

Mark Scheme for June 2012

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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.

OCR will not enter into any discussion or correspondence in connection with this mark scheme.

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1. Annotations used in the detailed Mark Scheme (to include abbreviations and subject-specific conventions)

Annotation	Meaning
R	Repetition
}	Irrelevant (use for more than a couple of lines of text otherwise use the following)
S/O	Sort of
√	Knowledge (AO1)
Def	Definition (AO1)
C1 etc	To indicate cases (AO1)
(C1) etc	To indicate partially accurate/relevant cases (AO1)
n/o	To indicate use of a case but in name only
^	Omission
AO2	To indicate a bold comment
AO2+	To indicate developed comment / discussion
AO2++	Could use AO2++ though rarely

2. Subject-specific Marking Instructions.

Before you commence **marking each question** you must ensure that you are familiar with the following:

- the requirements of the specification
- these instructions
- the exam questions (found in the exam paper which will have been emailed to you along with this document)
- levels of assessment criteria *₁ (found in the 'Levels of Assessment' grid at the back of this document)
- question specific indicative content given in the 'Answer' column*₂
- question specific guidance given in 'Guidance' column*₃
- the 'practice' scripts*₄ provided in Scoris and accompanying commentaries

*₁ The levels of assessment criteria (found in the 'Levels of Assessment' grid) reflect the expectation of achievement for each Assessment Objective at every level.

*₂ The indicative content in the 'Answer' column provides details of points that candidates **may** be likely to make. It is **not** exhaustive or prescriptive and points not included in the indicative content, but which are valid within the context of the question, are to be credited. Similarly, it is possible for candidates to achieve top level marks without citing all the points suggested in the scheme.

*₃ Included in the 'Guidance' column are the number of marks available for each assessment objective contained within the question. It also includes the 'characteristics' which a response in a particular level is **likely** to demonstrate. For example, "a level 4 response is likely to include accurate reference to all 5 stages of x with supporting detail and an accurate link to the source". In some instances an answer may not display all of the 'characteristics' detailed for a level but may still achieve the level nonetheless.

- *4 The 'practice' scripts are live scripts which have been chosen by the Principal Examiner (and senior examining team). These scripts will represent most types of responses which you will encounter. The marks awarded to them and accompanying commentary (which you can see by changing the view to 'definitive marks') will demonstrate how the levels of assessment criteria and marking guidance should be applied.

As already stated, neither the indicative content, 'characteristics' or practice scripts are prescriptive and/or exhaustive. It is imperative that you remember at all times that a response which differs from examples within the practice scripts or includes valid points not listed within the indicative content or does not demonstrate the 'characteristics' for a level **may still** achieve the same level and mark as a response which does all or some of this. Where you consider that this to be the case you should discuss the candidates answer with your supervisor to ensure consistent application of the mark scheme.

Awarding Assessment Objectives 1 and 2

To award the level for the AO1 or AO2 (in some units questions may contain both AO1 and AO2 marks) use the levels of assessment criteria **and** the guidance contained within the mark scheme to establish which level the response achieves. As per point 10 of the above marking instructions, when determining which **level** to award start at the **highest*** level and work down until you reach the level that matches the answer.

Once you have established the correct level to award to the response you need to determine the mark within the level. The marks available for each level differ between questions. Details of how many marks are available per level are provided in the Guidance column. Where there is more than one mark available within a level you will need to assess where the response 'sits' within that level. Guidance on how to award marks within a level is provided in point 10 of the above marking instructions, with the key point being that you start at the **middle*** of each level and work outwards until you reach the **mark** that the response achieves.

Answers, which contain no relevant material at all, will receive no marks.

*** Remember: when awarding the level you work from top downwards, when awarding the mark you work from the middle outwards.**

Awarding Assessment Objective 3

AO3 marks are awarded based on the marks achieved for either AO1, AO2 or in some cases, the total of AO1 and AO2. You must refer to each question's mark scheme for details of how to calculate the AO3 mark.

Question	Answer	Marks	Guidance													
1*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define and explain <i>mens rea</i> of murder:</p> <ul style="list-style-type: none"> • Often referred to as malice aforethought • Most serious level of mens rea and required for relatively few offences but is indicative of a high level of blameworthiness • Distinguishable from motive – <i>Steane, Chandler</i> • Direct intent – death/GBH is the defendant’s purpose and they set out to bring it about – <i>Mohan</i> • Oblique intent – death/GBH is not the defendant’s clear aim but occurs as a result of their actions and is linked to their capacity to foresee the consequences of their actions – and that this is the concept which has troubled the courts • Section 8 Criminal Justice Act 1967 created a subjective test which also made it clear foresight of consequences was only part of the evidence from which intention could be inferred • Development of oblique intent by the courts – <i>Hyam, Moloney, Hancock and Shankland, Nedrick, Woollin, Matthews and Alleyne</i> • Proposals for change from the Law Commission – <i>A New Homicide Act for England and Wales (2005), Murder, Manslaughter and Infanticide (2006)</i> • Use any other relevant cases. 	25	<table border="1" data-bbox="1462 228 2067 440"> <thead> <tr> <th data-bbox="1462 228 1771 260">AO1 Levels</th> <th data-bbox="1771 228 2067 260">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 260 1771 292">5</td> <td data-bbox="1771 260 2067 292">21-25</td> </tr> <tr> <td data-bbox="1462 292 1771 323">4</td> <td data-bbox="1771 292 2067 323">16-20</td> </tr> <tr> <td data-bbox="1462 323 1771 355">3</td> <td data-bbox="1771 323 2067 355">11-15</td> </tr> <tr> <td data-bbox="1462 355 1771 387">2</td> <td data-bbox="1771 355 2067 387">6-10</td> </tr> <tr> <td data-bbox="1462 387 1771 440">1</td> <td data-bbox="1771 387 2067 440">1-5</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p>		AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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2*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define and explain non-fatal assaults against the person: Explain assault occasioning actual bodily harm – section 47 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • Actus reus - assault leading to harm which interferes with health or comfort – <i>Miller, Smith, Chan Fook, Ireland</i> • Mens rea - intention or subjective recklessness - only needed for initial unlawful act <i>Roberts, Savage</i> <p>Explain unlawful and malicious wounding or inflicting grievous bodily harm – section 20 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • Actus reus - infliction of a wound which breaks all layers of skin or really serious harm – <i>Smith, Eisenhower, Bollom, Burstow, Dica</i> • Mens rea - needed for initial unlawful act and must be foresight of some harm but not necessarily serious harm - <i>Grimshaw, Parmenter</i> <p>Explain unlawful and malicious wounding or causing grievous bodily harm with intent – section 18 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • Actus reus is causing harm as for section 20 • Mens rea - intention for initial unlawful act and serious harm caused, also intention to avoid arrest - <i>Morrison</i> <p>Credit reference to relevant CPS Charging Standards Credit reference to common law assault and battery charged under section 39 Criminal Justice Act 1988 if linked to requirements of 1861 Act:</p> <ul style="list-style-type: none"> • Assault - putting a person in fear of immediate and unlawful personal harm accompanied by intention or subjective recklessness - <i>Venna</i> • Battery - infliction of unlawful personal harm accompanied by intention or subjective recklessness - <i>Collins v Wilcock</i> • Use any other relevant cases. 	25	<table border="1" data-bbox="1462 228 2067 438"> <thead> <tr> <th data-bbox="1462 228 1771 260">AO1 Levels</th> <th data-bbox="1771 228 2067 260">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 260 1771 292">5</td> <td data-bbox="1771 260 2067 292">21-25</td> </tr> <tr> <td data-bbox="1462 292 1771 323">4</td> <td data-bbox="1771 292 2067 323">16-20</td> </tr> <tr> <td data-bbox="1462 323 1771 355">3</td> <td data-bbox="1771 323 2067 355">11-15</td> </tr> <tr> <td data-bbox="1462 355 1771 387">2</td> <td data-bbox="1771 355 2067 387">6-10</td> </tr> <tr> <td data-bbox="1462 387 1771 438">1</td> <td data-bbox="1771 387 2067 438">1-5</td> </tr> </tbody> </table> <p>To achieve level 5 responses need to cover each OAPA offence.</p> <p>Responses will be unlikely to achieve the following levels without: Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p>		AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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3*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define and explain the defence of insanity using the M’Naghten Rules 1843:</p> <ul style="list-style-type: none"> • Defence must prove defendant was insane on a balance of probabilities • Requires a defect of reason meaning the defendant cannot reason at all rather than just reasoning imperfectly – <i>Clarke</i> • Must be caused by a disease of the mind induced by an internal factor – <i>Kemp, Bratty, Quick and Paddison, Sullivan, Hennessy, Burgess</i> • Must mean the defendant does not know the nature and quality of their act or that it is legally wrong – <i>Codere, Windle, Johnson</i> • Successfully raising the defence can lead to a range of conclusions up to and including committal to a mental hospital by use of special verdict and the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 and section 5 Domestic Violence, Crime and Victims Act 2004. <p>Define and explain the defence of automatism:</p> <ul style="list-style-type: none"> • Need for an involuntary act over which the body has no control – <i>Bratty, T, Falconer, Parks, Rabey, Watmore v Jenkins, Isitt, AG Ref (No 2 of 1992)(1993)</i> • Must be something such as a reflex action, spasm or convulsion – <i>Hill v Baxter, Whoolley</i> • Act must be induced by an external factor – <i>Quick and Paddison</i> • Must not be self induced – <i>Lipman, Kay v Butterworth, C, Clarke</i> • Defendant must be incapable of forming <i>mens rea</i> • Successfully raising automatism leads to acquittal as it is a complete defence • Credit reference to intoxication induced automatism – <i>Hardie, Kingston</i> • Use any other relevant cases 	25	<table border="1" data-bbox="1462 228 2069 438"> <thead> <tr> <th data-bbox="1462 228 1771 260">AO1 Levels</th> <th data-bbox="1771 228 2069 260">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 260 1771 292">5</td> <td data-bbox="1771 260 2069 292">21-25</td> </tr> <tr> <td data-bbox="1462 292 1771 323">4</td> <td data-bbox="1771 292 2069 323">16-20</td> </tr> <tr> <td data-bbox="1462 323 1771 355">3</td> <td data-bbox="1771 323 2069 355">11-15</td> </tr> <tr> <td data-bbox="1462 355 1771 387">2</td> <td data-bbox="1771 355 2069 387">6-10</td> </tr> <tr> <td data-bbox="1462 387 1771 438">1</td> <td data-bbox="1771 387 2069 438">1-5</td> </tr> </tbody> </table> <p>Responses are expected to deal with both insane and non-insane automatism to reach level 5.</p> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p>		AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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	<p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>Discuss any or all of the following areas:</p> <ul style="list-style-type: none"> • Lack of clarity since law outdated and never been reformed by Parliament • Difficulties of deciding what is a defect of reason • Inappropriateness of words, especially insanity • Issues relating to defining disease of the mind – especially in relation to epileptics and diabetics • Level of reliance on a legal and not a medical test • Lack of irresistible impulse defence • Narrowness of test in identifying those who need help or are dangerous • Fineness of dividing line between insanity and automatism • Importance of line given consequences which follow – acquittal or range of sentencing and significant stigma • Conflicts between continuing danger theory and external cause theory • Particular problems relating to sleepwalkers and experiences of other jurisdictions such as Canada and Australia • Policy restrictions which affect defences – especially automatism • Reduction in numbers using insanity for murder as prefer to rely on Diminished Responsibility as found in the Homicide Act 1957/Coroners and Justice Act 2009 • Increase in numbers raising defence since extension of disposals in 1991 Act • Sentencing problems in insanity despite some statutory development • Relevance of Law Commission proposals for verdict of mental disorder • Relevance of Law Commission proposals to include sleepwalkers in a new automatism defence • Credit any other relevant points • Reach any sensible conclusion 	20	<table border="1" data-bbox="1462 217 2069 432"> <thead> <tr> <th data-bbox="1462 217 1771 256">AO2 Levels</th> <th data-bbox="1771 217 2069 256">AO2 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 256 1771 296">5</td> <td data-bbox="1771 256 2069 296">17-20</td> </tr> <tr> <td data-bbox="1462 296 1771 336">4</td> <td data-bbox="1771 296 2069 336">13-16</td> </tr> <tr> <td data-bbox="1462 336 1771 376">3</td> <td data-bbox="1771 336 2069 376">9-12</td> </tr> <tr> <td data-bbox="1462 376 1771 416">2</td> <td data-bbox="1771 376 2069 416">5-8</td> </tr> <tr> <td data-bbox="1462 416 1771 432">1</td> <td data-bbox="1771 416 2069 432">1-4</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – a well-developed discussion which makes good use of cases to develop clear arguments based on judicial reasoning, and with critical links between cases where appropriate</p> <p>Level 4 – a discussion which uses case law cited to make developed points, and analyses the basis of the decision in these cases where appropriate</p> <p>Level 3 – a discussion of some points, and making reference to the cases which have been used for the area of law being considered where appropriate</p> <p>Level 2 – identification of some relevant points, using cases where appropriate</p> <p>Level 1 – an awareness of the area of law identified by the question</p>		AO2 Levels	AO2 marks	5	17-20	4	13-16	3	9-12	2	5-8	1	1-4
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Question			Answer	Marks	Guidance													
			<p>Assessment Objective 3 – Communication and presentation</p> <p>Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</p>	5	<table border="1"> <thead> <tr> <th>AO1 + AO2 marks</th> <th>AO3 mark</th> </tr> </thead> <tbody> <tr> <td>37-45</td> <td>5</td> </tr> <tr> <td>28-36</td> <td>4</td> </tr> <tr> <td>19-27</td> <td>3</td> </tr> <tr> <td>10-18</td> <td>2</td> </tr> <tr> <td>1-9</td> <td>1</td> </tr> </tbody> </table>	AO1 + AO2 marks	AO3 mark	37-45	5	28-36	4	19-27	3	10-18	2	1-9	1	
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4*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define and explain theft - charged under Theft Act 1968:</p> <ul style="list-style-type: none"> • Section 1 – dishonest appropriation of property belonging to another with intention to deprive the other of it • Section 3 – appropriation – any assumption of any of the rights of the owner with or without their consent – <i>McPherson, Lawrence, Morris, Gomez</i> • Section 4 – property – this can be tangible or intangible • Section 5 – belonging to another – ownership, possession or control – <i>Turner</i> • Section 2 – dishonesty – 2 (1) (a) – defendant is not dishonest if they honestly believe they have a legal right to the property, 2 (1) (b) – defendant is not dishonest if they honestly believe the owner would consent – <i>Holden</i>, section 2 (1) (c) – defendant is not dishonest if they honestly believe the owner cannot be found having taken reasonable steps to do so – <i>Small</i>; if none of the statutory exceptions apply the jury apply common sense view or <i>Ghosh</i> – was the defendant dishonest by the standards of the reasonable man and, if so, did the defendant know they were dishonest by that standard? • Section 6 – intention to permanently deprive – intention to take forever or for a period equivalent to an outright taking – <i>Lloyd</i>. <p>Define and explain robbery – charged under section 8 Theft Act 1968:</p> <ul style="list-style-type: none"> • Theft accompanied by use or threat of force before or at the time of stealing and in order to steal – <i>Dawson and James, Hale, Lockley</i> • Intention to steal and intention or recklessness as to force – <i>Robinson</i> • Offence committed at the time the theft is complete – <i>Corcoran and Anderton</i> <p>Define and explain burglary – charged under section 9 Theft Act 1968:</p> <ul style="list-style-type: none"> • Section 9(1)(a) – entry of a building or part of a building as a trespasser with the intention to steal, inflict GBH or cause unlawful damage – <i>Jones and Smith</i> 	25	<table border="1" data-bbox="1462 228 2067 438"> <thead> <tr> <th data-bbox="1462 228 1771 264">AO1 Levels</th> <th data-bbox="1771 228 2067 264">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 264 1771 301">5</td> <td data-bbox="1771 264 2067 301">21-25</td> </tr> <tr> <td data-bbox="1462 301 1771 338">4</td> <td data-bbox="1771 301 2067 338">16-20</td> </tr> <tr> <td data-bbox="1462 338 1771 375">3</td> <td data-bbox="1771 338 2067 375">11-15</td> </tr> <tr> <td data-bbox="1462 375 1771 411">2</td> <td data-bbox="1771 375 2067 411">6-10</td> </tr> <tr> <td data-bbox="1462 411 1771 438">1</td> <td data-bbox="1771 411 2067 438">1-5</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p> <p>All offences are required to get into L5.</p>	AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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	<ul style="list-style-type: none"> • Section 9(1)(b) – having entered a building or part of a building as a trespasser the defendant forms the intention and then attempts or commits theft or the infliction of GBH • Use any other relevant cases. <p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>Identify the offence of theft Identify the offence of robbery Identify the offence of burglary</p> <p>In the case of Stan entering Greenworld with a net in a bag:</p> <ul style="list-style-type: none"> • Section 9 (1) (a) – Stan enters Greenworld as a trespasser with the intention to steal and this would be sufficient for burglary • Offence complete at point of entry and does not matter that Stan does not steal when he reaches the fish pond <p>In the case of Stan eating the chocolate:</p> <ul style="list-style-type: none"> • Theft is likely charge as Stan has appropriated property by eating the chocolate which belongs to the garden centre. He is dishonest and eating it is evidence of an intention to permanently deprive • Possibility of a section 9 (1) (b) charge as having intentionally entered as a trespasser Stan forms the intention to steal and completes the offence <p>In the case of Tom entering and catching two fish:</p> <ul style="list-style-type: none"> • Section 9 (1) (a) – Tom enters Greenworld as a trespasser with the intention to steal and this would be sufficient for burglary • Possibility of section 9 (1) (b) charge as having intentionally entered as a trespasser Tom forms the intention to steal and completes the offence <p>In the case of Tom smashing the CCTV camera:</p> <ul style="list-style-type: none"> • Possibility of section 9 (1) (a) offence if an intention to smash the CCTV camera be proved • If this cannot be done there is no offence under the Theft Act 1968 	20	<table border="1" data-bbox="1462 411 2074 624" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>AO2 Level</th> <th>AO2 mark</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">17-20</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">13-16</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">9-12</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">5-8</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">1-4</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – identification of all relevant points of law in issue, applying points of law accurately and pertinently to a given factual situation, and reaching a cogent, logical and well-informed conclusion.</p> <p>Level 4 – identification of most of relevant points of law in issue, applying points of law clearly to a given factual situation, and reaching a sensible and informed conclusion.</p> <p>Level 3 – identification of the main points of law in issue, applying points of law mechanically to a given factual situation, and reaching a conclusion.</p> <p>Level 2 – identification of some of the points of law in issue and applying points of law to a given factual situation but without a clear focus or conclusion.</p> <p>Level 1 – identification of at least one of the points of law in issue but with limited ability to apply points of law or to use an uncritical and/or unselective approach</p>	AO2 Level	AO2 mark	5	17-20	4	13-16	3	9-12	2	5-8	1	1-4
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	<p>In the case of Tom throwing the bag at Wilbur:</p> <ul style="list-style-type: none"> • Possible charge of robbery if Tom throwing the bag constitutes the use or threat of force immediately before or at the time of stealing and in order to steal but vague throwing in general direction of Wilbur might not be sufficient <p>In the case of Stan kicking Wilbur unconscious:</p> <ul style="list-style-type: none"> • Stan uses force as Wilbur is kicked unconscious • Possible charge of section 9(1)(b) since the harm Wilbur suffers could be GBH • If theft has been completed could well be seen as robbery – but no theft as it was Tom who stole • Credit conclusion that no robbery by Stan as he did not commit theft <p>Credit any other relevant points Reach any sensible conclusions.</p> <p>Assessment Objective 3 – Communication and presentation</p> <p>Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</p>	5	<table border="1" style="width: 100%; margin-top: 20px;"> <thead> <tr> <th style="width: 50%;">AO1 + AO2 marks</th> <th style="width: 50%;">AO3 mark</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">37-45</td> <td style="text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">28-36</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">19-27</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">10-18</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">1-9</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	AO1 + AO2 marks	AO3 mark	37-45	5	28-36	4	19-27	3	10-18	2	1-9	1
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5*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define and explain the defence of duress – <i>Graham, Hasan</i>:</p> <ul style="list-style-type: none"> • Complete defence when victim acts under threats • Threat must be of death or serious bodily harm – <i>Valderrama-Vega</i> • Threat must be to defendant or someone close to them – <i>Hasan, Wright</i> • Threat must generally be immediate or almost immediate – <i>Hudson and Taylor, Hasan</i> • Must be nexus between threat and offence committed - <i>Cole</i> • Limits of defence if defendant voluntarily becomes involved in criminal enterprise – <i>Sharp, Shepherd, Heath, Hasan</i> • Not available to charge of murder or attempted murder – <i>Howe, Wilson, Gotts</i> <p>Define and explain the defence of voluntary intoxication:</p> <ul style="list-style-type: none"> • Intoxication must be of a level which means the defendant does not form mens rea – <i>Beard, Sheehan and Moore, Heard</i> • If crime one of specific intent intoxication acts as a partial defence – <i>Lipman, Heard, Carroll v DPP</i> • If crime one of basic intent intoxication is usually no defence – <i>Majewski, Richardson and Irwin</i> • If intoxication is due to ‘Dutch courage’ then provides no defence – <i>Gallagher</i> • Mistake induced by intoxication is no defence – <i>O’Grady, Fotheringham, O’Connor, Hatton</i> <p>Define and explain the defence of self-defence:</p> <ul style="list-style-type: none"> • Use of some force must be necessary in the circumstances as they appear to the defendant • Force used must be reasonable – <i>Palmer, Owino, White</i> • Evidence of an attempt to retreat or to ‘disengage and temporise’ is desirable but not essential – <i>Bird</i> • Use of excessive force may render the defence unavailable – <i>Clegg</i> • Mistake as to the need for force in self-defence must be assessed subjectively – <i>Williams (Gladstone)</i> 	25	<table border="1" data-bbox="1462 228 2067 438"> <thead> <tr> <th data-bbox="1462 228 1771 260">AO1 Levels</th> <th data-bbox="1771 228 2067 260">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 260 1771 292">5</td> <td data-bbox="1771 260 2067 292">21-25</td> </tr> <tr> <td data-bbox="1462 292 1771 323">4</td> <td data-bbox="1771 292 2067 323">16-20</td> </tr> <tr> <td data-bbox="1462 323 1771 355">3</td> <td data-bbox="1771 323 2067 355">11-15</td> </tr> <tr> <td data-bbox="1462 355 1771 387">2</td> <td data-bbox="1771 355 2067 387">6-10</td> </tr> <tr> <td data-bbox="1462 387 1771 438">1</td> <td data-bbox="1771 387 2067 438">1-5</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p> <p>All defences are required to get into L5.</p>		AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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	<ul style="list-style-type: none"> • Intoxication may affect the availability of the defence – <i>O’Grady</i> • Successfully raising self-defence leads to acquittal as it is a complete defence • Credit reference to section 76 (4) and (5) Criminal Justice and Immigration Act 2008 <p>Use any other relevant cases.</p> <p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>Identify the defence of duress. Identify the defence of voluntary intoxication. Identify the defence of self-defence. In the case of Ricardo threatening Nicole:</p> <ul style="list-style-type: none"> • Threat is vague although Nicole might perceive it to be one of serious bodily harm • Lack of a specific nexus between Ricardo’s threat and any of Nicole’s actions would be likely to negate the defence • Application of the <i>Graham</i> test would appear to discount Nicole succeeding with duress <p>In the case of Nicole drinking and then hitting Magnus:</p> <ul style="list-style-type: none"> • If Nicole drinks to give herself the nerve to ask for money this would not be enough to be ‘Dutch Courage’ • Dutch Courage possible if Nicole has foreseen Magnus is likely to refuse and she is willing to resort to force to get what she wants • In the absence of this liability turns on whether Nicole was able to form the mens rea for what could be a section 18 offence – this may well be unlikely since it appears that she loses her temper because of his answer <p>In the case of Nicole punching Ricardo:</p> <ul style="list-style-type: none"> • Ricardo trying to grab Nicole could make her think he is about to attack her, especially in combination with his earlier threats • Nicole could try and diffuse the situation but this is not essential • Punching Ricardo may not be disproportionate • If Nicole honestly believes she is about to be attacked that should suffice 	20	<table border="1" data-bbox="1462 459 2069 671" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>AO2 Levels</th> <th>AO2 marks</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">5</td> <td style="text-align: center;">17-20</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">13-16</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">9-12</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="text-align: center;">5-8</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">1-4</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – identification of all relevant points of law in issue, applying points of law accurately and pertinently to a given factual situation, and reaching a cogent, logical and well-informed conclusion.</p> <p>Level 4 – identification of most of relevant points of law in issue, applying points of law clearly to a given factual situation, and reaching a sensible and informed conclusion.</p> <p>Level 3 – identification of the main points of law in issue, applying points of law mechanically to a given factual situation, and reaching a conclusion.</p> <p>Level 2 – identification of some of the points of law in issue and applying points of law to a given factual situation but without a clear focus or conclusion.</p> <p>Level 1 – identification of at least one of the points of law in issue but with limited ability to apply points of law or to use an uncritical and/or unselective approach.</p>	AO2 Levels	AO2 marks	5	17-20	4	13-16	3	9-12	2	5-8	1	1-4
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	<ul style="list-style-type: none"> • However a drunken mistake about the need for self-defence can invalidate the defence • It seems unlikely that self-defence will succeed Credit any other relevant points. Reach any sensible conclusions. Assessment Objective 3 – Communication and presentation Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.	5	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th data-bbox="1462 422 1767 459">AO1 + AO2 marks</th> <th data-bbox="1767 422 2067 459">AO3 mark</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 459 1767 496" style="text-align: center;">37-45</td> <td data-bbox="1767 459 2067 496" style="text-align: center;">5</td> </tr> <tr> <td data-bbox="1462 496 1767 533" style="text-align: center;">28-36</td> <td data-bbox="1767 496 2067 533" style="text-align: center;">4</td> </tr> <tr> <td data-bbox="1462 533 1767 569" style="text-align: center;">19-27</td> <td data-bbox="1767 533 2067 569" style="text-align: center;">3</td> </tr> <tr> <td data-bbox="1462 569 1767 606" style="text-align: center;">10-18</td> <td data-bbox="1767 569 2067 606" style="text-align: center;">2</td> </tr> <tr> <td data-bbox="1462 606 1767 643" style="text-align: center;">1-9</td> <td data-bbox="1767 606 2067 643" style="text-align: center;">1</td> </tr> </tbody> </table>		AO1 + AO2 marks	AO3 mark	37-45	5	28-36	4	19-27	3	10-18	2	1-9	1
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6*	<p>Possible answers may:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Define involuntary manslaughter as being of three types:</p> <ul style="list-style-type: none"> • Unlawful act/constructive manslaughter • Gross negligence manslaughter • Subjective reckless manslaughter. <p>Define and explain unlawful and dangerous act/constructive manslaughter:</p> <ul style="list-style-type: none"> • Needs to be a positive and unlawful act – <i>Mitchell, Larkin, Church, Lamb</i> • Unlawful act should be dangerous – <i>Dawson, Watson</i> • Positive act be done intentionally – <i>Goodfellow, Newbury and Jones</i> • Requirement that the chain of causation be intact and death ensue • Reasonable man needs to foresee the risk of some harm to some other person but not necessarily the harm which results. <p>Define and explain gross negligence manslaughter – <i>Adomako</i>:</p> <ul style="list-style-type: none"> • There needs to be a duty to care • The duty to care must be breached • There must be a risk of death and death occurs • The negligence on the part of the defendant must be so gross in the eyes of the jury as to be criminal. <p>Define and explain subjective reckless manslaughter:</p> <ul style="list-style-type: none"> • Was there a risk of death or serious harm to the victim? • Did the defendant see the risk and decide to run it? – <i>Lidar</i> <p>Explain the law relating to omissions in relation to doctors and medical treatment:</p> <ul style="list-style-type: none"> • Contractual duty – <i>Pittwood, Dytham, Adomako</i> <p>Explain the law relating to causation:</p> <ul style="list-style-type: none"> • Causation in fact – the ‘but for’ test – <i>Roberts, White</i> • Causation in law – the operative and substantial cause of harm test – <i>Smith, Cheshire, Jordan</i> • The reasonable foresight test – <i>Pagett</i> 	25	<table border="1" data-bbox="1462 228 2067 438"> <thead> <tr> <th data-bbox="1462 228 1771 260">AO1 Levels</th> <th data-bbox="1771 228 2067 260">AO1 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1462 260 1771 292">5</td> <td data-bbox="1771 260 2067 292">21-25</td> </tr> <tr> <td data-bbox="1462 292 1771 323">4</td> <td data-bbox="1771 292 2067 323">16-20</td> </tr> <tr> <td data-bbox="1462 323 1771 355">3</td> <td data-bbox="1771 323 2067 355">11-15</td> </tr> <tr> <td data-bbox="1462 355 1771 387">2</td> <td data-bbox="1771 355 2067 387">6-10</td> </tr> <tr> <td data-bbox="1462 387 1771 438">1</td> <td data-bbox="1771 387 2067 438">1-5</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – being able to cite at least 8 relevant cases accurately and clearly to support their argument and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 4 – being able to cite at least 5 relevant cases to support their argument with accurate names and some factual description and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 3 – being able to cite at least 3 relevant cases to support their argument with clear identification and some relevant facts and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 2 – being able to cite at least 1 relevant case although it may be described rather than accurately cited and make reference to specific sections of the relevant statute where appropriate</p> <p>Level 1 – some accurate statements of fact but there may not be any reference to relevant cases or cases may be confused</p> <p>A response which deals solely with causation can only reach top of L3.</p>		AO1 Levels	AO1 marks	5	21-25	4	16-20	3	11-15	2	6-10	1	1-5
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	<ul style="list-style-type: none"> The 'thin skull' test – the defendant must 'take their victim as they find them' – <i>Blaue</i> Use any other relevant cases. 		<p>Both characters need to be dealt with to get into L5.</p> <p>Possible to achieve full marks without reference to subjective reckless manslaughter.</p>												
	<p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>Identify gross negligence manslaughter Identify unlawful and dangerous act/constructive manslaughter Identify subjective reckless manslaughter Identify the chain of causation. Identify the doctrine relating to omissions.</p> <p>In the case of Roy:</p> <ul style="list-style-type: none"> Most likely offence is unlawful and dangerous act/constructive manslaughter Positive and unlawful act provided by using a knife Death occurs A reasonable man would have seen a risk of at least some harm Credit discussion of assault as an unlawful act Possible charge of subjective reckless manslaughter on the grounds that Roy would have seen a risk and decided to run it Using basic principles of causation such as 'but for' Roy could be liable However, Roy does dial 999 and poor standards by ambulance service and doctor might break chain of causation <p>In the case of Doctor Brown:</p> <ul style="list-style-type: none"> Most likely offence is killing by gross negligence as Doctor Brown has a contractual obligation to treat Mark creating a duty to care No breach in relation to Mark's refusal of a blood transfusion as that is Mark's right Doctor Brown does breach his duty by not checking for allergies This exposes Mark to a risk of death and death results Failure to check for allergies may well break the chain of causation Using the 'thin skull' principle Doctor Brown may also be liable Consider that no gross negligence as Doctor Brown has been on duty for 20 hours 	20	<table border="1" data-bbox="1462 424 2069 635"> <thead> <tr> <th>AO2 Levels</th> <th>AO2 marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>17-20</td> </tr> <tr> <td>4</td> <td>13-16</td> </tr> <tr> <td>3</td> <td>9-12</td> </tr> <tr> <td>2</td> <td>5-8</td> </tr> <tr> <td>1</td> <td>1-4</td> </tr> </tbody> </table> <p>Responses will be unlikely to achieve the following levels without:</p> <p>Level 5 – identification of all relevant points of law in issue, applying points of law accurately and pertinently to a given factual situation, and reaching a cogent, logical and well-informed conclusion.</p> <p>Level 4 – identification of most of relevant points of law in issue, applying points of law clearly to a given factual situation, and reaching a sensible and informed conclusion.</p> <p>Level 3 – identification of the main points of law in issue, applying points of law mechanically to a given factual situation, and reaching a conclusion.</p> <p>Level 2 – identification of some of the points of law in issue and applying points of law to a given factual situation but without a clear focus or conclusion.</p> <p>Level 1 – identification of at least one of the points of law in issue but with limited ability to apply points of law or to use an uncritical and/or unselective approach.</p>	AO2 Levels	AO2 marks	5	17-20	4	13-16	3	9-12	2	5-8	1	1-4
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			<ul style="list-style-type: none"> Courts are unwilling to find doctors responsible unless they fall far below the professional standard reasonably expected That seems to be the case here and so it seems likely that Doctor Brown may be liable Credit any other relevant points. Reach any sensible conclusions.															
			Assessment Objective 3 – Communication and presentation Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.	5	<table border="1"> <thead> <tr> <th>AO1 + AO2 marks</th> <th>AO3 mark</th> </tr> </thead> <tbody> <tr> <td>37-45</td> <td>5</td> </tr> <tr> <td>28-36</td> <td>4</td> </tr> <tr> <td>19-27</td> <td>3</td> </tr> <tr> <td>10-18</td> <td>2</td> </tr> <tr> <td>1-9</td> <td>1</td> </tr> </tbody> </table>		AO1 + AO2 marks	AO3 mark	37-45	5	28-36	4	19-27	3	10-18	2	1-9	1
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7	(a)	<p>Potential answers may:</p> <p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>P1 Reason that the <i>actus reus</i> of attempted murder requires an act which is more than merely preparatory</p> <p>P2 Reason that Maria has done this when she puts the poison in Steve’s coffee</p> <p>P3 Reason that Maria needs to have the <i>mens rea</i> of attempted murder which is intention to kill</p> <p>P4 Reason that Maria has the <i>mens rea</i> for attempted murder because she uses rat poison</p> <p>P5 Conclude that the statement is accurate.</p> <p>OR</p> <p>P4a Reason that unless Maria puts a lot of rat poison in Steve’s coffee the <i>mens rea</i> of attempted murder is not necessarily present</p> <p>P5a Conclude that the statement is inaccurate.</p>	5	<table border="1"> <thead> <tr> <th>AO2 Level</th> <th>AO2 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>5</td> </tr> <tr> <td>4</td> <td>4</td> </tr> <tr> <td>3</td> <td>3</td> </tr> <tr> <td>2</td> <td>2</td> </tr> <tr> <td>1</td> <td>1</td> </tr> </tbody> </table>		AO2 Level	AO2 Marks	5	5	4	4	3	3	2	2	1	1
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	(b)	<p>P1 Reason that the <i>actus reus</i> of attempted murder requires an act which is more than merely preparatory</p> <p>P2 Reason that Maria’s connecting the wire to the soap dish goes beyond mere preparation</p> <p>P3 Reason that Maria needs to have the <i>mens rea</i> of attempted murder which is intention to kill</p> <p>P4 Reason that Maria’s act would suggest the <i>mens rea</i> of attempted murder because she connects the wire to the soap dish</p> <p>P5 Conclude that the statement is accurate.</p>	5														

Question		Answer	Marks	Guidance
	(c)	<p>P1 Reason that the <i>actus reus</i> of attempted murder requires an act which is more than merely preparatory</p> <p>P2 Reason that on this basis as Nick puts explosives under Steve's car it could be seen as more than preparation</p> <p>P3 Reason that Nick needs to have the <i>mens rea</i> of attempted murder which is intention to kill</p> <p>P4 Reason that the <i>mens rea</i> for attempted murder is present because Nick puts explosives under Steve's car</p> <p>P5 Conclude that the statement is accurate.</p>	5	
	(d)	<p>P1 Reason that the <i>actus reus</i> of murder requires the causing of the unlawful killing of a human being</p> <p>P2 Reason that Nick causes Steve's death when the car explodes</p> <p>P3 Reason that Nick needs to have the <i>mens rea</i> for murder which includes an intention to kill</p> <p>P4 Reason that the <i>mens rea</i> for murder is present as Nick puts explosives under Steve's car</p> <p>P5 Conclude that the statement is accurate.</p>	5	

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8	(a)	Potential answers may: Assessment Objective 2 – Analysis, evaluation and application	5	<table border="1"> <thead> <tr> <th>AO2 Level</th> <th>AO2 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>5</td> </tr> <tr> <td>4</td> <td>4</td> </tr> <tr> <td>3</td> <td>3</td> </tr> <tr> <td>2</td> <td>2</td> </tr> <tr> <td>1</td> <td>1</td> </tr> </tbody> </table>		AO2 Level	AO2 Marks	5	5	4	4	3	3	2	2	1	1
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		<p>P1 Reason that it is an offence to sell a lottery ticket to a 15-year-old</p> <p>P2 Reason that Bruce commits the <i>actus reus</i> when he sells the ticket to Seth</p> <p>P3 Reason that a strict liability offence requires no <i>mens rea</i></p> <p>P4 Reason that Bruce not knowing that Seth is only 15-years-old is irrelevant</p> <p>P5 Conclude that the statement is inaccurate.</p>															
	(b)	<p>P1 Reason that it is an offence to sell food which is unfit to eat</p> <p>P2 Reason that Bruce commits the <i>actus reus</i> by selling rabbits that are unfit to eat</p> <p>P3 Reason that a strict liability offence requires no <i>mens rea</i></p> <p>P4 Reason that it is irrelevant that the vet has assured Bruce that the rabbits are fit to eat</p> <p>P5 Conclude that the statement is accurate.</p>	5														
	(c)	<p>P1 Reason that the <i>actus reus</i> of section 20 includes GBH</p> <p>P2 Reason that severe food poisoning would constitute really serious harm and so be sufficient for GBH</p> <p>P3 Reason that the <i>mens rea</i> for section 20 includes recklessness for some harm</p> <p>P4 Reason that Bruce would not foresee the risk of some harm because the vet has checked the rabbits</p> <p>P5 Conclude that the statement is accurate.</p>	5														

Question	Answer	Marks	Guidance
(d)	<p>P1 Reason that the <i>actus reus</i> of section 18 includes GBH</p> <p>P2 Reason that Bruce has caused Molly to suffer serious burns and this would be enough for GBH</p> <p>P3 Reason that the <i>mens rea</i> of section 18 requires an intention to cause GBH</p> <p>P4 Reason that Bruce putting the lighted newspaper through the letter box would be an intention to do GBH</p> <p>P5 Conclude that the statement is accurate.</p> <p>OR</p> <p>P3a Reason that <i>mens rea</i> could be oblique/indirect intent</p> <p>P4a Reason that putting a lighted newspaper through the letterbox in the middle of the night makes GBH a virtual certainty</p> <p>P5a Reason that the statement is accurate.</p>	5	

APPENDIX 1 Advanced GCE Law Levels of Assessment

There are **five** levels of assessment of AOs 1 and 2 in the A2 units. The first four levels are very similar to the four levels for AS units. The addition of a fifth level reflects the expectation of higher achievement by candidates at the end of a two-year course of study. There are **four** levels of assessment of AO3 in the A2 units. The requirements and number of levels differ between AS and A2 units to reflect the expectation of higher achievement by candidates at the end of a two-year course of study.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (includes QWC)
5	Wide ranging, accurate, detailed knowledge with a clear and confident understanding of relevant concepts and principles. Where appropriate candidates will be able to elaborate with wide citation of relevant statutes and case-law.	Ability to identify correctly the relevant and important points of criticism showing good understanding of current debate and proposals for reform or identify all of the relevant points of law in issue. A high level of ability to develop arguments or apply points of law accurately and pertinently to a given factual situation, and reach a cogent, logical and well-informed conclusion.	
4	Good, well-developed knowledge with a clear understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate by good citation to relevant statutes and case-law.	Ability to identify and analyse issues central to the question showing some understanding of current debate and proposals for reform or identify most of the relevant points of law in issue. Ability to develop clear arguments or apply points of law clearly to a given factual situation, and reach a sensible and informed conclusion.	An accomplished presentation of logical and coherent arguments and communicates relevant material in a very clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
3	Adequate knowledge showing reasonable understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate with some citation of relevant statutes and case-law.	Ability to analyse most of the more obvious points central to the question or identify the main points of law in issue. Ability to develop arguments or apply points of law mechanically to a given factual situation, and reach a conclusion.	A good ability to present logical and coherent arguments and communicates relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
2	Limited knowledge showing general understanding of the relevant concepts and principles. There will be some elaboration of the principles, and where appropriate with limited reference to relevant statutes and case-law.	Ability to explain some of the more obvious points central to the question or identify some of the points of law in issue. A limited ability to produce arguments based on their material or limited ability to apply points of law to a given factual situation but without a clear focus or conclusion.	An adequate ability to present logical and coherent arguments and communicates relevant material in a reasonably clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
1	Very limited knowledge of the basic concepts and principles. There will be limited points of detail, but accurate citation of relevant statutes and case-law will not be expected.	Ability to explain at least one of the simpler points central to the question or identify at least one of the points of law in issue. The approach may be uncritical and/or unselective.	A limited attempt to present logical and coherent arguments and communicates relevant material in a limited manner using some appropriate legal terminology. Reward grammar, spelling and punctuation.

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