

# **Mark Scheme for January 2011**

---

OCR (Oxford Cambridge and RSA) is a leading UK awarding body, providing a wide range of qualifications to meet the needs of pupils of all ages and abilities. OCR qualifications include AS/A Levels, Diplomas, GCSEs, OCR Nationals, Functional Skills, Key Skills, Entry Level qualifications, NVQs and vocational qualifications in areas such as IT, business, languages, teaching/training, administration and secretarial skills.

It is also responsible for developing new specifications to meet national requirements and the needs of students and teachers. OCR is a not-for-profit organisation; any surplus made is invested back into the establishment to help towards the development of qualifications and support which keep pace with the changing needs of today's society.

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.

© OCR 2011

Any enquiries about publications should be addressed to:

OCR Publications  
PO Box 5050  
Annesley  
NOTTINGHAM  
NG15 0DL

Telephone: 0870 770 6622  
Facsimile: 01223 552610  
E-mail: [publications@ocr.org.uk](mailto:publications@ocr.org.uk)

**Mark Scheme January 2011**

This mark scheme must be used in conjunction with the Advanced Subsidiary GCE Law Assessment Grid.

When using the mark scheme the points made are merely those that a well-prepared candidate would be likely to make. The cases cited in the scheme are not prescriptive and credit must be given for any relevant examples given. Similarly, candidates who make unexpected points, perhaps approaching the question from an unusual point of view, must be credited with all that is relevant.

Candidates can score in the top bands without citing all the points suggested in the scheme. Answers, which contain no relevant material at all, will receive no marks.

For part **(a)** of questions only AO1 marks are available so credit cannot be given for any AO2 points. Any AO2 points should be marked as irrelevant. The main discriminator between the levels will be the level of detail and the level of understanding demonstrated in the answer.

**Section A** part **(b)** of questions require discussion. Each point should be annotated as P for point, DP for developed point and WDP for a well developed point. Occasionally an argument will be worthy of a VWDP (very well developed point). It is important to ensure that the discussion is based on the question asked.

Marks are awarded on a points basis:

P	= 1 mark
DP	= 2 marks
WDP	= 3 marks
VWDP	= 4 marks

However if there are only simple points (P) no matter how many points are made, a maximum of top Level 2 (5 marks) for AO2 can be awarded as if there is no development the answer does not meet the descriptor for Level 3.

If there are only developed points (DP) and no well developed points (WDP) only top Level 3 (7 marks) can be awarded for AO2 as such an answer would not meet the criteria for Level 4

**Section B** part **(b)** of questions are marked differently as these questions require application. Identification of a relevant point should be awarded a P for a point if it is not then applied to the situation. An AP (applied point) should be awarded if a point is applied to the situation given.

P	= 1 mark
AP	= 2 marks

If there is no application but relevant points have been identified only top Level 2 marks can be awarded as the criteria for Level 3 will not have been met.

There will always be more possible marks in a question than the maximum 9 for AO2 but obviously 9 marks for AO2 plus 3 marks for AO3 is the maximum that can be awarded.

**AO2 marks available:**

Level 1	= 1-3 marks
Level 2	= 4-5 marks
Level 3	= 6-7 marks
Level 4	= 8-9 marks

**Recording marks**

Put mark for each part in margin, not circled. Use part b mark to give AO3 mark, add three marks together and put this total circled in margin and then transfer the total mark to the front of the script.

The following marks:

part a = 9

part b = 6

A03 = (equation from part b) 2

Would look like:

9

6

9+6+2 =

17

## Section A

- 1 (a) Describe the organisation and work of both solicitors and barristers. [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 the work and organisation of solicitors:

- Controlled by the Law Society
- Majority work in private practice in a solicitor's firm as a partner or an assistant solicitor
- Legal Disciplinary practices with some partners being non lawyers
- May be employed in local government or by the Crown Prosecution Service
- Advise clients on a variety of matters depending on specialism
- Negotiating on behalf of clients
- Paperwork including writing letters, drafting contracts, drawing up wills, conveyancing or other legal documents
- Advocacy in court.

Demonstrate knowledge of the work and organisation of barristers:

- Controlled by the General Council of the Bar
- All barristers must be a member of one of the four Inns of Court
- Self employed but usually work from a set of chambers with a clerk to organise the administration
- Most will concentrate on advocacy but will also write opinions, give advice and draft documents for use in court
- Some specialise in areas such as tax and rarely appear in court
- Some barristers are employed eg in the Crown Prosecution Service
- Usually work on instruction from a solicitor but there is direct access in civil cases
- Can apply to become a Queen's Counsel after ten years.

Credit mention of new alternative business structures.

Credit mention of the cab rank rule but it is not required for full marks.

Candidates will be unable to achieve level 4 marks without describing the work/organisation of both solicitors and barristers.

- 1 (b)\* Discuss the advantages and disadvantages of solicitors and barristers being separate professions. [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 of having two different professions:

- Having a second opinion allows for more objectivity in a case
- The specialist skills of each profession complement each other
- The independent advice available from the 'BAR'
- The changes made under the Legal Services Act 2007 and the Access to Justice Act 1999 have removed the need to fuse the professions as each profession can, if they wish, largely take a case from beginning to end.

Discuss the disadvantages of having two different professions:

- More costly to have to pay both a solicitor and a barrister rather than one lawyer
- More duplication of work as the person who prepares the work gives it another to present it
- Less continuity as the case is not dealt with completely by one person.

Candidates will be unable to achieve level 4 marks without at least one well developed point illustrating a real ability to discuss the argument.

Candidates will be unable to achieve level 4 marks without covering both advantages and disadvantages.

### Assessment Objective 3

(3)

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

[Total marks 30]

- 2 (a) Describe the selection and tenure of the different types of judge. [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 the selection of judges:

- Justices of the Supreme Court are selected by a Supreme Court Selection Committee specially convened by the Lord Chancellor when a vacancy arises
- All other judicial selection is organised by the Judicial Appointments Commission
- Selection by a mixed panel of judges, lay people and lawyers
- All appointments now advertised
- Aim to diversify the judiciary
- Mainly by application with references
- Interviews assess attitude and aptitude
- Lord Chancellor has limited power to object to selection
- Applicants for higher appointments are expected to show competence at a lower level (appointment at assistant recorder level is usually used to try out potential judges for more permanent positions).

Demonstrate knowledge of the tenure of judges:

- Senior judges have security of tenure under the Act of Settlement 1701 and cannot be removed, except by the Monarch, following a petition to both Houses of Parliament
- Superior judges can be asked to resign
- Inferior judges can be removed by the Lord Chancellor and the Lord Chief Justice for incapacity or misbehaviour but must comply with set procedures (Constitutional Reform Act 2005)
- Recorders are only appointed for a period of five years but must be reappointed unless there is a good reason
- Judges retire at 70.

Candidates will be unable to achieve level 4 marks without describing both the selection and tenure of judges.

- 2 (b)\* Discuss the extent to which judges represent a sufficiently wide cross section of the population. [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 extent to which judges represent a sufficiently wide cross section of the population:

- Were originally only selected from the ranks of barristers but had been extended to solicitors for the more junior judges and came from wealthy backgrounds
- Very few women or ethnic minorities but positive steps to diversify the judiciary – more women and ethnic minorities being encouraged to apply but in practice the senior appointments have still been predominantly white and male
- Supreme Court Judges – over 80% went to public school and “Oxbridge”
- Appointments from applications and based on merit
- All vacancies advertised and require applications
- Promotions from current inferior judges to the more senior positions rather than appointments directly to senior positions
- Tribunals Courts and Enforcement Act 2007 has opened up eligibility for judicial appointments to Fellows of ILEX and others which should have an impact on the cross section of people becoming judges.

Credit any reasonable conclusion eg there appears to be greater diversity than previously but judges still come from a fairly limited cross section of society.

**Assessment Objective 3 (3)**

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

**[Total Marks 30]**

- 3 (a) Describe both the selection and the training of lay magistrates. [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 selection:

- Application usually to advertisement placed by the Local Advisory Committee made up mostly of existing magistrates, but at least a third of members must be non-magistrates
- Two interviews, one to assess attitudes, focussed on key qualities and one practical based on case studies to test decision making skills on sentencing
- Committee will look for qualities of good character, communication skills, sound judgment, social awareness and commitment
- Advisory Committee actively try to achieve a good cross section
- Names put forward to the Ministry of Justice which appoints
- They are then sworn in at the local Crown Court.

Demonstrate knowledge of training:

- The Magistrates' New Training Initiative (MNTI 2)
- Four competencies – managing yourself, working as a member of a team, making judicial decisions and later for those who wish to chair the bench – managing judicial decision-making
- Training split into core training and activities
- Reading and distance learning including the personal development log re role and responsibilities
- Induction before sitting in court plus three court observations
- Visits to prisons, a Young Offenders Institution and the Probation service
- Six sittings with mentor
- Consolidation training (12 hours) after 2 years
- Covers procedure and development of skills such as decision making, communication and social awareness
- Appraisal after 1 year
- Extra training for Chair Person and for youth and family courts available after 3 years service.

Candidates will be unable to achieve level 4 marks without describing the work/organisation of both solicitors and barristers.

- 3 (b)\* Discuss the disadvantages of using lay magistrates to deal with criminal cases. [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 disadvantages of using lay magistrates:

- Middle aged and middle class – but wider background than judges, many more women and people from ethnic minorities
- There is potential for bias as they get to know some of the prosecutors and police officers as they see them regularly – giving a lower acquittal rate than Crown Court but part of training is aimed at eliminating bias
- They do not need to have any knowledge of the law and tend to rely heavily on the Clerk, but they have local knowledge and common sense which keeps the law grounded
- Inconsistency in sentencing. Criminal statistics have consistently showed this to be true over different areas of the country. But it is improving due to better training.

Credit reference to lay magistrates being part-time.

**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 **both** publicly funded legal representation in civil cases **and** conditional fee agreements. [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 the Access to Justice Act 1999.

Describe publicly funded representation in civil cases:

- Means tested on disposable capital and disposable income
- Merits test based on likelihood of success and amount of damages likely to be awarded and the conduct of the parties
- Priorities for funding as there is a finite fund
- Some matters excluded, eg personal injury, wills, boundary disputes, defamation and more recently divorce
- Not available for cases involving less than £5,000
- Not available for tribunals except mental health.

Credit any reference to the Community Legal Service or the Legal Services Commission.

Describe conditional fee agreement:

- Developed to help people deal with the risk of taking a case to court as costs are uncertain and there is always a risk of losing the case
- Solicitor and client agree on a fee which would normally be charged for a particular case
- Success fee is agreed up to 100% of normal fee added to fee if case is won but cannot exceed 25% of damages
- If case is lost solicitor gets nothing
- Success fee may be ordered to be paid by losing party
- Insurance is taken out to protect against paying costs of other side if case is lost. This premium can also be claimed from the losing party.

Credit should be given for details of any of these points.

Candidates will be unable to achieve level 3 marks without covering both Legal representation and conditional fee agreements.

- 4 (b)\* Discuss how methods of funding affects access to justice in civil cases. [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 how access to public funding affects access to justice:

- Finite fund – where there is a limited budget it has to be rationed
- Eligibility levels for legal funding are very low so that only the poorest have access to justice, those of even a moderate income or homeowners do not have such access
- There are not enough providers of publicly funded services in certain parts of the country leading to advice deserts. This limits access to those who can travel or live in the right area.

Discuss how conditional fees affect access to justice:

- Many areas of civil law are removed from legal funding and have to rely on conditional fee agreements with their problems
- Some large firms dealing with conditional fee agreements have gone into liquidation, showing the difficulty of making a profit unless cases are carefully screened before taking them on
- Levels of compensation agreed by large firms thought to be lower than those negotiated by independent solicitors
- Difficult to find solicitors to deal with risky cases
- Difficult for lawyers to estimate costs in complicated cases so some cases make a loss even with 100% uplift fee
- Clients may feel obliged to settle early at a lower level of compensation.

Credit any other reasonable conclusion.

### Assessment Objective 3

(3)

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

[Total marks 30]

- 5 (a) Describe **both** the custodial **and** community sentences available for **young offenders**. [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 the sentences available to the courts.

Custodial sentences:

- Detention at Her Majesty's Pleasure – for murder 10-17-year-olds
- Detention for serious crimes up to the maximum adult sentence for the offence – only if maximum sentence is 14 years or over or offence is specified in statute
- Young Offenders' Institutions – 18-21-year-olds, 21 days – maximum for the offence
- Detention and Training Orders – 12-21-year-olds usually (younger offenders if no other sentence will protect the public). Specified periods 4-24 months
- Suspended sentences.

Community sentences:

- The Youth Rehabilitation Order brought in by the Criminal Justice and Immigration Act 2008 includes a range of 18 requirements that can be attached to it. Similar to the Community Order, but for 10-18-year-olds
- Activity requirement
- Attendance Centre requirement
- Supervision requirement (supervision by local social services, a probation officer or a member of the Youth Offending Team)
- Unpaid work requirement if 16-years-old or over on conviction
- Curfew requirement
- An education requirement
- A local authority residence requirement
- Referral Order.

Credit any details of requirements and orders and any other requirements not listed here.

As community sentences have so recently changed credit will be given for the previous types of community sentence.

Candidates will be unable to achieve level 4 marks without describing at least three types of custodial and three types of community sentence/requirement in detail.

- 5 (b)\* Discuss the ways different sentences might prevent a young offender from further offending. [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 aim of preventing re-offending incorporating rehabilitation and deterrence rather than punishment and apply sentences to these aims:

- Reprimands and warnings appears to be very successful on a first offence but lose their impact after that
- Supervision requirements, action plan requirements and attendance centre requirements are aimed at reforming the young offender but reoffending rates are high
- Custody is not usually seen as an appropriate sentence for young offenders as re-offending is very high and it is argued that young people need help not punishment but it may be the only option
- Community orders that keep the young person in society are seen as better and more likely to prevent further crime but supervision is often underfunded and not very effective
- Fines are unlikely to have much of an impact as many are paid by the parents but it may encourage parents to take charge
- Anti-social behaviour orders are often used for young offenders but are often seen as a “badge-of-honour” in some sections of society so do not seem to prevent further offending in those cases.

Credit should be given for any other comments and a reasoned conclusion.

**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 both the Police and the courts decide matters relating to the granting of bail since the Bail Act 1976. [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 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:

- 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
- General right to bail
- Reasons for refusing bail eg failure to surrender to custody, likely to commit further offences or interfere with witnesses/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
- Demonstrate a clear understanding of unconditional and conditional bail, and the types of conditions that may be imposed on a defendant including sureties
- 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 for adult drug users under the Criminal Justice Act 2003 in certain circumstances.

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.

Candidates will be unable to achieve level 4 marks without covering both the police and the courts.

- 6 (b)\* Simon is charged with the burglary of an antique shop. He has three previous convictions for theft. He has previously complied with bail conditions. He lives locally with his wife and two children but plans to move to Spain.

Explain which factors are likely to be considered when making a decision whether or not to grant bail to Simon and what conditions may be imposed.

[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 that for offences such as burglary 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:

- As Simon has a previous record for theft, the likelihood of him re-offending whilst on bail will need to be considered, especially as his offence is more serious
- The strength of the evidence against him
- The fact that he has ties to the area would mean that he is less likely to abscond before the trial, although this would need to be considered as he is planning to move to Spain and the penalty for burglary is usually more severe than for theft
- Conditions could be attached to his bail to enable bail to be granted for example a curfew, surrender of his passport, condition of residence and reporting to the police station
- Conclude whether or not Simon would be likely to be granted bail and the most likely conditions that would be attached if he was granted bail

Credit will be given for mention of any other relevant factors or conditions.

If there is no application but relevant points have been identified then candidates will be unable to achieve level 3 marks.

Candidates will be unable to achieve level 3 marks without reference to the individual in the question (Simon).

Candidates will be unable to achieve full marks without covering five of the following:

1. Nature and seriousness of the offence
2. Previous convictions
3. Previously complied with bail
4. Ties to area – wife and children
5. Move to Spain
6. Conditions.

Candidates will be unable to achieve level 4 marks without discussion of conditions.

**Assessment Objective 3 (3)**

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

**[Total marks 30]**

- 7 (a) Describe the powers of the police to stop and search a person on the street.

[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 powers to stop and search set out under the Police and Criminal Evidence Act 1984, the Codes of Practice, the Criminal Justice Act 2003 and other relevant legislation:

- Section 1 of PACE – police have the power to stop and search a person in a public place if they have reasonable suspicion that prohibited articles, stolen goods or articles made, adapted or intended for use in burglary or criminal damage are in their possession (more prohibited fireworks were added in the Serious Organised Crime and Police Act 2005)
- Police officer must give his/her name, station + reason for the search and provide a written record for the search *Osman*
- Only a request to remove outer coat, jacket and gloves is permitted
- Code of Practice A sets out guidance for police on stop and search
- Meaning of reasonable suspicion *Castorina*
- Identify other statutes that give power to the police to stop and search eg Misuse of Drugs Act 1971 and Terrorism Act 2000
- Section 60 of Criminal Justice and Public Order Act 1994 and the different rules that apply when that is in force.

Candidates will be unable to achieve level 4 marks without reference to powers in addition to section 1 PACE1984.

- 7 (b)\* **Malcolm is running down a busy street with a large bag. He is trying to catch a train in order to get to a concert on time. He is stopped by a police officer who identifies himself as PC Newman. He is asked to remove his shoes and his bag is searched. As nothing is found Malcolm is told he can go.**

**Advise Malcolm on whether the police acted lawfully with regards to the stop and search.** [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)

Advise Malcolm that:

- The police can only stop and search him if they have a reasonable suspicion he is carrying stolen goods or prohibited articles. The fact that he is running down a busy street with a bag may be enough depending on whether that makes the police think he has such things in his bag
- Identify that the street is a public place
- The Code of Practice A states there must be an objective basis for the suspicion. Malcolm's behaviour is probably what they would use as reasonable suspicion
- Identify that the police officer should have given more identification, including his police station not just his name
- Explain that shoes are not listed as clothing the police can ask to be removed in public except in the Terrorism Act
- There is no mention that the police officer has made the written report which is required
- Conclude that the stop and search is probably not lawful.

If there is no application but relevant points have been identified then candidates will be unable to achieve level 3 marks.

Candidates will be unable to achieve level 3 marks without reference to the individual in the question (Malcolm).

Candidates will be unable to achieve full marks without covering five of the following:

1. Reasonable suspicion regarding behaviour, public place and bag
2. PC identification
3. No reason for the search mentioned
4. Written report
5. Shoes
6. Reasoned conclusion.

**Assessment Objective 3****(3)**

Present logical and coherent arguments and communicates 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
NLTQ	not linked to question
AO1	used to indicate AO1 in response where no marks are available for AO1
AO2	used to indicate AO2 response where no marks are available for AO2

### 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 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.	
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.

**OCR (Oxford Cambridge and RSA Examinations)**  
**1 Hills Road**  
**Cambridge**  
**CB1 2EU**

**OCR Customer Contact Centre**

**14 – 19 Qualifications (General)**

Telephone: 01223 553998

Facsimile: 01223 552627

Email: [general.qualifications@ocr.org.uk](mailto:general.qualifications@ocr.org.uk)

**[www.ocr.org.uk](http://www.ocr.org.uk)**

For staff training purposes and as part of our quality assurance programme your call may be recorded or monitored

**Oxford Cambridge and RSA Examinations**  
**is a Company Limited by Guarantee**  
**Registered in England**  
**Registered Office; 1 Hills Road, Cambridge, CB1 2EU**  
**Registered Company Number: 3484466**  
**OCR is an exempt Charity**



**OCR (Oxford Cambridge and RSA Examinations)**  
**Head office**  
**Telephone: 01223 552552**  
**Facsimile: 01223 552553**

© OCR 2011