



**General Certificate of Secondary  
Education**

*Law*

**Specimen Mark Scheme**

**Unit 1: The English Legal System**

The specimen assessment materials are provided to give centres a reasonable idea of the general shape and character of the planned question papers and mark schemes in advance of the first operational exams.

Further copies of this Mark Scheme are available to download from the AQA Website: [www.aqa.org.uk](http://www.aqa.org.uk)

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Set and published by the Assessment and Qualifications Alliance.

## **Unit 1: The English Legal System**

Suggested answers are neither prescriptive nor exhaustive.

Within the examination paper, questions/part-questions carry a varying number of marks. In general, marks can vary between a minimum of 3 marks and a maximum of 15 marks. Mark all of these questions/part-questions, irrespective of the number of marks, according to the following banded types of response. Award marks 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. Judge all answers according to the standard one would expect from a notional 16-year-old.

### **Banded Mark Scheme**

|               |   |
|---------------|---|
| <b>Band 0</b> | <b>Inappropriate answer showing no understanding</b>  |
| <b>Band 1</b> | <b>Basic awareness</b>                                |
| <b>Band 2</b> | <b>Answer based on limited understanding</b>          |
| <b>Band 3</b> | <b>Appropriate answer showing sound understanding</b> |

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

While it is not expected that alternative answers to such questions will attract credit, candidates 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 at Standardisation meetings 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 question or part-question is 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 examiners should use to decide which band to place a candidate in, looking at both legal content and QWC to arrive at a band of 'best fit'.

**SECTION A**

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

**1** (a) Ivy, aged 16, has been charged with actual bodily harm (abh) and is due in court next week. (2 marks)

**Potential Content**

(Youth Court) Magistrates **1 mark**

Age of defendant/not a grave crime **1 mark**

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

**1** (b) Josef has been accused of a serious assault on a teacher. At an initial hearing, the magistrates decided that the offence was too serious to be tried by magistrates. (2 marks)

**Potential Content**

District Judge/Circuit Judge/High Court Judge/Jury **1 mark**

Too serious for Magistrates' Court – must go to Crown Court **1 mark**

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

**1** (c) Keith bought a new fishing rod for £120 from *Anglers*, a shop which sells fishing equipment. Two weeks later, the rod snapped while Keith was using it. *Anglers* have refused to refund Keith's money. (2 marks)

**Potential Content**

District Judge **1 mark**

Recognition of small claims (track) (County Court) **1 mark**

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

**1** (d) Megan was seriously injured at work in an accident caused by the negligence of Nazir. Megan has been awarded £120 000 damages by the High Court, much less than she was hoping for. Megan is now planning to appeal. (2 marks)

**Potential Content**

Lords Justices of Appeal **1 mark**

Court of Appeal (Civil Division) - only place where appeals of this nature can go **1 mark**

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

- 2** Below is a description of the training requirements to become a solicitor. Fill in the gaps, selecting the correct word or phrase from the box. **(6 marks)**

Award **1 mark** for each word/phrase which candidates have correctly selected from the answers available. The passage should read as follows.

Following A Levels, most people who wish to become solicitors will study for a **LAW DEGREE** at university. Alternatively, students who take a different degree will have to follow a year's study leading to the **COMMON PROFESSIONAL EXAM**. After that, people who wish to become solicitors will have to follow a year's further study on the **LEGAL PRACTICE COURSE**, followed by a **TRAINING CONTRACT**, usually working in a solicitor's office. This period of practical training lasts for **TWO YEARS**. Finally, trainee solicitors will have their names entered on the **ROLLS OF THE SUPREME COURT**, at which point they are fully qualified.

**6 marks**

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

In **each** of the following situations, state which **punishment** or **remedy** may be imposed by the court, and briefly explain **why**.

- 3** (a) Ian, aged 22, has been arrested, for the third time, for driving whilst disqualified. This time, he was also found to be more than twice over the legal alcohol limit for driving. Ian intends pleading guilty to both offences at the Magistrates' Court. **(2 marks)**

**Potential Content**

Likely punishment - imprisonment

**1 mark**

Recognition of aggravating features – third offence; drink; offence which is 'so serious'

**1 mark**

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

- 3** (b) Janice lives on a housing estate with her husband, Kamal, and young family. The Larkin family lives next door. Kamal is constantly being woken up by various DIY noises coming from next door, including the use of drills and hammers, and the Larkins' teenage children play loud music until the early hours of the morning. **(2 marks)**

**Potential Content**

Recognition of injunction (or damages) as appropriate remedy

**1 mark**

Recognition of civil (nuisance) case/need to prevent future disturbance (or compensate for damage caused)

**1 mark**

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

- 3** (c) Marta, aged 50, has pleaded guilty in her local Magistrates' Court to shoplifting. Marta has no previous convictions, and cannot understand why she committed the offence as she had plenty of money in her purse to pay for the goods. (2 marks)

**Potential Content**

- Likely punishment – discharge or fine **1 mark**  
 Offence which is relatively less serious/mitigating factors, including plea **1 mark**  
 [AO1:1, AO2:0, AO3:1]

- 3** (d) Nino agreed to buy a motorbike from Otis for £5 000. On the day when payment and delivery were to be made, Otis refused to sell. Nino knows of an identical bike for sale at a garage in town for £5 500. (2 marks)

**Potential Content**

- Recognition of damages **1 mark**  
 Recognition of civil (breach of contract) claim/recognition of (£500) loss **1 mark**  
 [AO1:1, AO2:0, AO3:1]

Indicate whether each of the following statements is **true** or **false** by writing **TRUE** or **FALSE** in the space provided.

- 4** (a) Legal Help is a government-funded scheme used to give legal advice. (1 mark)  
 (b) Duty Solicitors can be used in both civil and criminal cases. (1 mark)  
 (c) Citizens Advice Bureaux are run by trained volunteers and give free advice. (1 mark)  
 (d) 'No win, no fee' arrangements are paid for by the government. (1 mark)  
 (e) Government-funded schemes for representation in court are all means-tested. (1 mark)

- (a) True **1 mark**  
 (b) False **1 mark**  
 (c) True **1 mark**  
 (d) False **1 mark**  
 (e) True **1 mark**

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

- 5** Identify **four** different bail conditions which can be imposed by the police or in court. (4 marks)

For example: residence, curfew (tagging), restraining order, report to police station, surrender passport, bail securities, bail sureties, keep appointment with solicitor/probation service, etc.

**1 mark each for different bail condition**

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

**6** Insert, in the spaces marked **6(a)** to **6(d)**, the names of the courts in the following diagram of the structure of **civil** courts. **(4 marks)**

- (a) The House of Lords **1 mark**
  - (b) The Court of Appeal (Civil Division) **1 mark**
  - (c) The High Court (of Justice) **1 mark**
  - (d) The County Court **1 mark**
- [AO1:2, AO2:0, AO3:2]

**7** Identify the people labelled **(a)** to **(e)** in the following picture of a Crown Court at work. Write your answer on the line provided below the picture. **(5 marks)**

- (a) The judge **1 mark**
  - (b) The jury **1 mark**
  - (c) The defendant/accused **1 mark**
  - (d) The (defence) barrister **1 mark**
  - (e) The representative from the CPS/Crown Prosecutor/(instructing) solicitor **1 mark**
- [AO1:2, AO2:0, AO3:3]

**8** The table below refers to the differences between civil and criminal law. In the spaces marked **(a)** to **(e)**, write the appropriate word or phrase to show the difference between civil and criminal law. **(5 marks)**

- (a) punish **1 mark**
  - (b) Private law **1 mark**
  - (c) claimant/individual **1 mark**
  - (d) liable **1 mark**
  - (e) beyond all reasonable doubt **1 mark**
- [AO1:2, AO2:0, AO3:3]

**SECTION B**

**9** Study the extract below and then answer **all** parts of the question which follows.

**9** (a) Outline the important differences between **civil** and **criminal** courts (4 marks)

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

**Potential Content**

Eg Different court structures

Decision making by a single judge/shared decision making

Decision making by a legal professional/decision making by lay people

Representation differences (particularly at magistrate level)

Differences relating to cost + speed of operation, etc

*Credit any other relevant differences*

*Note: minimum 2 differences for top Band answer, minimum 3 differences for max marks.*

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

**9** (b) Outline any two different types of case heard by the County Court.

(4 marks)

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

**Potential Content**

Eg Common law actions, divorce/other family actions, probate, land, bankruptcy, companies, equitable matters, etc.

*Note: two areas for a top Band answer (some development required for max)*

*Financial limits are not required, but would show sound understanding (where accurate)*

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



- 9** (c) The Civil Procedure Act 1997 introduced a system for dealing with civil cases based on each case being allocated to the appropriate track. Explain what is meant by:
- 9** (c) (i) the Small Claims Track;
- 9** (c) (ii) the Fast Track. (4 marks)

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

**Potential Content**

- (i) Under £5000, quick, cheap and informal, District Judge  
(ii) £5000 - £15000, Circuit Judge, 6 months from issue of claim form, limited costs, max 1 day hearing.

*Note: only one dealt with – max 3 marks for a very good answer* [AO1:4, AO2:0, AO3:0]

- 9** (d) (i) Explain how, and in what circumstances, negotiation might be used as a method of dispute resolution. (4 marks)

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

**Potential Content**

- Eg Negotiation – before or following commencement of civil action, particularly where damages/financial settlement is being claimed  
Settlement negotiated by parties, their solicitor or insurance companies  
95%+ of civil actions settled in this way

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

- 9** (d) (ii) Comment on the advantages **and** disadvantages of a claim being settled by negotiation. (5 marks)

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

**Potential Content**

- Generally speaking both quicker + cheaper, more informal, private hearing/settlement + avoids publicity, preserves the relationship of the parties, etc, but negotiation may not achieve a binding settlement

Final nature of settlement precludes further action/appeal if settlement proves to be inadequate  
Levels of settlement generally lower than if the case has been pursued to court

*Unbalanced answer – max 4 marks for a very good response* [AO1:0, AO2:0, AO3:5]

|          |     |  |                  |
|----------|-----|--|------------------|
| <b>9</b> | (e) | Explain <b>three</b> differences between the Magistrates' Court and the Crown Court. | <i>(6 marks)</i> |
|----------|-----|--|------------------|

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

**Potential Content**

Eg Differences in personnel (magistrates/judge + jury)

Differences in sentencing powers

Differences in representation (solicitors/barristers)

Differences in types of offence (summary/indictable)

Differences in range of jurisdiction (geographical + types of cases) etc

*Notional 2:2:2 split – check Band at end**Only one dealt with – max 3 for an excellent answer**Only two dealt with – max 5 for an excellent answer**No shopping list rule to apply*

[AO1:2, AO2:0, AO3:4]

|          |     |  |                  |
|----------|-----|--|------------------|
| <b>9</b> | (f) | Describe, in outline, how lay magistrates are appointed. | <i>(3 marks)</i> |
|----------|-----|--|------------------|

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

**Potential Content**

Application

Role of Advisory Committee

Two-stage interview

Appointment by Lord Chancellor

Training + swearing-in

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

|          |     |  |                  |
|----------|-----|--|------------------|
| <b>9</b> | (g) | Describe how jurors qualify and are selected for jury service. | <i>(5 marks)</i> |
|----------|-----|--|------------------|

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

Qualification (electoral register, 18-70, residence)

Disqualifications, discharges, deferments

Panel of names – random selection

Ballot

Vetting + challenging

Swearing-in

Statutory authority

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

|          |         |   |                  |
|----------|---------|---|------------------|
| <b>9</b> | (h)     | Comment on how well each of the following carry out their role within the criminal justice system. <b>(Answer in continuous prose.)</b> |                  |
| <b>9</b> | (h) (i) | Lay magistrates.  | <i>(5 marks)</i> |

**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 use 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 candidate 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 candidate 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**

Comments can include lay involvement, shared decision making, wider range of backgrounds than the professional judiciary, etc

However, issues of local bias, inconsistency, middle-aged, middle-class, middle-minded, etc

Conclusion

*Unbalanced answer – max 4 marks*

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

|          |     |      |         |                  |
|----------|-----|------|---------|------------------|
| <b>9</b> | (h) | (ii) | Jurors. | <i>(5 marks)</i> |
|----------|-----|------|---------|------------------|

**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 use 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 candidate 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 candidate 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**

Comments can include lay involvement of ordinary people, not case hardened, public confidence, long history, etc

However, individual incompetence, bias, ignorance of the law, perverse verdicts, etc

Conclusion

*Unbalanced answer – max 4 marks*

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

**10** Study the extract below and then answer **all** parts of the question which follows.

**10** (a) When considering passing an Act of Parliament, the Government will often issue both a **Green Paper** and a **White Paper**.

Briefly explain the purpose of **each** of these two documents. (3 marks)

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

**Potential Content**

Green Paper – government-published document, proposals for changes in the law  
sets out potential options, invites comments/proposals, etc

White Paper – government-published document, contains firm proposals for changing the law  
Effectively forms the basis of the subsequent Bill [AO1:3, AO2:0, AO3:0]

**10** (b) (i) Explain the role of the House of Commons in the passing of an Act of Parliament; (5 marks)

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

**Potential Content**

Elected chamber – MPs

Process – Readings, Committee, Report

Possible reference to Parliament Acts [AO1:4, AO2:0, AO3:1]

**10** (b) (ii) Explain the role of the House of Lords in the passing of an Act of Parliament; (3 marks)

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

**Potential Content**

Appointed Chamber – principal role to revise Bills from the Commons

Process – Readings, Committee

Possible reference to Parliament Acts/power of House of Lords to delay a Bill [AO1:2, AO2:0, AO3:1]

**10** (b) (iii) Explain the role of the Crown in the passing of an Act of Parliament. (2 marks)

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

**Potential Content**

Royal Assent by or on behalf of the Queen  
 Formal process/Bill to Act of Parliament

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

**10** (c) Comment on the advantages **and** disadvantages of the system of law making by Parliament. (**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 candidate spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately. | <b>0 marks</b>   |
| Band 1 | Basic awareness. The candidate spells, punctuates and use the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.                                 | <b>1 mark</b>    |
| 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.       | <b>2-3 marks</b> |
| 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.  | <b>4-5 marks</b> |

**Potential Content**

Advantages – democratic process, planned changes to the law, opportunities for public involvement, political involvement from other parties, press scrutiny, etc  
 Disadvantages – complex and unwieldy process, very slow, limited debate, undemocratic role of House of Lords, etc  
*Unbalanced answer – max 4 marks for a very good answer* [AO1:0, AO2:0, AO3:5]

- 10** (d) Under English law, Parliament is said to be **supreme**.
- (d) (i) Briefly explain what this term means.
- (d) (ii) Discuss **one** way in which Parliamentary Supremacy can be limited. (6 marks)

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

### Potential Content

Key principle that legislation takes precedence over other forms of English law

Explanation/development/example

Identification/discussion of an example of how Parliament can be undermined, eg EU law, Human Rights Act, role of the judges, etc

Issues such as undermining democratic process/standing of Parliament, priorities of EU or other countries may be different from the UK, beneficial effects of EU membership, etc

[AO1:2, AO2:0, AO3:4]

- 10** (e) Briefly explain the work of:
- the Magistrates' Court  
the Crown Court  
the County Court.
- (6 marks)

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

### Potential Content

Magistrates' Court – recognition of role in dealing with mainly criminal cases (**1 mark**)

Recognition of summary trial, committals + sends, bail, etc. Possible reference to role in relation to youth and/or family work

Crown Court – recognition of role in dealing with criminal cases (**1 mark**)

Trial on indictment/use of jury, appeals

County Court – recognition of role in dealing with civil cases (**1 mark**)

Examples of areas of work, eg common law, family, probate, etc

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

|           |     |  |                  |
|-----------|-----|--|------------------|
| <b>10</b> | (f) | When referring to the system of case law and the doctrine of judicial precedent, |                  |
| <b>10</b> | (f) | (i) explain what is meant by the 'hierarchy of the courts';                      | <i>(5 marks)</i> |

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

**Potential Content**

Higher courts bind lower courts

Examples using the position of the House of Lords; Court of Appeal; superior first instance courts; inferior first instance courts.

Possible reference to courts' treatment of their own prior precedents [AO1:4, AO2:0, AO3:1]

|           |     |  |                  |
|-----------|-----|--|------------------|
| <b>10</b> | (f) | (ii) explain, using examples, what is meant by a 'persuasive precedent'; | <i>(3 marks)</i> |
|-----------|-----|--|------------------|

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

**Potential Content**

Understanding of a binding precedent as one that must be followed

Understanding, in contrast, that a persuasive precedent is one that judges can choose to follow

Examples, eg Privy Council decisions, inferior court decisions, etc [AO1:3, AO2:0, AO3:0]

|           |     |   |                  |
|-----------|-----|---|------------------|
| <b>10</b> | (f) | (iii) state the importance of Law Reports, giving an example of a Law Report; | <i>(2 marks)</i> |
|-----------|-----|---|------------------|

Eg All England Law Reports, Weekly Law Reports, Times Law Reports, etc **1 mark**

Statement that Law Reports provide a historical record from which the precedent can later be drawn **1 mark**

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



|   |
|---|
| <b>10</b> (f) (iv) comment on the advantages <b>and</b> disadvantages of the system of judicial precedent. <b>(Answer in continuous prose.)</b> (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 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 use 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 candidate 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 candidate 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**

Recognition and discussion of relevant advantages and disadvantages

Eg certainty, real-life situations, continuous growth; inflexibility, undemocratic, illogical distinctions on 'fine' points of law

*Note: unbalanced answer - max 3 marks*

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

**ASSESSMENT GRID PAPER 1**

|                  | <b>Maximum mark</b> | <b>Assessment Objective 1</b>                                | <b>Assessment Objective 2</b>        | <b>Assessment Objective 3</b>         |
|------------------|---------------------|--|--------------------------------------|---------------------------------------|
| Question 1       | 8                   | 4  | 0                                    | 4                                     |
| Question 2       | 6                   | 3  | 0                                    | 3                                     |
| Question 3       | 8                   | 4  | 0                                    | 4                                     |
| Question 4       | 5                   | 3  | 0                                    | 2                                     |
| Question 5       | 4                   | 4  | 0                                    | 0                                     |
| Question 6       | 4                   | 2  | 0                                    | 2                                     |
| Question 7       | 5                   | 2  | 0                                    | 3                                     |
| Question 8       | 5                   | 2  | 0                                    | 3                                     |
| Question 9       | 45                  | a) 2<br>b) 4<br>c) 4<br>d) 4<br>e) 2<br>f) 3<br>g) 5<br>h) 0 | 0<br>0<br>0<br>0<br>0<br>0<br>0<br>0 | 2<br>0<br>0<br>5<br>4<br>0<br>0<br>10 |
| Question 10      | 45                  | a) 3<br>b) 6<br>c) 0<br>d) 2<br>e) 3<br>f) 9                 | 0<br>0<br>0<br>0<br>0<br>0           | 0<br>4<br>5<br>4<br>3<br>6            |
| <b>SUB-TOTAL</b> | <b>90</b>           | <b>47</b>  | <b>0</b>                             | <b>43</b>                             |

### ASSESSMENT GRID OVERALL

|            | <b>Target</b> | <b>Achieved</b> |
|------------|---------------|-----------------|
| <b>AO1</b> | 30-40%        | 37.2%           |
| <b>AO2</b> | 20-30%        | 27.8%           |
| <b>AO3</b> | 35-40%        | 35.0%           |

**SPECIFICATION COVERAGE**

| <b>Topic</b>                  |                                     | <b>Specimen Paper</b> |
|-------------------------------|-------------------------------------|-----------------------|
| Introduction to Law           | Meaning and definition of law       |                       |
|                               | Classifications of law              | ✓                     |
| Courts and Processes          | Hierarchy of the courts             | ✓                     |
| Criminal Courts               | The Magistrates' Court              | ✓                     |
|                               | The Crown Court                     | ✓                     |
| Civil Courts                  | The County Court                    | ✓                     |
| People in the Law: Lay People | Juries                              | ✓                     |
|                               | Lay magistrates                     | ✓                     |
| Legal Professionals           | Solicitors and barristers           | ✓                     |
|                               | Judges                              | ✓                     |
| Sources of Law                | Acts of Parliament                  | ✓                     |
|                               | Case law and precedent              | ✓                     |
|                               | Relationship between sources of law | ✓                     |
| Law of Tort                   | Negligence                          | ✓                     |
|                               | Trespass                            |                       |
|                               | Nuisance                            |                       |
|                               | General defences                    | ✓                     |
|                               | Remedies                            | ✓                     |
| Criminal Law                  | Introduction                        |                       |
|                               | Fatal offences                      | ✓                     |
|                               | Non-fatal offences                  | ✓                     |
|                               | Property offences                   |                       |
|                               | Defences                            | ✓                     |
| Family Law                    | Marriage                            | ✓                     |
|                               | Divorce                             | ✓                     |
|                               | Succession                          |                       |
| Rights and Responsibilities   | Introduction                        |                       |
|                               | Buyers and sellers                  | ✓                     |
|                               | In employment                       | ✓                     |
|                               | As a citizen                        | ✓                     |