

**AS LEVEL**

**Examiners' report**

**LAW**

**H018**

For first teaching in 2020

**H018/01 Summer 2022 series**

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## Introduction

Our examiners' reports are produced to offer constructive feedback on candidates' performance in the examinations. They provide useful guidance for future candidates.

The reports will include a general commentary on candidates' performance, identify technical aspects examined in the questions and highlight good performance and where performance could be improved. A selection of candidate answers is also provided. The reports will also explain aspects which caused difficulty and why the difficulties arose, whether through a lack of knowledge, poor examination technique, or any other identifiable and explainable reason.

Where overall performance on a question/question part was considered good, with no particular areas to highlight, these questions have not been included in the report.

A full copy of the question paper and the mark scheme can be downloaded from OCR.

### Advance Information for Summer 2022 assessments

To support student revision, advance information was published about the focus of exams for Summer 2022 assessments. Advance information was available for most GCSE, AS and A Level subjects, Core Maths, FSMQ, and Cambridge Nationals Information Technologies. You can find more information on our [website](#).

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## Paper 1 series overview

This paper provided a broad range of topics, offering the candidates plenty of opportunity to display their knowledge. There was a wide range in terms of standards; some candidates clearly knew the law and had an understanding of the assessment criteria, others demonstrated little understanding of either. Some candidates knew the law and were able to recall a vast amount of information, but at times did not understand the assessment objectives linked to particular questions. This meant that a lot of accurate knowledge was on display without being able to achieve any credit. It is essential for centres to make sure that candidates are well prepared for the requirements of the different questions and have as much understanding of the assessment objectives as they do the law.

Candidates who did well on this paper generally did the following:	Candidates who did less well on this paper generally did the following:
<ul style="list-style-type: none"> <li>• understood the command words</li> <li>• were able to demonstrate their understanding of the relevant law</li> <li>• were able to apply the relevant law to given scenarios.</li> </ul>	<ul style="list-style-type: none"> <li>• did not understand the requirements of the assessment objectives</li> <li>• included irrelevant information in the response</li> <li>• did not read the questions carefully.</li> </ul>

### General Points

Candidates are often taking a 'scatter-gun' approach to answering questions and include everything they know on one topic area. Valuable time is spent explaining and/or applying accurate but irrelevant law. For example, in Question 2 candidates were asked to 'Describe the qualifications **and** selection of lay magistrates'. Candidates needed to tailor their response to the two issues in the question 'qualifications' and 'selection' rather than also including all the disqualifications and appointment process.

Despite the increase in word processed responses, handwriting continues to pose problems. This may disadvantage candidates unnecessarily.

## Section A overview

Section A assesses the legal system part of the paper. All four questions are compulsory. There are three AO1 type questions and one AO3 question. The questions can come from any part of the specification. Many candidates were unprepared for questions on Legal Executives and the jurisdiction of the High Court. This led to some candidates moving away from the expected responses and effectively changing the question to one they wanted to see and had revised for. Responses to Question 4 demonstrated the ability of candidates to set out a range of well-developed discussion points connected to advantages and disadvantages of using the civil courts to solve a dispute. There were far more detailed discussion points addressed this series than has been seen previously.

### Question 1

1 Describe the role of a Legal Executive.

[8]

This question asked candidates to address the role of one of the three types of legal personnel covered by the specification namely, Legal Executives. Candidates were reasonably informed as to the types of roles a Legal Executive undertakes. The most common responses involved a basic description of how Legal Executives provide advice, assisted solicitors, prepared documents and could carry out some advocacy. Level 4 responses were able to identify the rights of audience and the certificates of advocacy a Legal Executive is required to undertake to gain the rights as illustrated by Exemplar 1.

#### Misconception



Common mistakes included identifying Legal Executives as administrators, solicitors, barristers, parliamentary ministers, government officials or senior court officials. Legal Executives are legal personnel in their own right. They are one of three types of legal personnel set out in the [specification](#) (page 7).

Exemplar 1

		From 2008 legal Executive could also
		do a role on advocacy and solicitor
		right of audience in all courts in England
		and Wales. Depending on their specialisation
		depends on what Certificate they must achieve
		- the Criminal Proceedings Certificate, Family
		Proceedings Certificate or the Civil Proceedings
		Certificate. This means that a role for some is
		to represent clients in court, to defend or
		prosecute a defendant. They will cross-examine
		and question and build a case. This is similar to a
		barrister and solicitor.
		//

Question 2

2 Describe the qualifications **and** selection of lay magistrates. [8]

This question produced a wide range of responses. Candidates who correctly read the question and understood it were able to achieve high marks by keeping the focus on qualification and selection and providing accurate detail on the qualifications and selection process. Some candidates were side-tracked into giving detailed descriptions of disqualifying factors, appointments and/or role of magistrates. When preparing for the exam, candidates should use the specification and the guidance provided.

Misconception



There is no additional credit for setting out all elements of one topic. Candidates should read questions carefully and only address what is required.

## Question 3

3 Explain the jurisdiction of the High Court.

[8]

A straightforward question but generally responses were weak. A wide range of points that could have been identified, however, a large number of candidates appeared not to understand the word 'jurisdiction' and therefore produced responses that did not focus on the question. Many responses inaccurately addressed criminal matters. It was clear from the responses that candidates had studied the topic and if they had understood the difference between jurisdiction and composition it would have made a significant impact on the marks that were achieved.

## Question 4

4 Discuss the advantages **and** disadvantages of using the civil courts to solve a dispute.

[8]

This question produced some of the strongest responses in Section A. By focusing on the command words, advantages **and** disadvantages, candidates demonstrated an ability to evaluate a wide range of issues. The broad scope of the topic provided a great variety of ways that full marks could be achieved and many candidates were at least able to reach Level 3. In the weaker responses candidates did not provide a well-developed point in their response.

### Assessment for learning



Structuring discussion points is a key skill for candidates. Candidates need to move away from simply making bold statements of fact. Ideally, a well-developed discussion point will start with a statement identifying the advantage or disadvantage. This should then be developed by, for example, explaining what the result of that advantage or disadvantage is. A case or factual example might be used here. To complete the well-developed point, the candidate should either extend the discussion further or give a counter-argument.

### Section A evaluation questions

There is no requirement for an introduction or conclusion in a Section A evaluation type question.

## Section B overview

Section B assess the criminal law aspect of the paper. As with Section A, all four questions are compulsory. Questions 6 and 7 are often answered in vast amounts of detail – both AO1 and AO2. It is worth remembering that examiners are only able to award AO2 credit. Question 8 will always ask the candidates to discuss an issue connected to non-fatal offences against the person.

### Questions 6 and 7

For Questions 6 and 7 candidates are not required to set out all the AO1, including case facts, in relation to the relevant non-fatal offences against the person.

### Question 5

Anika's daughter, Beth, plays football for a local team. Anika often shouts abuse at Beth when she doesn't play well. This has made Beth very nervous and frightened to make a mistake. When Beth misses an important penalty, Anika shouts, "You stupid girl, you'd better start playing properly or you know what will happen!" Hearing this, Beth collapses and has to be taken to hospital where she is diagnosed with post-traumatic stress disorder.

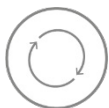
Tom is a hairdresser. One of his customers, Sarah, finds it difficult to sit still while having her hair cut. One day while he is cutting Sarah's hair, he decides to hold her neck quite firmly to stop her moving about. This makes Sarah jump up. Annoyed by this, Tom cuts off her ponytail.

5 Explain what is meant by intention in criminal law.

[8]

A vast number of candidates were able to link intention to mens rea, differentiate between direct and oblique intent and define them, and link to Mohan and Woollin. This was enough to reach Level 3 marks. The stronger responses then described the detail and key terms and reached top level comfortably. Some candidates provided unnecessary information about negligence and recklessness which received no credit. Many candidates did not read the question correctly and as a result responses did not contain creditworthy content.

### Assessment for learning



Question 5 requires candidates to demonstrate knowledge and understanding of legal rules and principles. Candidates are not required to set out detailed facts of the relevant case.

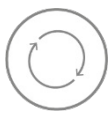


### Question 6

6 Advise how the law relating to non-fatal offences against the person will apply to Anika. [8]

A range of responses were produced. Candidates understood non-fatal offences but struggled to understand the requirements of the question. This question is assessing application (AO2) but many candidates produced a considerable amount of accurate material describing the law. Candidates are required to apply legal rules and principles to the given scenarios. There is no AO1 credit available. The scenario included two issues, one involving the assault and the other for the PTSD. Many candidates concentrated on one of the two non-fatal offences included in the scenario. The most successful responses dealt with both issues, first demonstrating how assault had been committed, then moving on to the second issue and concluding that the PTSD could be either s47 or s20 as illustrated by Exemplar 2. When candidates approached the question in this way they regularly achieved full marks.

#### Assessment for learning



In Question 6 and 7 there will be two possible non-fatal offences. Candidates should not blend the two issues, rather address them individually.

#### Exemplar 2

		( <u>chain of</u> <u>prox</u> ) Anika causes Bem to obtain PTSD which interferes with the health and comfort of Bem as she now is likely to have relapses occasionally, might not be able to play her sport. <del>AR</del> is mens rea has to be <del>proven</del> mens
		rea of an assault or battery & not of ABH. This is intention of <sup>(mens)</sup> <del>causation</del> subjective recklessness ( <u>cunningham</u> ) Anika <del>intentionally</del> <sup>was</sup> <del>was</del> <u>subjectively</u> reckless as she caused Bem to have PTSD - she foresaw a risk and went ahead and took it. Anika would be found guilty as she had the AR and MR.

## Question 7

7 Advise how the law relating to non-fatal offences against the person will apply to Tom.

[8]

Many of the issues referred to above for Question 6 are relevant to Question 7. This question is assessing application (AO2) but many candidates spent unnecessary time demonstrating extensive AO1 knowledge and understanding of the relevant offences against the person. In this question the candidates should have been discussing battery and s47. Several candidates only referred to the battery. This is illustrated by Exemplar 3 where the candidate states there are two situations in the scenario but only addresses one, the 'holding the neck quite firmly'. There is no mention of the 'cutting the ponytail'. When both offences were addressed separately candidates achieved some high scores. In relation to 'cutting the ponytail' s47 was the correct offence, a small number of candidates incorrectly identified s20 or s18. Some of the weaker responses were also referring to the battery as assault and these responses struggled to get beyond Level 1. It is worth noting that candidates need to apply both the actus reus **and** mens rea.

### Misconception



Candidates should not assume that there will be four different non-fatal offences in Questions 6 and 7. Crimes can be repeated but with a different emphasis.

### Exemplar 3

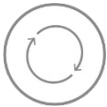
7	In this scenario there are two situations to consider. The first being Tom grabbing her neck quite firmly, this would be s39 battery as the actus reus of any unlawful application of force has been satisfied. The mens rea has also been satisfied as he intended to hold her and restrict her movement. As both of these are present there is contemporaneity or coincidence meaning criminal liability is created.
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## Question 8

- 8\*** Discuss the problems with the offence of s20 Offences Against the Person Act 1861, and the extent to which reform of the law would make it more morally justifiable. **[8]**

This question was often very well done. The focus of the question was s20 and the best responses referred to the issue of reform of that offence being 'morally acceptable' and maintained focus on the offence. There was a wide range of discussion points that could be used to answer this question, increasing the opportunity for full marks when the candidates knew the law. Credit could be given when candidates compared s20 to other sections as part of the discussion but discussion of assault and battery linked to s47 was not part of this question and gained no credit. There were some less successful responses also, when candidates did not understand the law and provided a general discussion about reform, the age of the Act and the change to society without linking any of it to the question being asked.

### Assessment for learning



In Question 8 candidates should be prepared to address specific parts of the Offences Against the Person Act 1861. The discussion direction will also be dictated by one or more of the common framework elements. The framework can be found on page 9 of the [specification](#).

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