friendly), increased costs, can take months/years to get judgement, inflexible remedies, problems with enforcement, etc.

Note – credit any other sensible points raised

Note – candidates are not required to compare the two forms of dispute resolution, but answers may well be stronger where they do.

Note – only one aspect dealt with – max 4 marks (2 law, 2QWC)

[AO1:0, AO2:0, AO3:5]

8 (b) (i) Describe the work of a solicitor on behalf of a client.

(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

Legal advice or other legal work on behalf of a client, e.g. negotiation, conveyancing, probate, writing letters, filing claims, duty solicitor, etc.

Representing clients in court - rights of audience, (inferior courts as of right, superior courts only with solicitor advocate status)

Instructing a barrister to either give a specialist opinion on a potential case or to represent the client in court.

Note – all three areas must be addressed for a sound answer

[AO1:2, AO2:0, AO3: 3]

8 (b) (ii) Describe the work of a barrister.

(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

Paperwork – preparation for trial, giving of specialist opinions at request of solicitors/CPS

Advocacy – representing clients in court at all levels on the instructions of solicitors/CPS

Direct access to lay/professional clients

Note – all three areas must be addressed for a sound answer

[AO1:3, AO2:0, AO3:2]

8 (b) (iii) Briefly explain what is meant by 'QC'.

(2 marks)

Potential content

Translation – Queens Counsel (correct spelling not required) – **1 mark**

Any sensible development, e.g. experienced barrister/solicitor advocate, 10 year practice, application, taking silk, effect of appointment, rescindable, etc. – **1 mark**

*Note – alternative approach based on **two** 'development' points can still achieve 2 marks. Therefore, the 'translation' mark is not mandatory* [AO1:2, AO2:0, AO3:0]

8 (b) (iv) Consider the arguments for **and** against the divided legal profession. (5 marks)
(Answer in continuous prose)

Note: Quality of Written Communication is to be assessed in this part-question. Examiners should 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

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.

Potential content

For – eg specialist nature of current professions, barristers can give impartial/independent advice (not in touch with the client directly), best barristers are potentially available to all, value to the client in second opinion, etc.

Against – eg shorter lines of communication between client/lawyer court, cost (only having to pay one lawyer rather than two, less duplication of work), greater trust between client and lawyer in court, better for intending lawyers (don't have to specialise too early in training), etc.

Note – credit any other sensible points raised

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

[AO1:0, AO2:0, AO3:5]

8 (c) (i) Briefly describe the work of the Citizens Advice Bureaux (CAB). (3 marks)
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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 marks

Potential Content

eg Government-funded, advice agency, free to client (voluntary contributions), national network, staffed mainly by trained volunteers + some specialist support, often well placed in areas of greatest need + tend to excel in housing, employment, benefits, immigration advice etc.

Note – credit any other sensible points made

[AO1:2, AO2:0, AO3:1]

8 (c) (ii) Outline what is meant by Legal Help and how a person may qualify under this scheme. (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

What is it?

Government-funded, advice scheme (through the Legal Services Commission), specialist advice from solicitors, free to client if qualified.

Qualification

Means test based on capital and income.

Note – credit any other sensible points made

Note – both aspects must be addressed for sound understanding

[AO1:2, AO2:0, AO3:1]

8 (c) (iii) Briefly describe what is meant by a 'conditional fee arrangement'. (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

Also known as 'no win – no fee' – **1 mark** (students can achieve 4 marks without this specified mark) Arrangement applies to solicitor's fee only, solicitor's fee dependent on winning the case, 'success' fee + methods of calculation, insurance required by client to cover other side's costs if case lost, success fee + insurance premium recoverable from the other side if case won.

[AO1:3, AO2:0, AO3:1]

8 (c) (iv) Comment on the advantages **and** disadvantages of conditional fee arrangements. (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

Advantages include: fills the unmet need for middle income families (too poor to afford full fees, too rich for government schemes), risk is run by the solicitor/client (not by the taxpayer), up front insurance costs relatively affordable, availability of such arrangements now more widely understood, solicitor likely to work hard to win the case for the client etc.

Disadvantages include: court costs/barrister costs not covered by the arrangement, 'success' fee could be out of proportion to the risk run, what counts as a success? (full, reduced damages?), insurance premium may be unaffordable to poorest clients, ethical questions about win-at-all-costs solicitors etc.

Note – credit any other sensible points raised.

Note - No conclusions required for max

Note – only one aspect addressed – max 4 marks

[AO1:0, AO2:0, AO3:5]

Question 9

9 (a) Identify **one** difference between the operation of the Magistrates Court and the operation of the Crown Court. (2 marks)

Potential Content

For example – personnel, organisation of court(s), types of cases heard, sentencing powers, etc.

*Note – 2 marks can only be credited if the student accurately identifies **both** aspects of the difference. One aspect only = 1 mark* [AO1:0, AO2:0, AO3:2]

9 (b) (i) Outline the role of the Crown Prosecution Service (CPS). (3 marks)

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

Potential Content

Advising the police on potential for prosecution, reviewing cases submitted by the police, determining charges (or dropping the prosecution), making decision to prosecute based on sufficiency of evidence + public interest, preparing and presenting cases in court, instructing a barrister for major prosecutions, negotiating with the defence.

Note – sound understanding would require at least two of the above points to be raised [AO1:2, AO2:0, AO3:1]

9 (b) (ii) Outline **one** advantage and **one** disadvantage of the Crown Prosecution Service. (3 marks)

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

Potential Content

Advantages – eg objective view on whether to prosecute, saves time + costs of ‘hopeless’ cases, reduces the possibility of a ‘biased’ prosecution, etc.

Disadvantages – eg the CPS is expensive to administer, lacks independence (too close to the police?), only keen to prosecute when conviction is near certain, criteria for prosecution ignore the victim’s wishes, etc.

Note – max marks can be achieved with some development of only one aspect and identification of the other

Note – one aspect only – max 2 marks

Note – credit any other sensible points raised

[AO1:0, AO2:0, AO3:3]

9 (c) (i) ‘Criminal cases will be heard either in the Magistrates Court or in the Crown Court.’ Briefly explain how ‘the seriousness of the offence’ will help determine where a criminal case will be tried. (4 marks)

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

Potential Content

Recognition of minor (summary) offences – triable only in Magistrates Court

Recognition of serious (indictable only) offences – triable only in Crown Court

Recognition of mid-range (either-way offences) – triable in Magistrates or Crown Court/possible indication as to process for determining mode of trial.

Note - Credit can also be given for examples of the different types of offences

Note - Credit can also be given for explanations relating to sentencing and legal expertise

Note - Only 2 types of offences dealt with – max limited understanding

[AO1:2, AO2:0, AO3:2]

9 (c) (ii) Identify ‘the sentencing limits in the Magistrates Court’. (2 marks)

Potential content

Max 6 months, imprisonment for a single offence – **1 mark**

Second mark could be awarded for, e.g. max £5 000 fine, 12 months for two+ either-way offences, minimum 7-day sentence in the Magistrates Court.

[AO1:2, AO2:0, AO3:0]

9 (c) (iii) Identify **two** types of warrant which the police can apply for during the criminal process. (2 marks)

Potential Content

Any two from: eg arrest, search, warrant of further detention – **1 mark for each correctly identified warrant**

[AO1:2, AO2:0, AO3:0]

9 (d) (i) Briefly explain the difference between ‘unconditional’ bail and ‘conditional’ bail. (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

Unconditional bail – accused released with no restrictions

Conditional bail – accused released subject to certain requirements/restrictions

Credit also reference to Bail Act 1976, presumption in favour of unconditional bail, ground for objection to bail, police or court, bail etc.

Note – do not credit examples of bail conditions as these are in the next question.

[AO1:2, AO2:0, AO3:1]

9 (d) (ii) Identify **three** conditions which magistrates may impose on bail **and**, for each condition, a reason **why** that condition may be imposed. (6 marks)

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

Potential Content

Any three from the following. Award **1 mark** for the **condition** + **1 mark** for the **reason**:

Eg residence – so the police know where the accused is at night

Curfew/tagging - so the police/monitoring agency know where the accused is during curfew hours

Reporting – so the police know the accused is still in the area

Restraining condition – to protect the victim/witnesses

Removal of passport – to stop the accused fleeing the jurisdiction

Surety – to encourage a third party to take responsibility for the accused’s next court appearance

Security - to encourage the accused/a third party to take responsibility for the accused’s next court appearance

Appointment with solicitor, probation officer – to further the progress in the case on next appearance

Note – check the Band at the end (sound, limited, basic)

Note – credit any other sensible potential bail conditions or reasons raised

[AO1:3, AO2:0, AO3:3]

9 (e) (i) Briefly explain the role of a Magistrates' Legal Adviser (Magistrates' Clerk). (3 marks)
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Band 0	Inappropriate answer showing no understanding	0 marks
Band 1	Basic awareness	1 marks
Band 2	Answer based on limited understanding	2 marks
Band 3	Appropriate answer showing sound understanding	3 marks

Potential Content

Legal adviser to the magistrates in court, eg definitions of offences, sentencing powers, procedure
 Deals with all of the paperwork/recording of decisions in court
 Possible reference to pre-court administrator
 Possible reference to organises magistrates meetings/training, etc.

Note – credit any other sensible points raised

Note – at least two aspects for sound understanding

[AO1:2, AO2:0, AO3:1]

9 (e) (ii) Comment on the advantages and disadvantages of using lay magistrates in the criminal justice system. (Answer in continuous prose) (6 marks)
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Note: Quality of Written Communication is to be assessed in this part-question. Examiners should 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.	1-2 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.	3-4 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.	5-6 marks

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 4 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.

Potential Content

Advantages can include: lay involvement, shared decision-making, wider range of backgrounds than the professional judiciary, local knowledge, saves money, etc.

Disadvantages can include: lack of legal understanding, over-reliance on the clerk, inconsistency, limited backgrounds (middle-aged, middle class, middle minded)

Note – A sound answer must show some balance

[AO1:0, AO2:0, AO3:6]

<p>9 (f) (i) Explain how jurors qualify for and are selected for jury service. <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

Qualification ie 18+, residence, electoral register (**2 marks when accurate**)

Disqualifications, discharges, deferments

Possible statutory reference(s)

Selection ie Panel of names/Central Summoning Bureau – random selection

Vetting

Ballot + challenging

Swearing-in

Note – Qualification or Selection only – max 3 marks

[AO1:5, AO2:0, AO3:0]

9 (f) (ii) Comment on the **disadvantages** of the system of trial by jury.
(Answer in continuous prose)

(6 marks)

Note: Quality of Written Communication is to be assessed in this part-question. Examiners should 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 candidate 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 candidate spells, punctuates and uses the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	1-2 mark
Band 2	Answer based on limited understanding. The candidate spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	3-4 marks
Band 3	Appropriate answer showing sound understanding. The candidate spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	5-6 marks

Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 4 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.

Potential Content

Comments can include individual incompetence, bias, ignorance of the law, perverse verdicts, external pressures, over-reliance on the judge, etc.

Possible case-law in support, e.g. **Chapman, Ponting, Kronlid, Owen, Young** etc.

Possible conclusion (but not required for max marks)

Note – Credit any other reasonably sensible points

[AO1:0, AO2:0, AO3:6]

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	9	3	0	6
Question 4	8	8	0	0
Question 5	6	3	0	3
Question 6	6	6	0	0
Question 7	6	3	0	3
Question 8	45	a) 6 b) 7 c) 7	0 0 0	7 10 8
Question 9	45	a) 0 b) 2 c) 6 d) 5 e) 2 f) 5	0 0 0 0 0 0	2 4 2 4 7 6
SUB-TOTAL	90	46	0	44

ASSESSMENT GRID OVERALL

AO1 Target 30-40% Achieved 36.6%
AO2 Target 20-30% Achieved 27.8%
AO3 Target 35-40% Achieved 35.6%

Note – Achieved targets take into account that Paper 2 matches same assessment pattern as the Specimen Paper and previous examinations.