

Mark Scheme for June 2010

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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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General Instructions on Marking Scripts

You should refer to the *Instructions for Examiners* documentation for detailed guidance.

For many question papers there will also be subject, or paper-specific, instructions which supplement these general instructions. The paper-specific instructions follow these generic ones.

1 Before the Standardisation Meeting

Before the Standardisation meeting you must mark at least 10 scripts from several centres. For this preliminary marking you should use **pencil** and follow the **mark scheme**.

Bring these **marked scripts** to the meeting.

2 Marking and Annotation of Scripts After the Standardisation Meeting

2.1 Scripts must be marked in **red**, including those initially marked in pencil for the Standardisation meeting.

2.2 All scripts must be marked in accordance with the version of the mark scheme agreed at the Standardisation meeting.

2.3 Annotation of scripts

Examiners should use annotation to show clearly where a mark is earned or why it has not been awarded. This will help examiners, checkers and those who review the marking of scripts.

Annotation consists of:

- ticks and crosses to show where marks have been earned or not earned
- specific words or phrases as agreed at Standardisation and as contained and included in the final mark scheme to show why a mark has been earned or indicate why a mark has not been earned (eg to show there is an omission)
- standard abbreviations, eg for *follow through*, *special case*, etc.

As scripts may be returned to centres, you should use the minimum of comments and make sure that these are related to the award of a mark or marks and are matched to statements in the mark scheme.

Do **not** include general comments on a candidate's work.

Record any annotation in the body of the answer, or in the margin next to the point where the decision is made to award, or not award, the mark.

2.4 Recording of marks

- 2.4.1 Give a clear indication of how marks have been awarded, as instructed in the mark scheme.
- 2.4.2 Record numerical marks for responses to part-questions **unringed** in the right-hand margin. Show the total for each question (or, in specific cases, for each page) as a single **ringed** mark in the right-hand margin at the end of each question.
- 2.4.3 Transfer ringed totals to the front page of the script, where they should be totalled.
- 2.4.4 Show evidence that you have seen the work on every page of a script on which the candidate has made a response.
- 2.4.5 Cross through every blank page to show that you have seen it.
- 2.4.6 Follow the current guidance on crossed-out work.

3 Handling of unexpected answers

The Standardisation meeting will include discussion of marking issues, including:

- consideration of the mark scheme to reach a decision about the range of acceptable responses and the marks appropriate to them
- comparable marking standards for optional questions
- the handling of unexpected, yet acceptable, answers.

If you are not sure how to apply the mark scheme to an answer, you should telephone your Team Leader.

Section A

- 1 (a) Describe the qualifications and training of both barristers and solicitors. [18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Demonstrate knowledge and understanding of the training of Barristers:

- Academic: law degree (7 core subjects) or other degree plus CPE/GDL after one year's extra training on core subjects;
- Vocational: join Inn of Court and dine 12 times or attend residential training courses during Bar Vocational Course (BVC – soon to be BPTC) – practical training with emphasis on advocacy and drafting opinions and statements of case;
- Practical: called to the Bar, pupillage of two six month periods with a pupil master, tenancy.

Demonstrate knowledge and understanding of the training of solicitors

- Academic: law degree (7 core subjects) or other degree plus CPE/GDL to cover core subjects;
- Vocational: 1 year Legal Practice Course, includes dealing with clients, accounts etc;
- Practical: 2 years working in a solicitors' office or other legal organisation working under supervision;
- 20 day Professional Skills Course;
- Admitted as a solicitor by the Law Society and name added to the roll of solicitors.

Credit will be given for details of training and mention of further training after qualification.

Credit the ILEX route for solicitors.

If only solicitors **or** barristers training is covered then candidates will be unable to achieve higher than bottom level 3.

- 1 (b)* Discuss the problems associated with training for both barristers and solicitors. [12]

Mark Levels	A02
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	A03
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Discuss the problems associated with the current system of training:

- CPE/PGDL may not be seen as a sufficient grounding in law for non-law graduates but is an opportunity for those able candidates who decide late to keep the training more affordable and less time consuming;
- Variable quality of pupillages;
- Choice to become a barrister or solicitor has to be made too early ;
- LPC tries to cover too much in one year;
- Difficulty in finding a pupillage/training contract prevents many from completing their training;
- Costs put off many able candidates especially with the scarcity of pupillages etc as large debts accrue with no guarantee of being able to complete the training, but there are now some bursaries available to help with costs of training;
- Too many qualify for the jobs available;
- Many newly qualified lawyers have accrued large debts and unlike solicitors there is no ILEX route for barristers which can overcome this problem;
- Difficulties lead to only those with financial backing being able to qualify, not necessarily the best people;
- Credit any suggestions for reform eg more joint training, better funding, and more opportunities to do qualifying work in a legal environment while studying.

If only problems associated with training of barristers **or** solicitors are dealt with then candidates will be unable to achieve higher than bottom level 3 marks.

Three well developed points may gain full marks.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

- 2 (a) Describe the roles of judges in civil cases **both** at first instance **and** in appeal courts [18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Demonstrate knowledge and understanding of role in court of first instance:

- To ensure the hearing is carried out fairly and preside over the court;
- To decide questions of law;
- Decide outcome of dispute and award, in small claims help parties put their case;
- Decisions made by a single judge;
- Case manager, deciding track, holding preliminary hearings to clarify issues, keep parties to time limits;
- May be responsible for running court office.

Demonstrate knowledge and understanding of role in appeal courts.

- Review hearing at first instance; decide whether the law was correctly decided and whether hearing carried out properly;
 - Decide whether leave to appeal should be granted;
 - Decisions made by 3 or more judges sitting together;
 - Decide whether result is wrong;
 - Can change decision;
 - Can revise order or award;
 - Can decide issues of law in important cases (Supreme Court (House of Lords) and Court of Appeal usually);
 - Can clarify or amend the law where appropriate (eg *Pepper v Hart [1993]*).
- Credit knowledge of judicial review and the Human Rights Act 1998 but this is not needed for full marks.

If only the role at first instance **or** appeals are described then candidates will be unable to achieve higher than bottom level 3 marks.

- 2 (b)* Discuss the advantages and disadvantages of replacing all lay magistrates with district judges. [12]

Mark Levels	A02
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	A03
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Discuss some of the reasons for replacing lay magistrates:

- District judges have much more training and experience so should have a better understanding of individual cases;
- District judges have worked well in areas where it was difficult to recruit lay magistrates;
- Only one district judge is needed where three lay magistrates would be required;
- Organisation of the court is much simpler with a full time judge rather than organising a rota for a group of part time magistrates who may have availability issues;
- Magistrate's tend to be middle aged/middle class – true but still wider background than judges;
- Prosecution bias – lower acquittal rate than Crown Court but part of training is aimed at eliminating bias and the acquittal rate is more due to the jury in the Crown Court than the judge necessarily;
- Inconsistency in sentencing. Criminal statistics in 2001 showed this to be true over different areas of the country. But consistency is improving due to better training.

Discuss some of the advantages of continuing to use lay magistrates:

- Cost – cheaper than professional judges as unpaid but the costs of administration would be less as there would be fewer district judges;
- Legal Advisor – having the clerk overcomes the criticism that magistrates are not legally qualified;
- Few appeals – there are comparatively few appeals from the Magistrates' Court which indicates few errors of law and that they do a good job.

If only advantages **or** disadvantages of using lay magistrates are covered then candidates will be unable to achieve higher than bottom level 3 marks. Three well developed points can gain full marks.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

- 3 (a) Describe the different methods of Alternative Dispute Resolution available to deal with civil cases. [18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Describe each of the different methods of ADR:

1. Mediation – neutral person helps parties reach a compromise solution. Mediator does not offer an opinion;
2. Conciliation – conciliator goes beyond mediation in that they have the power to suggest grounds for compromise or a settlement;
3. Mediation and conciliation both allow the parties to have control over the resolution process as they can withdraw at any time and a resolution to the dispute cannot be imposed on them as they must agree to it;
4. Arbitration – both parties voluntarily agree to let their dispute be left to the judgment of an arbitrator or a panel of arbitrators who are neutral. Agreements to arbitrate are governed by the Arbitration Act 1996 and are usually in writing. Agreement to go to arbitration can be made before a dispute arises [usually by a *Scott v Avery* clause in a contract]. Agreement will either name an arbitrator or provide a method for choosing one. A court may also appoint an arbitrator. The parties agree the procedure for hearings and this ranges from a ‘paper’ arbitration to a formal court style hearing. Arbitration decisions are binding on the parties and can be enforced by the courts if necessary. An award by an arbitrator can be challenged in the courts for serious irregularity in the proceedings or on a point of law.

Credit Negotiation – parties reach agreement themselves with no third party. May use solicitors. But it is not required for full marks.

Credit mention of the Centre for Dispute Resolution or any other service available for mediation or conciliation eg ACAS.

Credit will be given for any other details.

- 3 (b)* Discuss the advantages and disadvantages of using arbitration rather than using the courts. [12]

Mark Levels	AO2
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	AO3
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Discuss the advantages arbitration:

- That the parties can choose their arbitrator and appoint a technical expert if appropriate;
- Use of an expert to decide saves the necessity for expert witnesses;
- The time and place of the hearing can be decided by the parties to suit their needs and is held in private;
- Confidentiality;
- Likely to be dealt with quicker than the courts;
- Tends to be cheaper than court;
- Award is final and can be enforced by the courts;
- Avoidance of bad feeling between the parties.

Discuss the disadvantages of using arbitration

- Unexpected legal points may crop up which the arbitrator may not be able to fully take into account;
- Commercial arbitration can take as long as the courts to complete
- Professional arbitrators may be very expensive;
- The lack of availability of legal funding may disadvantage an individual;
- Rights of appeal are more limited than the courts.

Comment that the courts encourage the use of ADR under the Woolf reforms and may even stay court proceedings to allow ADR to be tried.

If only advantages **or** disadvantages of using arbitration are covered then candidates will be unable to achieve higher than bottom level 3 marks.

Three well developed points may gain full marks.

If a point refers to ADR in general and not arbitration specifically it cannot be credited as more than a developed point.

If the answer does not refer to arbitration specifically then candidates will be unable to achieve higher than level 2 marks.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

- 4 (a) Describe the aims of sentencing and the factors that are taken into account when sentencing an individual. [18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Explain the main aims of sentencing as set out in the Criminal Justice Act 2003:

- Punishment – retribution for wrongdoing, society’s revenge for the offence. ‘Let the punishment fit the crime’. Based on proportionality or ‘just desserts’ it contains an element of denunciation – society’s outrage at the offence committed;
- Reduction of crime – this includes both deterrence and rehabilitation:
 - Deterrence has two types – individual and general;
 - Individual – aimed at particular offender to put him off re-offending by either a very severe sentence eg custodial sentences or a fine, or by the threat of imprisonment eg a suspended sentence or conditional discharge;
 - General – put society off committing crimes by exemplary sentences or minimum sentences not concerned with fairness and may be harsher than the usual tariff for the offence so can lead to injustice in particular case eg very severe sentences for the theft of mobile phones on the street.

Rehabilitation – aims to reform the offender to stop them re-offending. It is focused on the longer term looking at the potential of the offender to reform. It is now accepted that custodial sentences only have very limited rehabilitative effect

- Protection of the public by preventing the offender from re-offending;
- Reparation – considers the victim when sentencing the offender. Compensation orders used to make offender make amends to the victim.

Other factors that would be taken into account include:

- The seriousness of the crime;
- Antecedents of the offender including any reports on them;
- Motive;
- Early guilty plea (this reduces the sentence by up to a third);
- Sentencing guidelines/tariff;
- Powers of the court.

If **only** aims and **no** factors are described then candidates will be unable to achieve higher than top level 3 marks.

If **only** factors and **no** aims are described then candidates will be unable to achieve higher than mid-level 2 marks.

- 4 (b)* Discuss which sentences would be most appropriate when the main aim of sentencing is the prevention of crime. [12]

Mark Levels	A02
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	A03
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

- Custodial – seen as appropriate as both a deterrent and to prevent crime by the offender whilst they are imprisoned. There is a high level of re-offending however when the sentence ends. Time on licence is supposed to work towards preventing re-offending but a shortage of time given to probation officers prevents adequate supervision;
- Community sentences seen as the most appropriate for rehabilitation and reform which should prevent further crime eg drug testing and treatment requirements;
- Unpaid work requirement seen as in part rehabilitative as focused on helping the community;
- Supervision requirement involves offender having to confront and take responsibility for their behaviour;
- Discharges and fines both seen as deterrent which can be seen as preventing crime.

Credit will be given for any other relevant points.

Three well developed points may gain full marks.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

- 5 (a) Describe the qualifications and selection procedure for choosing a jury.

[18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Demonstrate knowledge and understanding of qualifications as set out in the Juries Act 1974 as amended by the Criminal Justice Act 2003:

- Chosen at random from the electoral registers for a court area by central office every fortnight;
- Only those aged between 18 and 70, on the electoral register and resident in UK for 5 years since age 13 can sit;
- Must sit unless disqualified or excused.

Demonstrate knowledge and understanding of those who cannot or need not sit:

- Cannot sit if disqualified: for life if convicted of a serious offence, for 10 or 5 years for some lesser offences: also if on bail;
- Cannot sit if mentally disordered;
- Can be excused if serving in the armed forces and commanding officer certifies needed;
- Can be excused or have service deferred for “good reason” – application has to be made to Jury Central Summoning Bureau.

Demonstrate knowledge and understanding of selection procedure once at Crown Court:

- 15 chosen at random from the jury pool to go into the court room;
- 12 chosen at random in court by the clerk.

Demonstrate knowledge and understanding of challenges:

- Challenge to the array, by prosecution or defence on way jury selected
- Challenge for cause, by prosecution or defence, because of connection with case or incapacity;
- Right of prosecution to stand by a juror;
- Challenges are often the result of vetting.

Candidates will be unable to achieve level 4 marks without a description of both qualifications **and** selection.

- 5 (b)* Discuss the arguments for and against keeping the secrecy of the jury room. [12]

Mark Levels	A02
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	A03
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Discuss the arguments for keeping the secrecy of the jury room:

- Jury members free from pressure during their discussions and protected from outside pressures .People may be less willing to serve on a jury if they knew their discussions were public due to possible repercussions;
- Gives juries the freedom to ignore the strict letter of the law eg *Kronlid (1996)*, *Kings Norton 6 (2008)* if they believe the law is wrong.

Discuss the arguments against keeping the secrecy of the jury room:

- No reasons need to be given for a verdict which makes it difficult to appeal;
- Contempt of Court Act 1981 makes it an offence to disclose , obtain or solicit information about what happened in a jury room so a juror cannot disclose even when a decision is made on very shaky grounds *Mirza and Connor v Rollock (2004)*;
- Inquiries can be made into conduct of the jury outside the jury room *Young (1995)* Ouija board case, *Karakaya (2005)* internet search case. Both required retrials but if the events had happened in the jury room no one would have known.

Credit will be given for any other relevant points.

If only advantages **or** disadvantages of keeping secrecy in the jury room are covered then candidates will be unable to achieve higher than bottom level 3 marks.

Three well developed points may gain full marks.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

Section B

- 6 (a) Describe how it is decided whether or not to grant bail to a person awaiting trial. [18]

Mark levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Identify that bail enables a defendant to remain at liberty until the next stage of their case.

Show a clear understanding that both police and magistrates can grant bail and the powers of the Magistrates' Court.

Demonstrate a clear understanding of the Bail Act 1976 and subsequent amendments in the Bail (Amendment) Act 1993, the Crime and Disorder Act 1998 and the Criminal Justice Act 2003:

- General right to bail;
- Reasons for refusing bail eg failure to surrender to custody, likely to commit further offences or interfere with the course of justice;
- Factors to be taken into account including: nature and seriousness of offence, antecedents of defendant, previous bail record, strength of evidence against defendant;
- Bail only granted in exceptional circumstances for murder, attempted murder, manslaughter, rape or attempted rape if the defendant has already served a custodial sentence for such a crime;
- Bail is restricted if the offence was committed whilst on bail;
- Bail is restricted for adult drug users under the Criminal Justice Act 2003 in certain circumstances.

Demonstrate a clear understanding of unconditional and conditional bail, and the types of conditions that may be imposed on a defendant including sureties.

Candidates may also mention the process involved in making renewed applications and an appeal against a rejected bail application by the defendant but it is not necessary for full marks.

- 6 (b)* Kelly is suspected of having committed a robbery. She has several previous convictions for theft and credit card fraud. She lives with her three children and has complied with bail conditions in the past.

Explain which factors and conditions are likely to be considered when making a decision regarding bail for Kelly. [12]

Mark Levels	AO2
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	AO3
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Identify that for offences such as robbery there is a presumption in favour of bail. The factors taken into account under the Bail Act would all need to be considered with particular reference to:

- The likelihood of her re-offending whilst on bail will need to be considered as Kelly has a previous record for theft and credit card fraud;
- The fact that she has previously complied with bail conditions will go in her favour;
- The strength of the evidence against her;
- The fact that she has ties to the area would mean that the risk of her absconding before the trial is less likely but would need to be considered as her offence is more serious and the possible sentence may involve imprisonment.

Conditions could be attached to her bail to enable bail to be granted for example a curfew, surrender of her passport and reporting to the police station. Credit will be given mention of any other relevant factors or conditions. Credit police bail.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

- 7 (a) Describe the rights of a person, who is suspected of committing a serious offence whilst detained, interviewed and searched at the police station. [18]

Mark Levels	AO1
Level 4	15–18
Level 3	11–14
Level 2	6–10
Level 1	1–5

Potential answers **MAY**:

Assessment Objective 1

Demonstrate knowledge of rights set out under the Police and Criminal Evidence Act 1984 as amended by the Serious Organised Crime and Police Act 2005 and the Criminal Justice Act 2003 and the Codes of Practice:

Detention:

- The right to have someone informed of the detention and to consult the Codes of Practice;
- To have a custody officer monitor detention and keep a custody record to ensure the Codes of Practice are adhered to;
- To be detained no longer than 24 hours normally but that can be extended to 36 hours for all offences with permission of a police officer of the rank of superintendent or above and up to 96 hours for indictable offences if authorised by magistrates;
- To have access to medical treatment;

Interview:

- When interviewed the interview must be recorded and a caution given
- The interview room must be adequately lit, heated and ventilated with adequate breaks given;
- The right to legal advice (which is free) regardless of means although this is usually limited to telephone advice;
- To have access to an appropriate adult during interview if under 17 or suffering any mental illness or retardation;
- To have access to an interpreter if necessary.

Searches:

- Show knowledge that searches can only be done in certain circumstances – there is no automatic right to search – there must be reasonable suspicion that something will be found;
- Strip search in private with same sex officer and only half clothing removed at any one time;
- Intimate search only if authorised by a high ranking officer in order to search for drugs or weapons and must be carried out by a doctor or nurse
- Intimate samples may only be taken with permission.

Candidates will be unable to achieve level 4 marks without covering detention, interview **and** searches.

- 7 (b)* Matilda is arrested on suspicion of burglary. She is taken to the police station and given an intimate search by a female police officer to search for stolen credit cards. Fingerprints and a sample of blood are taken from Matilda by force. She is detained for thirty hours before she is allowed access to legal advice.

Explain whether Matilda's treatment at the police station was lawful. [12]

Mark Levels	AO2
Level 4	8–9
Level 3	6–7
Level 2	4–5
Level 1	1–3

Mark Levels	AO3
Level 3	3
Level 2	2
Level 1	1

Potential answers **MAY**:

Assessment Objective 2 (9)

Explain to Matilda whether her treatment was lawful or not:

- Matilda is protected by the strict rules on searching only when necessary and with as much privacy as possible. An intimate search can only be carried out by a doctor or nurse not a police officer unless absolutely necessary and only in order to find a weapon or Class A drugs. The intimate search is not lawful;
- Comment on the fact that intimate samples such as blood may only be taken with consent but non-intimate samples and fingerprints can be taken without consent. So the taking of the fingerprints was lawful but the blood was not;
- The police may delay access to legal advice for up to 36 hours but only in exceptional circumstances *Samuel (1988)*. If there are no exceptional circumstances so this would probably be unlawful in Matilda's case;
- Point out that breach of Codes of Practice may lead to evidence being excluded from court.

Assessment Objective 3 (3)

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate terminology. Reward grammar, spelling and punctuation.

[Total Marks 30]

Annotations

✓	correct
✓✓	good point
○ or <u>underline</u>	incorrect
}	irrelevant
(✓)	sort of
>	better than
<	less than
=	equal to
R	repetition
V	vague
P	point
DP	developed point
WDP	well developed point
VWDP	very well developed point
AP	applied point

Advanced Subsidiary GCE Law Levels of Assessment

There are **four** levels of assessment of AOs 1 and 2 in the AS units. Level 4 is the highest level that can reasonably be expected from a candidate at the end of the first year of study of an Advanced GCE course. Similarly, there are **three** levels of assessment of AO3 in the AS units.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (includes QWC)
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 of 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.	
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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