

GCSE

Law

Unit **B142**: Civil Courts and Civil Processes
Civil Liberties and Human Rights

General Certificate of Secondary Education

Mark Scheme for June 2015

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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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These are the annotations, (including abbreviations), including those used in scoris, which are used when marking

Annotation	Meaning of annotation
	Benefit of the doubt
	Incorrect point
	Level one point made
	Level two point made
	Level three point made
	Not answered question
	No benefit of doubt given
	Not relevant or to indicate all or part blank answer pages have been seen by the marker.
	Repeat of question or answer
	Correct point
	Vague

Here are the subject specific instructions for this question paper


To be sure you have not missed any candidate responses you must check every page of the question paper and annotate any blank answer spaces with the following annotation:



Additional Objects

You must also check any additional pages (shown as Additional Objects) which the candidate has chosen to use.

Before you begin marking, use the Linking Tool, to 'link' any additional page(s) to the relevant question(s) and mark the response as normal.

All additional pages must be annotated with the  stamp, so it is clear to centres that the additional pages have been viewed by the marker.

Question	Answer	Mark	Guidance												
1	<p>Candidates will answer as follows:</p> <table border="1" data-bbox="349 272 1167 651"> <thead> <tr> <th data-bbox="349 272 902 309">Statement</th> <th data-bbox="902 272 1032 309">True</th> <th data-bbox="1032 272 1167 309">False</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 309 902 411">The High Court is both a court of first instance and an appellate court.</td> <td data-bbox="902 309 1032 411">✓</td> <td data-bbox="1032 309 1167 411"></td> </tr> <tr> <td data-bbox="349 411 902 513">The Magistrates' Court deals with only criminal cases.</td> <td data-bbox="902 411 1032 513"></td> <td data-bbox="1032 411 1167 513">✓</td> </tr> <tr> <td data-bbox="349 513 902 651">The Divisional Court of the Family Division hears appeals on family cases from both the Magistrates' Court and the County Court.</td> <td data-bbox="902 513 1032 651">✓</td> <td data-bbox="1032 513 1167 651"></td> </tr> </tbody> </table>	Statement	True	False	The High Court is both a court of first instance and an appellate court.	✓		The Magistrates' Court deals with only criminal cases.		✓	The Divisional Court of the Family Division hears appeals on family cases from both the Magistrates' Court and the County Court.	✓		3	<p>AO1</p> <p>One mark for each correct identification.</p>
Statement	True	False													
The High Court is both a court of first instance and an appellate court.	✓														
The Magistrates' Court deals with only criminal cases.		✓													
The Divisional Court of the Family Division hears appeals on family cases from both the Magistrates' Court and the County Court.	✓														
2	<p>a</p> <p>Candidate will identify:</p> <ul style="list-style-type: none"> • Negotiation <p>Reason</p> <p>Informal neighbour dispute / parties can resolve it themselves.</p>	2	<p>AO2</p> <p>1 mark for correct type of ADR 1 mark for correct reason relating to the correct type.</p>												
2	<p>b</p> <p>Candidate will identify:</p> <ul style="list-style-type: none"> • Mediation <p>Reason</p> <p>Family disputes must be dealt with by mediation.</p>	2	<p>AO2</p> <p>1 mark for correct type of ADR 1 mark for correct reason relating to the correct type.</p>												

Question		Answer	Mark	Guidance
2	c	<p>Candidate will identify:</p> <ul style="list-style-type: none"> • Tribunals <p>Reason</p> <p>Workplace disputes must be dealt with in an employment tribunal.</p>	2	<p>AO2</p> <p>1 mark for correct type of ADR 1 mark for correct reason relating to the correct type.</p>
2	d	<p>Candidate will identify:</p> <ul style="list-style-type: none"> • Arbitration <p>Reason</p> <p>Most holiday companies include arbitration clauses in their contracts, including the Association of British Travel Agents (ABTA).</p>	2	<p>AO2</p> <p>1 mark for correct type of ADR 1 mark for correct reason relating to the correct type.</p>
3		<p>Candidates will state any two of the following:</p> <ul style="list-style-type: none"> • expense • delay • parties were not on an equal footing • lack of cooperation by the parties with the court • lack of formalised ADR. • complex <p>Accept any suitable alternative answer.</p>	2	<p>AO1</p> <p>One mark for each correct identification</p>

Question	Answer	Mark	Guidance										
4	<p>Candidates will identify and explain the following:</p> <p>Small Claims Track</p> <ul style="list-style-type: none"> For claims under £5,000 or £1,000 for personal injury and housing claims (pre-2013) and £10,000 or £1,000 for personal injury and housing claims (post-2013) Quick, easy and informal DIY court for straightforward claims. <p>Fast Track Court</p> <ul style="list-style-type: none"> For more complex claims between £10,000-£25,000 (pre 2013 £5,000 and £25,000) Fast: trial within 30 weeks; trial limited to 1 day and fixed costs. <p>Credit any other relevant response.</p>	6	<p>AO1 /AO2/AO3</p> <p>3 marks-develops a discussion on operation of the track 2 marks-explains operation of the track 1 mark-identifies relevant track 0 marks-no response or nothing worthy of credit</p> <p>Maximum 3 marks for each track.</p> <p>Do not credit for reference to multi track as that is referred to in the question.</p> <p>(Maximum 6 marks)</p>										
5	<p>a</p> <p>Candidates will identify:</p> <table border="1" data-bbox="521 826 976 1342"> <tr> <td></td> <td>Court of Appeal Judge</td> </tr> <tr> <td></td> <td>District Judge</td> </tr> <tr> <td></td> <td>High Court Judge</td> </tr> <tr> <td></td> <td>Recorder</td> </tr> <tr> <td style="text-align: center;">✓</td> <td>Supreme Court Judge</td> </tr> </table>		Court of Appeal Judge		District Judge		High Court Judge		Recorder	✓	Supreme Court Judge	1	<p>AO2</p> <p>For one mark</p>
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Question		Answer	Mark	Guidance										
5	b	<p>Candidates will identify:</p> <table border="1"> <tr> <td></td> <td>Court of Appeal Judge</td> </tr> <tr> <td></td> <td>District Judge</td> </tr> <tr> <td></td> <td>High Court Judge</td> </tr> <tr> <td>✓</td> <td>Recorder</td> </tr> <tr> <td></td> <td>Supreme Court Judge</td> </tr> </table>		Court of Appeal Judge		District Judge		High Court Judge	✓	Recorder		Supreme Court Judge	1	<p>AO2</p> <p>For one mark</p>
	Court of Appeal Judge													
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	High Court Judge													
✓	Recorder													
	Supreme Court Judge													
6	a	<p>Candidates will identify:</p> <p>False</p>	1	<p>AO3</p> <p>For one mark</p>										
6	b	<p>Candidates will identify:</p> <p>False</p>	1	<p>AO3</p> <p>For one mark</p>										
7		<p>Candidates will identify:</p> <table border="1"> <thead> <tr> <th>Qualification</th> <th>Tick</th> </tr> </thead> <tbody> <tr> <td>Five years Crown or County Court qualification.</td> <td></td> </tr> <tr> <td>Seven years Crown or County Court qualification.</td> <td>✓</td> </tr> <tr> <td>Ten years Crown or County Court qualification.</td> <td></td> </tr> <tr> <td>Fifteen years Crown or County Court qualification.</td> <td></td> </tr> </tbody> </table>	Qualification	Tick	Five years Crown or County Court qualification.		Seven years Crown or County Court qualification.	✓	Ten years Crown or County Court qualification.		Fifteen years Crown or County Court qualification.		1	<p>AO1</p> <p>For one mark</p>
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Question	Answer	Mark	Guidance										
8	Candidates will identify: <table border="1" data-bbox="349 272 1167 584"> <thead> <tr> <th data-bbox="349 272 900 304">Courts</th> <th data-bbox="900 272 1167 304">Tick</th> </tr> </thead> <tbody> <tr> <td data-bbox="349 304 900 376">Crown Court and High Court</td> <td data-bbox="900 304 1167 376"></td> </tr> <tr> <td data-bbox="349 376 900 448">Crown Court and Court of Appeal</td> <td data-bbox="900 376 1167 448"></td> </tr> <tr> <td data-bbox="349 448 900 520">Crown Court and County Court</td> <td data-bbox="900 448 1167 520">✓</td> </tr> <tr> <td data-bbox="349 520 900 584">High Court and County Court</td> <td data-bbox="900 520 1167 584"></td> </tr> </tbody> </table>	Courts	Tick	Crown Court and High Court		Crown Court and Court of Appeal		Crown Court and County Court	✓	High Court and County Court		1	AO1 For one mark
Courts	Tick												
Crown Court and High Court													
Crown Court and Court of Appeal													
Crown Court and County Court	✓												
High Court and County Court													
9	Candidates will identify any two from: <ul style="list-style-type: none"> • Citizens Advice Bureau • Trade Unions • Charities • Conditional fee arrangements. • Law Centres • Pro bono work by law firms/universities • Internet (BOD) 	2	AO1 One mark for each correct answer, maximum 2 marks. State funded advice will not be credited										
10	Candidates will describe one similarity and two differences as follows: <p>Similarity</p> <ul style="list-style-type: none"> • Both start with a qualifying law degree • Academic Qualifications • Or a non-law degree plus the one year Graduate Diploma in Law (GDL) 	6	AO1/AO2 Maximum of 2 marks for the similarity and for each difference described. Maximum 6 marks										

Question	Answer	Mark	Guidance
	<p>Difference</p> <ul style="list-style-type: none"> • Solicitors take the one year Legal Practice Course (LPC) • Barristers take the one year Bar Vocational Course (BVC) now called the Bar Professional Training Course (BPTC) <p>Difference</p> <ul style="list-style-type: none"> • Solicitors complete a two year training contract • Barristers complete one year pupillage <p>Credit any other relevant response.</p>		
11	<p>Candidates explain two recommendations:</p> <p>More flexibility by removal of pupillage. At present, gaining a pupillage is often a result of having family connections which can make the law elitist. Removal of pupillage could make it easier for women and ethnic minorities to enter the profession. A more flexible approach to training should make the profession more representative of society as a whole.</p> <p>Removal or reduction of training contract Removing the need for a fixed two year training contract could encourage more firms to offer them. This will mean more graduates will be able to complete their training and qualify. Simplifying the training and reducing the cost will encourage people from less privileged backgrounds.</p> <p>Apprenticeship route Developing an apprenticeship route to qualification will encourage people who cannot afford a law degree to enter the profession. Cilex already provides a route in for these individuals and the apprenticeship route will encourage a broader range of people to apply. This entry route will widen the talent pool available to law firms.</p>	6	<p>AO2/AO3</p> <p>Level1: limited explanation (1-2) Level 2: adequate explanation (3-4) Level 3: good explanation (5-6) 0 marks=no response or nothing worthy of credit.</p> <p>Level 1=1-2 marks Limited explanation. One point for bottom L1, two or more limited points for top L1</p> <p>Level 2=3-4 marks Adequate explanation. At least one developed point to reach L2</p> <p>Level 3=5-6 marks Good explanation covering two recommendations. At least one developed point for bottom L3, two or more developed points for top L3. If well developed point then bottom L3.</p> <p>No credit for just repeating the question</p> <p>Maximum 6 marks</p>

Question	Answer	Mark	Guidance
	<p>More recognition of Chartered Legal Executives The recognition of alternative pathways into the profession will enhance the status of Cilex lawyers. They are now able to set up their own practices and become partners or managers. Cilex lawyers are also now eligible to apply for prescribed judicial posts and become Chairs of Tribunals. This means that a broader range of people are succeeding at the higher ranks of the profession.</p> <p>Guidance offered to employers on offering work experience and internships The introduction of guidance on offering work experience should open access to those who are less wealthy and who do not have social connections to the profession. This will enable more, socially diverse people to consider a career in law and ultimately, will help them achieve a place on an undergraduate course and/or a job.</p> <p>Credit any other relevant response.</p>		
12	<p>Candidates will insert the correct missing words as follows, in this order:</p> <ul style="list-style-type: none"> • interference • civil liberties • freedoms • restrictions • constitution • statute • common law • European Union 	8	<p>AO1/AO3</p> <p>One mark for each correct word or phrase.</p>

Question	Answer	Mark	Guidance										
13	<p>Candidates will draw lines as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%; text-align: center;">Human Right</th> <th style="width: 50%; text-align: center;">Restriction</th> </tr> </thead> <tbody> <tr> <td>Article 2 The right to life</td> <td>To prevent the spread of infectious diseases</td> </tr> <tr> <td>Article 5 The right to liberty and security of the person.</td> <td>To protect public safety and national security</td> </tr> <tr> <td>Article 9 The right to freedom of thought and conscience and religion.</td> <td>To protect people who want to leave a particular faith</td> </tr> <tr> <td>Article 11 The right to freedom of peaceful assembly</td> <td>To prevent turning off a life support machine without permission</td> </tr> </tbody> </table>	Human Right	Restriction	Article 2 The right to life	To prevent the spread of infectious diseases	Article 5 The right to liberty and security of the person.	To protect public safety and national security	Article 9 The right to freedom of thought and conscience and religion.	To protect people who want to leave a particular faith	Article 11 The right to freedom of peaceful assembly	To prevent turning off a life support machine without permission	4	<p>AO1</p> <p>One mark for correctly matching a Human Right with the appropriate restriction.</p> <p>Maximum 4 marks</p>
Human Right	Restriction												
Article 2 The right to life	To prevent the spread of infectious diseases												
Article 5 The right to liberty and security of the person.	To protect public safety and national security												
Article 9 The right to freedom of thought and conscience and religion.	To protect people who want to leave a particular faith												
Article 11 The right to freedom of peaceful assembly	To prevent turning off a life support machine without permission												

Question	Answer	Mark	Guidance
14	<p>Candidates will discuss arguments for and against: Arguments in favour of a free press</p> <p>Article 10:</p> <ul style="list-style-type: none"> • Everyone has the right of freedom of expression. Freedom of speech essential in a democracy. Cannot censor free speech. • Government can be held to account-various examples can be given including the MPs expenses scandal. • Public figures can be held to account-various examples can be given including England footballers who earn an income through portraying themselves as family men but are having secret affairs. • Sufficient protection in place for celebrities with super-injunctions. • Press have led huge and successful campaigns for justice e.g. Sarah's Law and Megan's Law. • Protection of National Security <p>Arguments against a free press</p> <p>Article 8:</p> <ul style="list-style-type: none"> • Everyone has the right to respect for his private and family life, his home and his correspondence. • Press go too far and many stories not in public interest but in the interests of selling more newspapers-various examples can be given about press intrusion .e.g. the topless photos of Katherine, Princess of Wales or The Sun's coverage of Hillsborough. • Press go too far in taking pictures of celebrities who are overweight; drunk; anorexic; dying etc. The emphasis on celebrity culture has an adverse effect on teenage aspiration. • Phone hacking scandal and closing down of the News of the World. The alleged hacking of Milly Dower's phone. 	9	<p>AO3 Levels to be awarded on the following basis:</p> <p>Level 1: Point: Identification of an argument for or against a free press. Level 2: Developed point: Explanation/detail/example to illustrate the argument for or against a free press. Level 3: Extended point: Involves the progression of the argument to support the developed point made.</p> <p>Candidates should follow the P.E.A. approach: Point, Evidence, Analysis.</p> <p>Level one= 1-3 marks Limited or adequate points covering either for or arguments against a free press</p> <p>One-sided discussion capped at L1</p> <p>Bare list of points lacks development for L2 and will be capped at 3 marks.</p> <p>Level two=4-6 marks Adequate discussion covering both arguments for and against a free press.</p> <p>At least one developed point to reach L2.</p> <p>Level three=7-9 marks Good discussion covering both arguments for and against.</p> <p>At least one well developed point to reach level 3</p>

Question	Answer	Mark	Guidance
	<ul style="list-style-type: none"><li data-bbox="353 212 1227 338">• Right to a private life; effect on family members. Hugh Grant complaining about press intrusion into the birth of his children or Steve Coogan complaining of “kiss and tell” stories obtained by journalists paying his ex-girlfriends.		Articles 8 / Articles 10 under ECHR - required for L3 Maximum 9 marks

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