

Mark Scheme for June 2011

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by Examiners. It does not indicate the details of the discussions which took place at an Examiners' meeting before marking commenced.

All Examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the Report on the Examination.

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Question	Expected Answer	Marks	Rationale/Guidance						
1(a)	<p>Assessment Objective 1</p> <p>Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • Future needs – the Government cannot foresee every problem that could arise as a result of legislation. Delegated legislation can be used if such problems arise; • Insufficient Parliamentary time – as time is limited in Parliament they do not have the time to debate every law in detail; • Speed – delegated legislation allows laws to be passed quicker than that through Parliament especially at times of emergency; • Local knowledge – bylaws reflect local knowledge and issues specific to that locality; • Subject matter – delegated legislation can use experts who have specific knowledge of the area concerned <p>Credit any other relevant response.</p>	[3]	<p>1 mark for each reason identified</p> <p>(maximum 3 marks)</p>						
1(b)	<p>Assessment Objective 3</p> <p>Candidates will identify as follows:</p> <table style="margin-left: 40px;"> <tr> <td>A</td> <td>2</td> </tr> <tr> <td>B</td> <td>3</td> </tr> <tr> <td>C</td> <td>1</td> </tr> </table>	A	2	B	3	C	1	[3]	<p>1 mark for each correct offence identified</p> <p>(maximum 3 marks)</p> <p>Where the candidate enters the same answer in all three boxes, no marks will be awarded.</p>
A	2								
B	3								
C	1								
2(a)	<p>Assessment Objective 1</p> <p>Candidates will identify the following:</p> <ul style="list-style-type: none"> • The suspect's race • The suspect is a teenager • The suspect is wearing a tracksuit 	[3]	<p>1 mark for each reason identified</p> <p>(maximum 3 marks)</p>						

Question	Expected Answer	Marks	Rationale/Guidance
2(b)(i)	<p>Assessment Objective 1</p> <p>Candidates will identify the following:</p> <ul style="list-style-type: none"> • At the time of the arrest, or as soon as practicable after the arrest, the suspect must be informed that they are under arrest; • The reason or the circumstances of the arrest; • Then the police officer must caution the suspect (unless it is impossible to do so). 	[3]	<p>1 mark for each correct item of information identified</p> <p>(maximum 3 marks)</p>
2(b)(ii)	<p>Assessment Objective 2</p> <p>Candidates will explain any three of the following:</p> <ul style="list-style-type: none"> • To allow the name (and address) of the suspect to be discovered; • To prevent the person in question from causing physical injury to himself or any other person; • To prevent the person in question from suffering physical injury; • To prevent the person in question from causing loss or damage to property; • To prevent the person in question from committing an offence against public decency; • To prevent the person in question from causing an unlawful obstruction of the highway; • To allow the prompt and effective investigation of the offence or the conduct of the person in question; • To prevent any prosecution for the offence being hindered by the disappearance of the person in question. • To protect a child or vulnerable person. <p>OR</p> <p>Candidates will explain any three of the following</p> <ul style="list-style-type: none"> • Suspect is about to commit an offence or police officer has reasonable grounds for suspecting S is about to commit an offence. • Suspect is in the act of committing an offence or the officer has reasonable grounds for suspecting S is in the act of committing an offence. 	[6]	<p>2 marks for each correct reason explained</p> <p>(maximum 6 marks in total)</p> <p>Level 1 is achieved by providing a reason for arrest.</p> <p>Level 2 is awarded for an accompanying explanation.</p>

Question	Expected Answer	Marks	Rationale/Guidance
	<ul style="list-style-type: none"> • Suspect has committed an offence or the officer has reasonable grounds for suspecting S has committed an offence. <p>Credit any other relevant response.</p>		
2(b)(iii)	<p>Assessment Objective 1</p> <p>Candidates will identify any three of the following:</p> <ul style="list-style-type: none"> • To have someone informed of their detention • To speak to someone on the telephone • To have an appropriate adult present • To be told of their right to legal advice • To receive legal advice • To consult the codes of practice <p>Credit any other relevant response</p>	[3]	<p>1 mark for each right identified</p> <p>(maximum 3 marks)</p>
2(c)	<p>Assessment Objective 3</p> <p>Candidates may discuss the following:</p> <ul style="list-style-type: none"> • The police need to do their job but they do have to ensure human rights are protected – for example citizens are entitled to go where they want within reason; • If the Human Rights Act did not exist it is possible citizens could not go about their day to day business without the fear of the police intervening; • Article 3 would prevent citizens from being tortured or being subjected to inhuman or degrading treatment by the police; • Article 5 protects citizens' right to liberty so the police cannot arrest or detain without lawful reason. <p>Credit any other relevant response.</p>	[3]	<p>Maximum three marks for the discussion of a relevant point</p> <p>3 marks – a developed discussion of one relevant issue</p> <p>2 marks – identifies one relevant issue with some elaboration</p> <p>1 mark – identifies a relevant issue or makes any valid point</p>

Question	Expected Answer	Marks	Rationale/Guidance
3(a)(i)	<p>Assessment Objective 3</p> <p><u>Summary Offences</u> This category of criminal offences covers most 'minor' crimes. They are only able to be tried summarily in the Magistrates' courts. This means that the defendant is summons to appear in court to face trial. They are dealt with usually by three magistrates or a District Judge sitting alone. Example of the types of summary offence are: minor assaults, minor road traffic offences. The offences carry a fine of up to £5000 and/or a term of imprisonment of up to 6 months for a single offence.</p> <p><u>Triable Either-Way Offences</u> This category of criminal offences can be tried in either the Magistrates' court or in the Crown Court. If the defendant pleads guilty then the Magistrates may decide to deal with the case themselves. If the defendant pleads not guilty, then the Magistrate may send the defendant to Crown Court. If the case is heard in the Magistrates' court then the defendant may be sent to Crown Court for sentencing if the Magistrate feels their powers are insufficient. Examples of types of offences are theft and more serious assaults such as actual bodily harm.</p> <p><u>Indictable Offences</u> These are the most serious category of offences and can only be heard by the Crown Court. These offences carry heavy sentences usually involving a lengthy term of imprisonment and/or an unlimited fine. Example of such offences are murder and robbery.</p> <p>Credit any other relevant response.</p>	[6]	<p>For each category discussed:</p> <p>2 marks – develops the point with some elaboration, or discusses another key feature</p> <p>1 mark – makes a relevant or a valid point</p> <p>Maximum 2 marks for each sentence discussed</p> <p>(maximum 6 marks for the question)</p>

Question	Expected Answer	Marks	Rationale/Guidance
3(a)(ii)	<p>Assessment Objective 1</p> <p>Candidates will identify the following:</p> <ul style="list-style-type: none"> • Custodial • Community • Fines 	[3]	<p>1 mark for each correct type identified</p> <p>(maximum 3 marks)</p>
3(b)(i)	<p>Assessment Objective 1</p> <p>Candidates will identify the following:</p> <p>A Reform B Reparation C Protect the public</p>	[3]	<p>1 mark for each correct aim identified</p> <p>(maximum 3 marks)</p>
3(b)(ii)	<p>Assessment Objective 2</p> <p><u>Action Plan Order</u></p> <ul style="list-style-type: none"> • This Order is used for offenders aged under 18; • This Order addresses individual needs and the reasons why they offended; • This Order is a intensive community-based programme lasting up to three months; • Supervised and developed by the Youth Offending Team; • The Order includes repairing harm done to the victim or the community through education and training. <p><u>Supervision Order</u></p> <ul style="list-style-type: none"> • This Order is used for offenders aged between 10 and 16; • The offender has a probation officer or someone from social services to act in a supervisory role for up to 3 years; • The Order's purpose centres around the young offender's personal development; 	[6]	<p>For each community sentence explained:</p> <p>2 marks for explaining two relevant features of the sentence</p> <p>1 mark explains one relevant feature of the sentence</p> <p>(maximum 6 for the question)</p>

Question	Expected Answer	Marks	Rationale/Guidance
	<ul style="list-style-type: none"> • The Order can insist, eg, the offender resides in specific accommodation, attends a particular place and takes part in certain set activities for up to 180 days; • If the Order is breached the offender can be: fined up to £100, have their order changed or made an attendance centre order; • If the Order is in place when the offender is 17, a new sentence is passed. <p><u>Attendance Centre Order</u></p> <ul style="list-style-type: none"> • Used mainly for those offenders under 25 who have committed an offence where a prison sentence is possible; • They are required to go to the centre for a specific number of hours over a particular period; • The number of hours is between 12 and 14 for those under 16, and between 12 and 36 for those aged 16-25; • If the offender breaches the Order they can face sentencing for the original offence, eg, prison • The centres are normally run by the police on Saturday afternoons. The sessions centre around physical education or practical courses. <p>Credit any other relevant comment.</p>		
4(a)	<p>Assessment Objective 1</p> <p>Candidates will identify any or all three of the following:</p> <ul style="list-style-type: none"> • Must be aged between 18 and 70 • Must be on the electoral register and entitled to vote • Resident in the UK for at least five years since their thirteenth birthday • Not be disqualified from jury service • Not be a mentally disordered person (as defined by the Criminal Justice Act) 	[3]	1 mark for each requirement identified (maximum 3 marks)

Question	Expected Answer	Marks	Rationale/Guidance
4(b)	<p>Assessment Objective 1</p> <p>Candidates will identify up to three of the missing words in the correct place.</p> <p>CIVIL TWELVE PRIVATE</p>	[3]	<p>1 mark for identifying each missing word correctly</p> <p>(maximum 3 marks)</p>
4(c)	<p>Assessment Objective 2</p> <p>Candidates will explain any of the following reasons:</p> <ul style="list-style-type: none"> • The solicitor may know, or be aware of the personnel in the court, eg the presiding judge. This may conflict with his responsibilities as a juror • The solicitor may know, or be aware of the defendant, this may conflict with his responsibilities as a juror • The solicitor may try to influence or lead the jury • The solicitor may comment on the law or evidence that is presented and become too involved in the mechanics rather than help decide fact <p>Credit any other reasonable response.</p>	[3]	<p>1 mark for each aspect explained</p> <p>(maximum 3 marks)</p>
4(d)(i)	<p>Assessment Objective 1</p> <p>Candidates will tick the boxes in this order:</p> <p>FALSE TRUE TRUE</p>	[3]	<p>1 mark for each correct tick</p> <p>(maximum 3 marks)</p>

Question	Expected Answer	Marks	Rationale/Guidance
4(d)(ii)	<p>Assessment Objective 3</p> <p>Candidates will discuss any of the following:</p> <ul style="list-style-type: none"> • Public confidence in the system of juries – ‘the lamp that shows that freedom lives’, the idea that ordinary randomly picked citizens are to decide the facts and ultimately the fate of the offender must give great public confidence. This avoids any criticism of a case hardened unsympathetic judge sitting alone deciding facts • Jury Equity – juries decide the facts of the case and make a decision as to the defendant’s guilt based on this evidence. Thus cases are decided on fairness which protects the individual against the state • Public involvement in the criminal justice system – this allows an openness in the criminal system rather than allow it to be shrouded in the secrecy of the legal professions • Less ability for bias – the fact there are 12 members of a criminal jury means there is less chance of bias or undue influence from outside the jury. • Assistance in court – while the jury decides the facts and verdict, they can still seek advice from the judge on matters of law or evidence. The fact that lay people are involved means that the case must be conducted in straightforward language <p>Credit any other reasonable response.</p>	[6]	<ul style="list-style-type: none"> • 0 marks – no response or nothing worthy of credit. • 1 mark – identifies a relevant advantage or makes any valid point. The response lacks organisation, structure and accuracy of spelling, punctuation and grammar. • 2 marks – identifies one relevant advantage with some elaboration. The response is adequately organised, structured and with some errors of spelling, punctuation and grammar. • 3 marks – develops a discussion on one relevant advantage. The response is well organised, structured, with few errors in spelling, punctuation and grammar. <p>For each advantage discussed: maximum 3 marks (maximum for question: 6 marks)</p> <p>(credit should be given for both breadth and depth)</p>

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