

# **Mark Scheme for June 2011**

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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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**Mark Scheme June 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)** 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 of 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)** 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 may be more possible marks in a response than the maximum 9 for AO2 but obviously 9 marks for AO2 plus 3 marks for AO3 is the maximum that can be awarded.

**For part (b) questions AO3 marks should be awarded as follows:**

- If AO2 marks 1-3 awarded = give 1 AO3 mark
- If AO2 marks 4-6 awarded = give 2 AO3 marks
- If AO2 marks 7-9 awarded = give 3 AO3 marks

**Recording marks**

Put mark for each part in margin, not circled. Use the above guidance 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 system of appeals in 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 – Knowledge and understanding**

Describe the appeals from the County Court:

- Small claims appeals – the appeal is heard by the next judge up in the hierarchy from the judge who initially heard the case
- Fast track cases – dealt with by a District Judge the appeal will be heard by a Circuit Judge
- Fast track cases dealt with by a Circuit Judge the appeal is heard by a High Court Judge
- Second appeals to the Court of Appeal for fast track cases only in exceptional cases where the Court of Appeal considers there is an important point of principle or practice or there is some other compelling reason
- Final decisions in multi track cases – heard in the County Court the appeal is to the Court of Appeal.

Describe the appeals from the High Court:

- From the High Court the appeal usually goes to the Court of Appeal (Civil Division)
- Possible leapfrog appeal directly to the Supreme Court if “statutory interpretation or precedent” is involved or the Court of Appeal is bound by one of its own previous decisions.

Further appeals:

- From a decision in the Court of Appeal there is further appeal to the Supreme Court on a point of law with leave either from the Court of Appeal or the Supreme Court
- A point of European law may be referred to the Court of Justice of the European Union for clarification for any court under Article 267 of the Treaty for the Functioning of the European Union TFEU (was Article 234 Treaty of Rome).

(b)\* Discuss the problems of using the court system to solve civil disputes. [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 – Analysis, evaluation and application [9]**

Discuss the problems of using the courts to solve civil disputes:

- It is heavily front loaded in terms of both cost and work
- The Civil Procedure Rules are very lengthy and have had many amendments causing a lack of clarity and time wasting
- The procedures such as pre action protocols, allocation questionnaires and case management conferences are very complex and time consuming
- Rules on time are very strictly enforced
- There is an adversarial approach which may get in the way of future business.
- It is very formal and can be intimidating to some individuals
- There is a lack of legal funding for small claims and limitations for other cases
- Increases in court fees and problems in enforcing small claims judgments have reduced the number of small claims as they become less cost effective
- Small claims listings have also suffered as fast track and multi track conferences and trials seem to be given a higher priority
- Delay can be a problem in comparison with alternative dispute resolution methods
- There are claims that case-management takes extra time and extra cost but is of little real value.

Candidates will be unlikely to achieve Level 4 without three well developed points.

**Assessment Objective 3 – Communication and presentation [3]**

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

- 2 (a) Describe how it is decided in which court a criminal trial will be heard. Include all categories of offence. [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 – Knowledge and understanding

Describe the categories of offence:

- Summary offences – less serious offences always tried in the Magistrates' Court eg driving offences and common assault
- Triable either way offences – middle range offences which can vary in the degree of harm caused. Can be tried either in the Magistrates' Court or in the Crown Court eg theft and assault occasioning actual bodily harm
- Indictable offences – more serious crimes which must be tried in the Crown Court eg murder, manslaughter and rape.

Describe the process of deciding which court a Triable either way offence will be heard in:

- Plea before venue – the defendant is asked whether he pleads guilty or not guilty to the offence. If guilty the case is automatically heard by the Magistrates' Court but they retain the option of sending the defendant to the Crown Court if necessary for sentencing
- If the defendant pleads not guilty a mode of trial procedure must take place to decide on the most appropriate court to try the case
- The magistrates first consider whether they think the case is suitable for trial in the Magistrates' Court. If they feel it is not they will transfer it to the Crown Court for trial
- If the magistrates feel prepared to accept jurisdiction of the case the defendant is given the choice of which court he wishes to be tried in.

Reference to Youth Courts should be credited but it is not necessary for full marks.

- (b)\* Discuss the advantages and disadvantages of choosing to be tried in Crown Court when charged with a triable either way offence. [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 – Analysis, evaluation and application** [9]

Discuss the advantages of being tried in the Crown Court:

- Lower conviction rate than the Magistrates' Court as juries are less case hardened and more likely to believe the defendant
- More likely to get legal funding than in the Magistrates' Court where D may have to defend himself
- Should have better advocates who specialise in Crown Court trial.

Discuss the disadvantages of being tried in the Crown Court:

- Slower, than the Magistrates' Court, if on remand may spend longer awaiting trial than eventual sentence
- Higher possible penalties
- More publicity is likely than in the Magistrates' Court
- The Crown Court can be more daunting for a defendant than the Magistrates' Court.

Candidates are unlikely to achieve Level 4 without a discussion of both advantages **and** disadvantages.

**Assessment Objective 3 – Communication and presentation** [3]

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

3 (a) Describe the training, work and organisation of 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 – Knowledge and understanding

Demonstrate knowledge and understanding of the training of barristers:

- Academic: qualifying 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 Professional Training Course – 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.

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

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
- The Legal Services Act 2007 allows all legal practises to be regulated/ organised as a firm and form Legal Disciplinary Practises including non-lawyer managers and employees
- 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.

Mention of the cab rank rule should be credited but it is not required for full marks, where appropriate.

Mention of Alternative Business Structures should be credited, where appropriate.

Candidates are unlikely to achieve Level 4 without a description of **both** the training **and** the work and organisation of barristers.

(b)\* Discuss the problems associated with the training of barristers. [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 – Analysis, evaluation and application [9]**

Discuss the problems associated with the current system of training:

- CPE/GDL 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, as it is only one extra year instead of a full degree course
- Variable quality of pupillages
- Choice to become a barrister has to be made too early
- Difficulty in finding a pupillage 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
- 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 which results in a lack of diversity.

Credit any appropriate suggestions for reform eg more joint training, better funding, and more opportunities to do qualifying work in a legal environment while studying.

**Assessment Objective 3 – Communication and presentation [3]**

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

- 4 (a) Describe the theory of the separation of powers and its application in the English legal system, using examples to illustrate your answer. [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 – Knowledge and understanding

Demonstrate clear understanding of theory first put forward by Montesquieu:

- The three arms must be kept independent of each other.

Demonstrate knowledge of the three arms of the state:

- Legislature: makes law, Parliament and Queen
- Executive: put laws into effect and administer nation's affairs, Ministers (and their departments)
- Judiciary: interpret and enforce law, judges
- Some overlap occurs in this country with the executive and the legislature. Government dominates the legislature
- More overlap was present in the role of the Lord Chancellor before his role was reformed and Law Lords before the creation of the Supreme Court
- Some countries eg USA incorporate the separation of powers in their constitution which prevents any overlap.

Demonstrate knowledge of the application of the theory and Illustrate with some examples.

Independence of judiciary:

- Security of tenure of judiciary (Act of Settlement)
- Judges try to implement intention of Parliament through statutory interpretation
- Judges cannot question legality of legislation.

Exercise of controls:

- Judiciary provide check on executive through judicial review
- Judiciary can be thought to limit legislature through statutory interpretation eg golden rule — judges may decide a literal interpretation would lead to an absurd or obnoxious result and give a different interpretation
- Legislature controls terms of judges' employment, eg pay, retirement age
- Legislature can amend law if Minister has been held to be acting *ultra vires*.

- (b) \* Discuss the extent to which recent reforms in selection have strengthened the independence of the judiciary. [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 – Analysis, evaluation and application [9]**

Discuss the extent to which reforms have strengthened the independence of the judiciary:

- Until recently senior judges were selected by the Prime Minister and Lord Chancellor – political bias could be present and it was secretive. This could influence judges who were seeking promotion. The new Judicial Appointments Committee should remove the political bias in senior judicial appointments and keep the executive out of judicial selection or promotion
- But the Lord Chancellor still has a limited power to reject a proposed new judge which allows some political influence to remain
- Inferior judges' appointments are more transparent and based on merit which prevents any political influence
- Law lords were members of the House of Lords in its legislative capacity but with the creation of the Supreme Court this is no longer the case which prevents conflict of power with the legislature and the selection is now done by an independent panel
- Reform of the role of Lord Chancellor ensures he no longer sits as a judge or is involved to such a great extent in the appointment of the judiciary.

**Assessment Objective 3 – Communication and presentation [3]**

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

- 5 (a) Describe **both** the qualifications required for jurors **and** the procedure for selecting 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 – Knowledge and understanding

Demonstrate knowledge of the qualifications set out in the Juries Act 1974 as amended:

- Only those aged between 18 and 70, on the electoral register and resident in UK for five years since age 13 can sit
- Must sit unless disqualified or excused.

Demonstrate knowledge of those who cannot or need not sit:

- Disqualified: for life if imprisoned for life or have a sentence of 5 years or more
- Disqualified for ten years for sentences of less than 5 years, suspended sentences or community orders
- Disqualified whilst on bail
- Cannot sit if ineligible eg mental disorder
- Cannot sit for lack of capacity eg cannot speak English , disability etc
- 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 of selection:

- Chosen at random from the electoral registers for a court area by central office every fortnight
- Summons are sent out electronically using a computer
- Fifteen chosen at random from the jury pool to go into the court room
- Twelve chosen at random in court by the clerk.

Demonstrate knowledge 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 stand by, by prosecution
- Vetting – routine police check and rarely wider background check for political affiliations.

Candidates are unlikely to achieve Level 4 without describing **both** qualifications **and** selection.

(b)\* Discuss the arguments against keeping the jury system.

[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 – Analysis, evaluation and application**

[9]

Discuss arguments for getting rid of the jury system:

- No selection, no minimum educational standards but legal expertise is not required to decide questions of fact
- Those in administration of justice may have too much influence
- Trials may be too difficult to understand, some jurors admit having difficulty understanding case
- Twelve too many for productive discussion but twelve people will cancel out each other's prejudices
- Time consuming and costly but trial by peers is a fundamental liberty
- Inconvenient for jurors, who may also lose money
- Research shows doubts about 5% of jury convictions
- Possibility of bias, more dubious convictions when defendant black
- Possibility of media influence (*West, Taylor, Huntley*)
- No way of knowing whether a reasoned decision was reached (*Young*)
- Perverse verdicts (*Ponting, Kronlid*).

**Assessment Objective 3 – Communication and presentation**

[3]

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

## SECTION B

- 6 (a) Describe **both** 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 – Knowledge and understanding

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 a particular offender to put him/her off re-offending by either a very severe sentence eg custodial sentence 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 focussed 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.
- Aggravating factors make the sentence more severe
- Mitigating factors make the sentence more lenient.

Candidates will be unlikely to achieve Level 4 without describing **both** aims **and** some factors.

- (b)\* Lewis (aged 25 years) has been convicted of a serious violent offence in the Crown Court. He has three previous convictions for minor offences. He has previously been given fines and a community order with a supervision requirement.

Explain which aims of sentencing are likely to be considered when deciding the sentence for Lewis and suggest two possible sentences. [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 – Analysis, evaluation and application [9]**

Explain the criteria that would be most important in deciding the sentence for Lewis:

- Punishment is likely to be a factor in the sentencing of Lewis as it is a very serious offence
- Protection of the public will be important as an aim because a violent crime is one which the public need protection from
- As Lewis is a repeat offender deterrence and rehabilitation may not be regarded as likely to work if previous sentences involved either aim
- His previous sentences would need to be considered as his offending has become more serious
- Reparation could be considered as an aim depending on the circumstances of the crime
- His background and the reason for committing the crime would be taken into account and a social enquiry report would need to be prepared by the probation service.

Likely options that would be considered in sentencing Lewis would be a custodial sentence for a term of years or a more rigorous community order including an unpaid work requirement, although that is less likely.

As this is an application question Lewis, "he" or "D" needs to be mentioned to access Level 3.

The following points need to be considered and an applied point (worth 2 marks) is available for each – max 9 marks in total:

- 1 serious crime – punishment
- 2 violent crime – protection of the public
- 3 repeat offender rehabilitation/deterrence
- 4 previous sentences any relevant comment
- 5 possible sentence 1 with reasons
- 6 possible sentence 2 with reasons

Candidates will be unlikely to achieve Level 4 without aims **and** two sentences.

**Assessment Objective 3 – Communication and presentation [3]**

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

- 7 (a) Describe the powers of the police at the police station to detain and interview a person suspected of a serious offence, and any limitations on these powers.

[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 – Knowledge and application

Demonstrate knowledge of the powers 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.

Demonstrate knowledge of powers of detention:

- The power to detain a suspect for 24 hours normally but that can be extended to 36 hours with permission of a police officer of the rank of superintendent or above and up to 96 hours for an indictable offence if authorised by magistrates
- The custody officer must monitor detention and keep a custody record to ensure the codes of practice are adhered to and ensure that a suspect is not detained for any longer than necessary by reviewing this on a regular basis
- The power to delay the right of the individual to have someone informed of the detention for up to 36 hours in certain circumstances
- The power to delay the right of the individual from consulting a solicitor for up to 36 hours in certain circumstances.

Demonstrate knowledge of powers to interview:

- The power to interview the suspect but the interview must be recorded and a caution given
- For persons under the age of 17 and mentally vulnerable people can only be interviewed with an appropriate adult
- The interview room must be adequately lit, heated and ventilated with adequate breaks given
- Power to interview without a solicitor present in certain circumstances
- If the codes of practice are not adhered to evidence may be excluded from court.

Details of limitations on powers should be credited.

Mention of detention times for suspected terrorists should be credited.

Candidates will be unlikely to achieve Level 4 without describing police powers of **both** detention **and** interview.

- (b)\* Barry is arrested on suspicion of the serious offence of robbery. He is taken to the police station and detained for 36 hours without anyone being notified of his whereabouts. He is given a strip search by a male police officer to search for stolen property. A female officer is also present. He is made to remove all of his clothes. Hair from his head and a sample of blood are taken from Barry by force.

Explain to Barry whether his 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 – Analysis, evaluation and application** [9]

Demonstrate knowledge of suspect's rights set out under the Police and Criminal Evidence Act 1984 and the codes of practice most recently amended in 2003 and how these enable the police to investigate crime during a suspect's detention:

- Barry has a right to have someone informed of his detention but this can be delayed for up to 36 hours if the police believe others will conceal evidence or escape arrest so this may be lawful depending on the circumstances
- A strip search can be carried out in order to find stolen property but it must be done by an officer of the same sex and only officers of the same sex should be present and only half the clothing may be removed at one time. This was not done with Barry so the search was not lawful
- Hair from the head can be taken by the police using reasonable force but blood is classed as an intimate sample and should not be taken without Barry's consent
- Point out that police powers are limited by the codes of practice and breach of the codes may lead to evidence being excluded from court.

Conclude that Barry could complain about his treatment and may take a civil action against the police for unlawful detention.

As this is an application question Barry, "he" or "D" needs to be mentioned to access Level 3.

The following points need to be considered and an applied point (worth 2 marks) is available for each – max 9 marks in total:

- 1 36 hour delay lawful if justified but must be a good reason
- 2 Strip search for stolen property is lawful
- 3 Female should not be present at strip search so unlawful
- 4 Should not be told to remove all clothes at once – unlawful
- 5 Hair from head by force lawful as non-intimate sample
- 6 Blood not lawful as intimate sample requires consent

**Assessment Objective 3 – Communication and presentation [3]**

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

## Annotations

✓	correct
✓✓	good point
○ or <u>underline</u>	incorrect
}	irrelevant
(✓)	sort of
> or +	better than
< or -	less than
=	equal to
R	repetition
V	vague
(P)	partial point
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.

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