

Examiners' report

AS LEVEL

LAW

**OCR Level 3 Advanced Subsidiary GCE
in Law**

H018

For first teaching in 2020

H018/01 Summer 2025 series

Contents

Introduction	3
Paper 1 series overview	4
Section A overview	5
Question 1	5
Question 2	5
Question 3	5
Question 4	6
Section B overview	7
Question 5	7
Question 6	8
Question 7	8
Question 8*	10

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 responses 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.

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Paper 1 series overview

This question paper covered a wide range of topics and presented plenty of opportunity for candidates to demonstrate their knowledge and understanding. Assessment Objective 1 requires knowledge and understanding and this can be demonstrated in Questions 1, 2, 3 and 5 through detailed description. Assessment Objective 2 requires the application of the law to a given scenario, and this can be demonstrated in Questions 6 and 7. Questions 4 and 8 focus on Assessment Objective 3 which requires evaluation. This can be demonstrated by a detailed discussion which focuses on the specific requirements of the question, whether they are positive and/or negative. All questions on this paper must be responded to which makes it essential to study all aspects of the specification.

Candidates who did well on this paper generally:	Candidates who did less well on this paper generally:
• had a thorough and detailed understanding of the legal principles identified in the specification • had a confident understanding of the assessment objectives • had studied all parts of the specification and carefully revised them in preparation for the examination • had provided responses that focused on the assessment objective required for each question.	• did not have a detailed knowledge or understanding of the required legal principles • did not understand the assessment objectives • had not covered all aspects of the specification and/or had not prepared them all thoroughly for the examination • did not focus on the assessment objectives linked to each question.

Section A overview

This section required a good understanding of the English Legal System. The questions had been taken from across the specification, and this reinforces the need for students to cover all aspects of the course. There was a good opportunity for candidates to display their knowledge as questions covered personnel, the courts and both civil and criminal law. Three out of the four questions focus on knowledge and understanding and therefore the candidates who had been able to recall a larger volume of information were more successful.

Question 1

1 Describe the role of a barrister.

[8]

This question required a detailed description of the role. Many candidates seemed to focus on advocacy and the drafting of documents. Credit could be obtained by identifying the self-employed status of barristers working from Chambers. The more successful responses were also able to identify the role of employed barristers. The less successful responses struggled to identify anything other than advocacy and sometimes described the Inns of Court and regulation of barristers. These candidates often provided a general evaluation of barristers which could gain no credit on this question.

Question 2

2 Describe the routes of an appeal available to the defence from the Crown Court.

[8]

The responses to this question were often confused. The stronger responses were able to name the relevant courts and identify the reasons for appeal, together with a description of the need for leave to appeal. Very few responses managed to describe how appeals are dealt with in the Court of Appeal. Some of the less successful responses confused this with appeals from the Magistrates Court and described the High Court and leapfrog appeals.

Question 3

3 Explain how it is decided whether a civil case will be funded by the government.

[8]

This question required detail on government funding. The most successful responses contained detail of the Legal Aid Agency and full explanation of both means and merits tests. Means tests were particularly well described with merits tests primarily considering likelihood of success. More successful responses also identified the types of cases that would automatically qualify for funding. Some candidates had not understood the question and provided detail of private funding.

Question 4

4 Discuss the disadvantages of using juries in criminal trials.

[8]

This question was generally well answered. There was a range of discussion points that could be considered, including secrecy of the jury room, biased jurors, jury nobbling and lack of understanding. Candidates needed to produce at least one well-developed point, among a range of developed points, to reach Level 4 marks. This could be achieved by identifying the disadvantage for the point, then discussing why it is a disadvantage for the development. The final stage of well-development could be achieved by expanding on the point further, using case examples to illustrate the point, or presenting a counter argument. Candidates who identified a range of disadvantages, without any development, would not achieve beyond Level 2 marks because they had not included any of the discussion that is essential for the question. A counter argument would only be creditable if it was included as a final development of the discussion point. This means that candidates must focus on the disadvantages of using juries. Any points that only examined advantages were not given credit, emphasising the need to really focus on the command words in the question.

Section B overview

This section is about the criminal law. Candidates need to remember that each question examines only one assessment objective. The scenarios consider how the law is applied with Question 8 looking purely at evaluation. Candidates who had been able to confidently recall the legal principles of the non-fatal offences were very successful in applying the law. However, in some responses it was clear that the law may have been understood but unfortunately not applied correctly. In addition, candidates need to understand that no credit is given for definitions and description of the law in the scenario questions. This indicates that greater emphasis should be placed on understanding the assessment objectives when preparing for the exam.

Question 5

Sam drives a coach and is taking a party of schoolchildren on a trip. During the journey she notices one of the students, Jack is standing up. She tells him several times to sit down but he ignores her. Sam shouts at him, "If you don't sit down, I'll come and slap you!" Jack sits down but doesn't put his seatbelt on. Sam sets off driving again. Suddenly, Jack stands up Sam decides to give him a shock by slamming on the brakes. Jack is thrown forward dislocating his shoulder.

Charlie is in a supermarket car park packing her shopping into her car. She is approached by a security guard, Dev who says that she hasn't paid for a bottle of whiskey. She pushes him out of the way, and he falls fracturing his wrist. Charlie gets in the car and sees Dev lying on the floor. She reverses her car over him breaking his leg.

5 Explain the different sources of criminal law.

[8]

This question was less well answered by many candidates. The most common responses involved the identification of statutory and common law with examples of each. Many candidates did not understand the question and described actus reus, mens rea and strict liability. A few were able to provide detail of statutory interpretation, delegated legislation and international law, with examples, and they achieved high marks. Given the number of less successful responses, it is possible that there had been less focus on some parts of the specification, and it is essential to make candidates aware that questions can be drawn from all aspects of the teaching content. It would be useful if candidates could focus on the revision of this material in preparation for the exam.

Misconception



Scenario questions are only assessing Assessment Objective 2 which is about application. Candidates will not receive any credit for describing the legal rules and principles, they just need to apply the law to the characters in the scenario.

Question 6

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

This question was understood very clearly by most candidates and many wrote successful responses. They were able to identify that the key offences were assault and either s47 or s20. Many candidates were able to apply the law accurately to Sam for the assault. Full marks could be gained if candidates chose either s47 or s20 for the second incident. It was essential for them to apply the correct rationale for their decisions and reach a conclusion. The less successful responses blended the two incidents which was unfortunate. These responses had a correct understanding of how the law applied but missed out on credit because they did not separate the two offences that were linked to two different incidents. Some responses contained a detailed application of causation which was not required. In addition, candidates are still describing the law, which wastes time, as the scenario questions focus entirely on application.

Assessment for learning



Scenario questions often contain more than one offence. Candidates should learn to identify the individual incidents and link them to the offences before they apply them separately to gain maximum marks.

Question 7

7 Advise how the law relating to non-fatal offences against the person will apply to Charlie. **[8]**

This question was also answered quite well. Most candidates were able to identify the correct offences as they applied to the scenario. Some candidates identified the first offence as battery and confused the application with the s18 offence. As with Question 6, candidates blended the two incidents and only applied the law to a single offence, and this did mean they lost out on some marks. In addition, there was also application of causation in this question which was not required. In less successful responses there was confusion over the mens rea for s47 ABH.

Exemplar 1

7	Charlie would be guilty of ABH under s.47 of the Offences Against the Person Act (OAPA) 1861. The actus reus of ABH is a common assault occasioning actual bodily harm. Charlie has committed a common assault (battery) when she used an unlawful application of force against Dev and pushed him out the way. This causes (occasions) Dev to fall and fracture his wrist. This is ABH as it affects ^{Dev's} Dev's health or comfort. The mens rea of ABH is intent or recklessness to the common assault not the level of harm caused. Charlie intentionally applies unlawful force to Dev as she physically pushed him. It was clearly clearly Charlie's aim, purpose or objectives ^{to push} as she pushed him out of the way. Therefore Charlie would be guilty of ABH under s.47 OAPA. Charlie will also be guilty of GBH and under s.18 ^(OAPA) of the Offences Against the Person Act 1861. The actus reus of s.18 is to unlawfully wound or cause GBH. Charlie has clearly done this when she reversed over hit Dev, breaking his leg. This would be GBH as it is 'really serious harm'. The mens rea of s.18 is to intent to do some
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		GBH or to prevent/resist lawful arrest. Charlie
		Clearly has intent to do some GBH as she
		sees Dev on the floor before reversing
		her car over him. It is clearly her aim,
		purpose or objective to inflict really serious
		harm on Dev. This would be a s.18 offence
		and not a s.20 as Charlie had the mens
		rea ^{of intent} to do some GBH and cause really
		serious harm rather than intent to do ^{just} some
		harm. Therefore, Charlie will be guilty of
		GBH GBH under s.18 of OAPA 1861.

This candidate has clearly identified the two separate incidents and applied the law to each one individually. They were able to achieve full marks with this response. They clearly identify the offence and apply the actus reus and mens rea to reach an accurate conclusion. Although there is some description of the law, which cannot receive credit, the main focus remains on accurate application.

Question 8*

8* Discuss the problems with s47 Offences Against the Person Act 1861, and the extent to which reform of the law would make it fair. [8]

Candidates found this a challenging question. They had clearly understood the problems with the Offences Against the Person Act but found it more difficult to apply the discussion points to s47 only. Language issues and sentencing were popular discussion points. Candidates were able to identify that some of the wording in the Act is out-dated but to get credit they needed to focus on s47. More successful responses, that used this discussion point correctly, chose words such as 'occasioning' to develop the discussion and made suggestions for reform which linked it very clearly to the question. Generally, reform was referred to correctly. As the focus here was discussion, candidates did need to include at least one well-developed point for Level 4 marks. As with Question 4, this could be achieved by identifying the problem for the point, then discussing why it is a problem for the development. The final stage of well-development could be achieved by expanding on the point further, using case examples to illustrate the point, or presenting a counter argument. This means that candidates must focus on the question which is about problems with s47. Candidates who simply identified a range of problems would not achieve beyond Level 2 marks because they had not included any of the discussion that is essential for the question. Any points that were directed entirely to other sections of the legislation were not given credit, emphasising the need to really focus on the command words in the question.

Exemplar 2

		One problem with S47 OAPA 1861 is language.
		The definition of ABH S47 OAPA 1861 is confusing
		which is unfair on the individuals of the
		case involved and the public overall. For example
		the definition of S47 is Assault occasioning
		actual bodily harm. This is confusing because
		the word 'bodily' does not have to be physical
		but can also be psychological. In addition the
		word 'occasion' is outdated. This means to cause.
		Furthermore the word 'assault' is misconstrued with
		common assault. Therefore the definition of
		ABH S47 OAPA 1861 has a problem with
		language which leads to confusion.
		However the law commission report ²⁰¹³ has
		changed the definition to modern language e.g
		'to cause...'

This is a good example of a well-developed point. This candidate was able to achieve full marks with this response. It is a good example of a candidate taking a basic evaluation of the language in this legislation and directing it very clearly at s47. This is achieved in this exemplar by linking the general language problem to the specific words in the section, such as 'bodily' or 'occasioning'

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