

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.

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Annotations

| Annotation | Meaning |
|-----------------------------------------------------------------------------------|----------------------------------------------------------|
|  | Unclear |
|  | Benefit of Doubt |
|  | Cross |
|  | Not answered question |
|  | Irrelevant |
|  | Repeat |
|  | Tick (Knowledge A01) |
|  | Vague |
| SO | Sort of |
| QUESTION 1 AND QUESTION 3 | MEANING |
| CP | Critical Point identified |
| AP1 | Analytical Point 1 identified |
| LC | Link Case identified |
| Conc | Conclusion made (Question 3) |
| QUESTION 2 | MEANING |
| Def | Definitions (A01) |
| Def/S | Definitions of statutes (A01) |
| C1 etc | Case stated but with no facts or development |
| C1+ | Case stated with facts and or development and discussion |

| Annotation | Meaning |
|-------------------|-------------------------------------------------------------------------------------------|
| A02 | Comment or analysis |
| A02+ | Comment or analysis developed |
| A02(LTQ) | Comment or analysis linked to quote |
| A02(LTQ)+ | Well developed comment or analysis linked to quote |
| LTS | Indicates either A01 statement and or A02 comment linked to a correctly referenced Source |

| Question | Answer | Marks | Guidance | | | | | | | | | | | | |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|---|-------|---|------|---|-----|---|-----|---|-----|
| 1* | <p>Potential answers may:</p> <p>Assessment Objective 2 – Analysis, evaluation and application</p> <p>CP1 Discuss the fact that the Court of Appeal in <i>Jones</i> reiterated that it was for a jury to decide whether the act was capable of being '<i>more than merely preparatory</i>'. The question would be decided by a jury in looking at the 'plain natural meaning' of section 1. The trial judge had accordingly rightly left the charge of attempted murder to the jury and the Court of Appeal confirmed this decision</p> <p>AP1 Identify the major issue in the case that the defendant denied attempted murder because he said he had only intended to kill himself and, in any case, that there were at least three more acts to do before he could have killed anyone ie released safety catch, put finger on trigger and pulled the trigger. The defendant was convicted of attempted murder</p> <p>AP2 Discuss the fact that the Criminal Attempts Act 1981 does not define '<i>more than merely preparatory</i>' but <i>Jones</i> assists in defining the phrase by reiterating section 4(3) that this is a question of fact in each case. This position is supported by the Law Commission's 1980 report</p> <p>AP3 Discuss how the Court of Appeal, on the facts, distinguished between merely preparatory acts and those that a jury could consider as being acts more than merely preparatory:</p> <ul style="list-style-type: none"> • Merely Preparatory – obtaining the shotgun, shortening the barrel of the shotgun and going to the victim's car; • More Than Merely Preparatory – getting into the car, taking out the loaded shotgun and pointing it at the victim with the intent of killing him and saying '<i>You are not going to like this!</i>' <p>AP4 Discuss that Lord Taylor stated that a court must not to try and fit pre-1981 <i>actus reus</i> tests into the words of the section. In particular, he rejected the defendant's argument that the last act test or other common law tests were embodied in section 1(1). For example, <i>Eagleton, Stonehouse, Robinson</i>.</p> | 12 | <table border="1" data-bbox="1377 268 1798 483"> <thead> <tr> <th>A02 Level</th> <th>A02 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>11-12</td> </tr> <tr> <td>4</td> <td>9-10</td> </tr> <tr> <td>3</td> <td>7-8</td> </tr> <tr> <td>2</td> <td>4-6</td> </tr> <tr> <td>1</td> <td>1-3</td> </tr> </tbody> </table> <p>Marks should be awarded as follows:</p> <ul style="list-style-type: none"> • Max 3 marks for the Critical Point (CP) • Max 6 marks for Analytical Points (AP) • Max 3 marks for a relevant Linked Case (LC) <p>Level 5 Responses are unlikely to achieve level 5 without discussing the CP, without using a linked case for the purpose of showing development and without two well developed analytical points.</p> <p>Re: AP5 Please note credit can only be given for comment that has direct relevance to <i>Jones</i>. Hence any generic comment should not be credited.</p> <p>Re: Linked case Please note credit can only be given for the link case (LC) where there is a specific link to <i>Jones</i>.</p> | A02 Level | A02 Marks | 5 | 11-12 | 4 | 9-10 | 3 | 7-8 | 2 | 4-6 | 1 | 1-3 |
| A02 Level | A02 Marks | | | | | | | | | | | | | | |
| 5 | 11-12 | | | | | | | | | | | | | | |
| 4 | 9-10 | | | | | | | | | | | | | | |
| 3 | 7-8 | | | | | | | | | | | | | | |
| 2 | 4-6 | | | | | | | | | | | | | | |
| 1 | 1-3 | | | | | | | | | | | | | | |

| Question | | | Answer | Marks | Guidance | | | | | | | | | | | |
|-----------|-----------|--|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-------|---|-----|---|-----|---|-----|---|--|
| | | | <p>AP5 Consider any other relevant comment. For example, Lord Taylor's discussion on codifying Acts.</p> <p>LC Link to any relevant case eg <i>White, Boyle and Boyle, Attorney-General's Reference (No1 of 1992), Dagnall, Gullefer, Geddes</i> etc.</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.</p> | 4 | <table border="1"> <thead> <tr> <th>AO2 Marks</th> <th>AO3 Marks</th> </tr> </thead> <tbody> <tr> <td>10-12</td> <td>4</td> </tr> <tr> <td>7-9</td> <td>3</td> </tr> <tr> <td>4-6</td> <td>2</td> </tr> <tr> <td>1-3</td> <td>1</td> </tr> </tbody> </table> | AO2 Marks | AO3 Marks | 10-12 | 4 | 7-9 | 3 | 4-6 | 2 | 1-3 | 1 | |
| AO2 Marks | AO3 Marks | | | | | | | | | | | | | | | |
| 10-12 | 4 | | | | | | | | | | | | | | | |
| 7-9 | 3 | | | | | | | | | | | | | | | |
| 4-6 | 2 | | | | | | | | | | | | | | | |
| 1-3 | 1 | | | | | | | | | | | | | | | |

| Question | Answer | Marks | Guidance | | | | | | | | | | | | |
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| 2* | <p>Potential answers may:</p> <p>Assessment Objective 1 - Knowledge and understanding</p> <p>Re mens rea:</p> <ul style="list-style-type: none"> • Explain that the common law's approach to the mens rea of an attempt was, in practice, to require [the same as] that of the full crime: an intent to commit the substantive offence <i>Easom</i> • Explain the 1981 Criminal Attempts Act so as to define the mens rea of the offence as being intent • Explain the courts' insistence on intention purely as the basis of mens rea post-1981 eg <i>Millard and Vernon</i> • Explain the importance of establishing at what point a criminal intention can be said to have progressed to the stage of an attempt - <i>Geddes</i> etc • Explain the development of the mens rea in relation to attempted murder and attempted infliction of grievous bodily harm from cases such as <i>Whybrow, Mohan, Walker and Hales, Woollin</i> • Explain the development of the mens rea in relation to recklessness after <i>Millard</i> eg <i>Attorney General's Reference (No3 of 1992, Khan)</i> <p>Re attempts to do the impossible:</p> <ul style="list-style-type: none"> • Explain the difference between a crime that is physically impossible and one which is legally impossible • Explain the pre-1981 common law's lack of liability for defendants who attempted the impossible eg <i>Haughton v. Smith</i> • Explain the Law Commission's desire to prevent decisions like that in <i>Haughton</i> by enacting S.1(1) of the Criminal Attempts Act 1981 • Explain that aspects of attempting the impossible may very well refer to the realistic and hypothetical absence of an actus reus of any sort unless defined by the accused's belief. Refer to Ss 1 (2) and (3) as well as <i>Anderton v. Ryan</i> and <i>Shivpuri</i> | 16 | <table border="1" data-bbox="1400 263 1787 475"> <thead> <tr> <th>AO1 Level</th> <th>AO1 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>14-16</td> </tr> <tr> <td>4</td> <td>11-13</td> </tr> <tr> <td>3</td> <td>8-10</td> </tr> <tr> <td>2</td> <td>5-7</td> </tr> <tr> <td>1</td> <td>1-4</td> </tr> </tbody> </table> <p>Level 5 Candidates are unlikely to achieve Level 5 without discussing 8 linked cases, 6 of which are well developed. Candidates will use material from within the source materials and beyond.</p> <p>Level 4 Candidates are unlikely to achieve Level 4 without including 6 linked cases, 4 of which are well developed.</p> <p>Level 3 Candidates are unlikely to achieve Level 3 without including 4 linked cases, 2 of which will be well developed.</p> <p>Level 2 Candidates are unlikely to achieve Level 2 without including 2 linked cases, 1 of which will be well developed.</p> <p>Level 1 Candidates are not expected to discuss any cases. Responses will not be rewarded for an explanation on the <i>actus reus</i> of Attempts unless they make a clear link in relation to the <i>mens rea/impossibility</i> of Attempts. Those responses which simply explain the <i>actus reus</i> with no relationship to the <i>mens rea/impossibility</i> will only be rewarded in the case count if relevant.</p> | AO1 Level | AO1 Marks | 5 | 14-16 | 4 | 11-13 | 3 | 8-10 | 2 | 5-7 | 1 | 1-4 |
| AO1 Level | AO1 Marks | | | | | | | | | | | | | | |
| 5 | 14-16 | | | | | | | | | | | | | | |
| 4 | 11-13 | | | | | | | | | | | | | | |
| 3 | 8-10 | | | | | | | | | | | | | | |
| 2 | 5-7 | | | | | | | | | | | | | | |
| 1 | 1-4 | | | | | | | | | | | | | | |

| Question | Answer | Marks | Guidance | | | | | | | | | | | | |
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| | <ul style="list-style-type: none"> • Explain attempting the impossible crime eg <i>Taffe</i> <p>Credit any other relevant point.</p> <p>Assessment Objective 2 - Analysis, evaluation and application</p> <p>Re mens rea:</p> <ul style="list-style-type: none"> • Discuss the rationale of criminalising attempts through the <i>mens rea</i> • Discuss the significance of the decision in <i>Whybrow</i> in defining the <i>mens rea</i> required for attempted murder and grievous bodily harm and whether the decisions in <i>Mohan</i>, <i>Walker</i> and <i>Woollin</i> may have clarified the law • Discuss the relevance of <i>Attorney General's Reference (No3 of 1992)</i> and <i>Khan</i> in terms of intended consequences and recklessness • Consider any reference to the Draft Criminal Code <p>Re attempts to do the impossible:</p> <ul style="list-style-type: none"> • Discuss the ineffectiveness and unfairness of the pre-1981 common law eg <i>Haughton</i> • Discuss the House of Lords confusion over attempting the impossible in <i>Anderton v Ryan and Shivpuri</i> • Consider the morally reprehensible situation of the defendant not being found guilty of the impossible crime when they clearly intended to engage in criminal activity • Consider any reference to the Draft Criminal Code <p>Credit any other relevant point.</p> | 14 | <table border="1" data-bbox="1400 375 1787 587" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>AO2 Level</th> <th>AO2 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>13-14</td> </tr> <tr> <td>4</td> <td>10-12</td> </tr> <tr> <td>3</td> <td>7-9</td> </tr> <tr> <td>2</td> <td>4-6</td> </tr> <tr> <td>1</td> <td>1-3</td> </tr> </tbody> </table> <p>Level 5 Responses are unlikely to achieve Level 5 without sophisticated analytical engagement with the question and very focused on the quote and provide a logical conclusion.</p> <p>Level 4 Responses are unlikely to achieve Level 4 without a good analytical engagement with the question and good focus on the quote and provide a logical conclusion.</p> <p>Level 3 Responses are unlikely to achieve Level 3 without an adequate analytical engagement with the question and limited focus on the quote and provide a logical conclusion.</p> <p>Level 2 Responses are unlikely to achieve Level 2 without limited analytical engagement with the question.</p> <p>Level 1 Responses are unlikely to achieve Level 1 without very limited analytical engagement with the question.</p> | AO2 Level | AO2 Marks | 5 | 13-14 | 4 | 10-12 | 3 | 7-9 | 2 | 4-6 | 1 | 1-3 |
| AO2 Level | AO2 Marks | | | | | | | | | | | | | | |
| 5 | 13-14 | | | | | | | | | | | | | | |
| 4 | 10-12 | | | | | | | | | | | | | | |
| 3 | 7-9 | | | | | | | | | | | | | | |
| 2 | 4-6 | | | | | | | | | | | | | | |
| 1 | 1-3 | | | | | | | | | | | | | | |

| Question | | | Answer | Marks | Guidance | | | | | | | | | | |
|-----------------|----------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|-------|---|-------|---|------|---|-----|---|
| | | | | | Responses will not achieve credit for any discussion on the <i>actus reus</i> of Attempts unless they make clear links in relation to the <i>mens rea</i> /impossibility on Attempts. Response which simply discusses the <i>actus reus</i> with no relationship to the <i>mens rea</i> /impossibility will not achieve credit. | | | | | | | | | | |
| | | | 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. | 4 | <table border="1"> <thead> <tr> <th>AO1 + AO2 Marks</th> <th>AO3 mark</th> </tr> </thead> <tbody> <tr> <td>24-30</td> <td>4</td> </tr> <tr> <td>17-23</td> <td>3</td> </tr> <tr> <td>9-16</td> <td>2</td> </tr> <tr> <td>1-8</td> <td>1</td> </tr> </tbody> </table> | AO1 + AO2 Marks | AO3 mark | 24-30 | 4 | 17-23 | 3 | 9-16 | 2 | 1-8 | 1 |
| AO1 + AO2 Marks | AO3 mark | | | | | | | | | | | | | | |
| 24-30 | 4 | | | | | | | | | | | | | | |
| 17-23 | 3 | | | | | | | | | | | | | | |
| 9-16 | 2 | | | | | | | | | | | | | | |
| 1-8 | 1 | | | | | | | | | | | | | | |

| Question | Answer | Marks | Guidance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| 3 | <p>Potential answers may:</p> <p>Assessment Objective 1 - Knowledge and understanding</p> <ul style="list-style-type: none"> • Explain the <i>actus reus</i> of an attempted crime under section 1(1) Criminal Attempts Act 1981 • Explain that in order to convict the defendant the act must be more than merely preparatory to the commission of the offence • Explain that more than merely preparatory means that the defendant must have gone beyond purely preparatory acts and have '<i>embarked on the crime proper</i>' <i>Gullefer</i> • Explain that the distinction between mere preparation and an attempted crime is determined by a jury considering '<i>has the defendant done an act which shows that he has actually tried to commit the offence in question, or...has he only got ready or put himself in a position or equipped himself to do so</i>' <i>Geddes</i> • Explain relevant cases in the answer: <ul style="list-style-type: none"> • MP eg <i>Gullefer, Campbell, Geddes</i> etc. • MTMP eg <i>Jones, Boyle and Boyle</i> • Explain the <i>mens rea</i> of an attempted crime under section 1(1) Criminal Attempts Act 1981 • Explain that the <i>mens rea</i> of attempts is an intent to commit the full offence and the meaning of intent has the same meaning as that under the common law <i>Mohan</i> • Explain that in cases involving attempted murder or attempted grievous bodily harm a higher level of <i>mens rea</i> is required. For attempted murder the defendant must intend to kill as an intent to cause grievous bodily harm is insufficient <i>Whybrow</i> • Explain section 1(2) and (3) Criminal Attempts Act 1981 – a person can be guilty of an attempted crime even though on the facts the commission of the offence is impossible <i>Shivpuri</i> • Explain sections 1(2) and (3) Criminal Attempts Act 1981. | 10 | <table border="1" data-bbox="1330 225 1906 435"> <thead> <tr> <th>Level</th> <th>AO1 Marks</th> <th>AO2 Marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9-10</td> <td>17-20</td> </tr> <tr> <td>4</td> <td>7-8</td> <td>13-16</td> </tr> <tr> <td>3</td> <td>5-6</td> <td>9-12</td> </tr> <tr> <td>2</td> <td>3-4</td> <td>5-8</td> </tr> <tr> <td>1</td> <td>1-2</td> <td>1-4</td> </tr> </tbody> </table> <p>Marks should be awarded (per scenario) as follows:</p> <table border="1" data-bbox="1330 612 1771 823"> <thead> <tr> <th>Level</th> <th>(a), (b) or (c)</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9-10</td> </tr> <tr> <td>4</td> <td>7-8</td> </tr> <tr> <td>3</td> <td>5-6</td> </tr> <tr> <td>2</td> <td>3-4</td> </tr> <tr> <td>1</td> <td>1-2</td> </tr> </tbody> </table> <p>A maximum of 3 marks can be allocated for AO1 for each part of the question</p> <ul style="list-style-type: none"> • Max 3 marks for the Critical Point (CP); • Max 6 marks for Applied Points (AP); • Max 1 mark for a logical conclusion/assessment of the most likely outcome in terms of liability (CON). <p>In order to reach Level 5, responses must include a discussion of the Critical Point and include a relevant case.</p> | Level | AO1 Marks | AO2 Marks | 5 | 9-10 | 17-20 | 4 | 7-8 | 13-16 | 3 | 5-6 | 9-12 | 2 | 3-4 | 5-8 | 1 | 1-2 | 1-4 | Level | (a), (b) or (c) | 5 | 9-10 | 4 | 7-8 | 3 | 5-6 | 2 | 3-4 | 1 | 1-2 |
| Level | AO1 Marks | AO2 Marks | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 9-10 | 17-20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 7-8 | 13-16 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 5-6 | 9-12 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 3-4 | 5-8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 1-2 | 1-4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Level | (a), (b) or (c) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | 9-10 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | 7-8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | 5-6 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | 3-4 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | 1-2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| Question | Answer | Marks | Guidance |
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| | <p>Assessment Objective 2 - Analysis, evaluation and application</p> <p>In the case of (a): CP Identify Latifah’s act is one capable of being ‘more than merely preparatory’ under section 1(1) Criminal Attempts Act 1981 using a relevant case, <i>Jones, Boyle and Boyle</i> AP1 Identify why Latifah’s act is ‘more than merely preparatory’ AP2 Identify why Latifa’s act may, although unlikely, be one of ‘mere preparation’ using a relevant case <i>Gullefer, Geddes Campbell etc</i> AP3 Identify that Latifah’s intent was to commit the full offence – a proof of a decision to bring about the offence no matter whether the accused desired it or not – <i>Mohan</i> – or <i>Moloney</i> CON Reach any sensible conclusion</p> <p>In the case of (b): AP1 Identify Edward’s act is one capable of being ‘more than merely preparatory’ under section 1(1) Criminal Attempts Act 1981 using a relevant case, <i>Jones, Boyle and Boyle</i> AP2 Identify why Edward’s act is ‘more than merely preparatory’ AP3 Identify why Edward’s act may, although unlikely, be one of ‘mere preparation’ using a relevant case <i>Gullefer, Geddes Campbell etc</i> AP4 Identify that Edward’s intent was to commit the full offence – a proof of a decision to bring about the offence no matter whether the accused desired it or not – <i>Mohan</i> or <i>Moloney</i> CP Identify that Edward can still be liable even if the offence is one of attempting the impossible – s.1(2), <i>Shivpuri</i> CON Reach any sensible conclusion</p> | 20 | |

| Question | Answer | Marks | Guidance |
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| | <p>In the case of (c):</p> <p>CP Identify Jill's act is capable of being one of 'mere preparation' and not under section 1(1) Criminal Attempts Act using a relevant case <i>Gullefer, Geddes, Campbell</i> etc</p> <p>AP1 Identify why Jill's act is 'mere preparation'</p> <p>AP2 Identify why Jill's act may, although unlikely, be one which is 'more than merely preparatory' using a relevant case, <i>Jones, Boyle and Boyle</i></p> <p>AP3 Identify that Jill's intent was to commit the full offence – a proof of a decision to bring about the offence no matter whether the accused desired it or not – <i>Mohan</i> or <i>Moloney</i></p> <p>CON Reach any sensible conclusion</p> | | |

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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