



**General Certificate of Secondary Education  
June 2011**

**Law 41601**

**The English Legal System**

**Unit 1**

***Mark Scheme***

Mark schemes are prepared by the Principal Examiner and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the pre-standardisation meeting attended by all senior examiners and any post-standardisation changes made in the light of candidates' responses. The process of standardisation ensures that the mark scheme covers the candidates' responses to questions and that every examiner understands and applies it in the same correct way. As preparation for standardisation, each examiner analyses a number of candidates' scripts, the marks for which have already been agreed. If, later in the process, examiners encounter unusual answers which have not previously been seen, they are required to refer these to a senior examiner.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of candidates' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

Further copies of this Mark Scheme are available to download from the AQA Website: [www.aqa.org.uk](http://www.aqa.org.uk)

Copyright © 2011 AQA and its licensors. All rights reserved.

#### COPYRIGHT

AQA retains the copyright on all its publications. However, registered centres for AQA are permitted to copy material from this booklet for their own internal use, with the following important exception: AQA cannot give permission to centres to photocopy any material that is acknowledged to a third party even for internal use within the centre.

Set and published by the Assessment and Qualifications Alliance.

---

## GCSE Law

Suggested answers are neither prescriptive nor exhaustive.

Within the exam paper as a whole, questions are set involving a varying number of marks. In general, marks can vary between a minimum of 3 marks up to a maximum of 15 marks. All of these questions, irrespective of the number of marks, are to be marked according to the following banded types of response. Marks are to be awarded for identifying the legal issue(s) involved, together with the quality of the explanation, showing the application of knowledge and understanding of the legal issues involved and/or the level of critical awareness displayed. All answers must be judged according to the standard one would expect from a notional 16-year-old.

### **Banded Mark Scheme**

<b>Band 0</b>	<b>Inappropriate answer showing no understanding</b>	The number of marks will reflect the marks appropriate to the individual question
<b>Band 1</b>	<b>Basic awareness</b>	
<b>Band 2</b>	<b>Answer based on limited understanding</b>	
<b>Band 3</b>	<b>Appropriate answer showing sound understanding</b>	

In addition to the above banded mark scheme, the mark scheme for some questions will include marks for specific points. Such questions will clearly be identified in the detailed Mark Scheme which follows.

While it is not expected that alternative answers to such questions will attract credit, candidates may, on occasions, interpret questions in an unexpected way and produce answers which, though not expected, should still be credited. Answers such as these will be discussed during the pre-standardisation process in the period following each new examination and credited where appropriate.

Quality of Written Communication is to be assessed in certain questions within each paper. The relevant questions are clearly identified on the front cover of the question paper, and, within the body of the paper, it also carries the instruction 'Answer in continuous prose'. The mark bands for these questions indicate the criteria which examiners should use to decide which band to place a candidate in, looking at both legal content and QWC to arrive at a band of 'best fit'.

---

**SECTION A**

**1** Carefully read the descriptions of **each** of the courts below. Look at the list in the box above and identify **which one** is being described. Write your answers in the spaces provided.

(4 marks)

[AO1:2, AO2:0, AO3:2]

**1(a)**

This court only deals with civil cases.  
This court uses both circuit and district judges.  
This court only hears first instance trial cases.

(1 mark)

**Potential Content**

The County Court

**1 mark**

**1(b)**

All criminal cases start in this court.  
Decisions are made by lay people, sitting in groups of three.  
These lay people are helped by a qualified court clerk/legal adviser.

(1 mark)

**Potential Content**

A Magistrates Court

**1 mark**

**1(c)**

This court is usually staffed by circuit judges and High Court judges.  
These judges can sentence people up to a maximum of life imprisonment.  
A famous example of this court is the Old Bailey.

(1 mark)

**Potential Content**

The Crown Court

**1 mark**

**1(d)**

This court only hears appeals.  
This court deals with both civil and criminal cases.  
This court moved to new premises in 2009 and changed its name.

(1 mark)

**Potential Content**

The Supreme Court

**1 mark**

- 
- 2 Below is a description of the training requirements to become a solicitor.  
Fill in the gaps **(a)** to **(f)**, choosing the correct word or phrase from the box. (6 marks)

Award 1 mark for each word/phrase which candidates have correctly selected from the answers available. The passage should read as follows.

**Potential Content**

Following A Levels, people who wish to become solicitors will study for a **(a) LAW DEGREE** at university.

Alternatively, students who have taken a different degree will follow a year's study leading to the **(b) GRADUATE DIPLOMA IN LAW.**

After that, people who wish to become solicitors will have to follow a year's further study on the **(c) LEGAL PRACTICE COURSE.**

This is then followed by a **(d) TRAINING CONTRACT**, usually working with a firm of solicitors.

This period of practical training lasts for **(e) TWO YEARS.**

Finally, trainee solicitors will be enrolled on the **(f) ROLL(S) OF THE SUPREME COURT** at which point they are fully qualified. [AO1:3, AO2:0, AO3:3]

**3** Examiners should mark all three parts of question 3 out of a total of 9 marks. Each part carries a maximum of 3 marks. You should try to balance the marks across all three parts. For example, if a candidate writes a sound answer (for a notional 16-year-old) for part (a), you should award 3 marks. If the answers to parts (b) and (c) are both quite good (borderline limited/sound), you should credit one part with 3 marks and the other with 2 marks. This will give an overall total of 8 marks, which you will enter in the mark box. You can explain what you have done by entering a brief comment in the comment box. The same balancing rule applies across the other descriptors in the mark scheme.

In **each** of the following situations, state which **sentence** may be imposed by the court, and explain **why** you have chosen that sentence.

Ann, aged 67, has pleaded guilty to an offence of causing death by dangerous driving. Ann killed another driver when she accidentally drove down the wrong side of the motorway. The pre-sentence report on Ann says that she has no previous convictions of any sort and that she is very sorry about what has happened to the other driver. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

#### Potential Content

Likely punishment – imprisonment (reasoned alternative can be credited ie community sentence)

Recognition of seriousness of offence (so serious)

Recognition of mitigating features – first offence; remorse; age of offender; circumstances; plea  
[AO1:1, AO2:0, AO3:2]

Barbara has been convicted, after a trial, of an assault on Christine. Both had been waiting outside the school gates to collect their children. Barbara's daughter came out of school and complained that she had been bullied by Christine's son. Barbara hit Christine once after they had argued about the bullying. Barbara has previous convictions, mainly for theft. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

#### Potential Content

Likely punishment – community sentence (reasoned alternative can be credited if justified by relevant factors)

Recognition of aggravating features – conviction following trial; presence of children; previous (though not relevant) convictions

Recognition of possible provocation; single blow only  
[AO1:1, AO2:0, AO3:2]

Davis has pleaded guilty to his third offence of drink driving in the last six years. On this occasion, he was nearly four times over the legal limit and was involved in an accident which caused injury to another driver. He also fled the scene before the police could question him and was only arrested about three hours later. His case is being heard by his local Magistrates Court. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

### Potential Content

Likely punishment – imprisonment

Recognition of aggravating features – previous convictions for identical offence; alcohol reading; injury caused; attempt to evade justice.

Possible relevance of previous sentences

[AO1:1, AO2:0, AO3:2]

- 4** Each of the following boxes contains two statements about the system of trial by jury. One of these statements is completely correct in law. The other is not legally correct. Decide which statement is incorrect then, in the space provided, re-write the statement so that it is legally correct. (5 marks)

### Potential Content

- 4 (a)** A juror must be at least **18** years of age. **1 mark**
- 4 (b)** A police officer **can** sit on a jury. **1 mark**
- 4 (c)** Juries are used mainly in the **Crown** Court **or** juries can sometimes be used in the county court. **1 mark**
- 4 (d)** A juror must have lived in the UK for **5** years to qualify for jury service. **1 mark**
- 4 (e)** A jury can give a majority verdict of **10:2** (11:1) after deliberating for two hours. **1 mark**
- [AO1:5, AO2:0, AO3:0]

- 5** Where the police or magistrates decide to release a suspect on bail or remand him in custody, identify any **three grounds for objections** to bail being granted and any **three conditions** which may be imposed on bail. (6 marks)

### Potential Content

#### *Objections to bail*

Eg Accused may commit further offences; may fail to surrender; may obstruct justice (interfere with witnesses); insufficient information; accused's own safety; bail not applied for, etc.

*Note: previous convictions, seriousness of the offence, no fixed address, are **reasons** to support the grounds, and should **not** be credited.*

**1 mark for each reason**

#### *Bail conditions*

Eg residence; curfew (tagging); restraining orders; report to police station; surrender passport; bail securities; bail sureties; keep appointment with solicitor/probation service, etc.

*Note: returning to the police station/court is equally true of unconditional bail, and therefore should **not** be credited.*

**1 mark each for each condition**

[AO1:6, AO2:0, AO3:0]

- 6** This is a diagram for you to show the **civil court structure**.  
In the spaces marked **(a)** to **(d)**, write the names of the first instance (trial) and appeal courts. (4 marks)

### Potential Content

(a) The County Court

**1 mark**

(b) The High Court (of Justice)

**1 mark**

(c) The Court of Appeal (Civil Division)

**1 mark**

(d) The Supreme Court (House of Lords is not creditworthy)

**1 mark**

[AO1:2, AO2:0, AO3:2]



- 7** The process of legislation (passing an Act of Parliament) has a number of stages. The House of Commons and the House of Lords, followed by the Crown, are all involved in this process.

Briefly explain each of the following:

the purpose of a Green Paper;

a second reading;

the Royal Assent.

(6 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based on limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

### Potential Content

- Publication of a government consultation document; invites comment from interested parties; provides basis for later White Paper/draft bill. Possible reference to an example.
- Follows first reading, usually in Commons; involves debate and division; vote must be carried to continue process.
- Crown assents to Bill; nowadays a formality; process whereby Bill becomes Act, etc.

*Note: notional 2:2:2 mark split may help*

*Note: only 1 dealt with – max 3 marks for a very good answer*

*Only 2 dealt with – max 5 marks for two good answers*

[AO1: 3, AO2: 0, AO3: 3]

- 8** The table below refers to the differences between the ways in which **civil law** and **criminal law** work. In the spaces, write an appropriate word or phrase to show the relevant difference between civil and criminal law. (5 marks)

### Potential Content

- ♦ beyond reasonable doubt (or equivalent words which show proper understanding, eg so you are sure) **1 mark**
- ♦ the State (or equivalent word(s) which show(s) proper understanding) **1 mark**
- ♦ the Crown Prosecution Service, (CPS), (Crown Prosecutor), (the prosecution) **1 mark**
- ♦ liable **1 mark**
- ♦ eg damages; injunction (credit other civil remedies) **1 mark**

[AO1:2, AO2:0, AO3:3]

## SECTION B

- 9 (a) (i)** Outline **two** differences between the County Court and the High Court. (4 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3-4 marks</b>

### Potential Content

For example:

Local v regional availability

Decision-making by a circuit judge/High Court judge

Jurisdictional differences related to type of case/size of claim/legal complexity

Representation differences (solicitors v barristers)

Differences relating to tracking

Differences relating to cost + speed of operation, etc

*Note: credit any other relevant differences*

*Note: minimum 2 differences for top Band answer (effectively a 2:2 split of the marks)*

*Note: one correct difference explained on **both** sides can attract 2 marks. Only one side explained can only be 1 mark.*

[AO1:3, AO2:0, AO3:1]

- 9 (a) (ii)** The County Court deals with a range of different civil cases. Briefly explain what is meant by any **three** of the following:
- a contract case
  - a tort case
  - a probate case
  - a family case.
- (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

### Potential Content

- contract – eg failure to perform a lawful agreement; remedy; possible case
- tort – civil wrong eg negligence; other torts; remedy; possible case
- probate – eg connection with a valid will; authority for executor; possible statutory reference
- family – eg divorce; other family jurisdiction; possible authority

*Note: two areas for a top Band answer (some development on both required for 4 marks)*

*5 marks only available where all three chosen areas are (briefly) explained*

*Financial limits are not required, but would show sound understanding (where accurate)*

*Note: all 4 aspects addressed – choose best 3 answers.*

[AO1:3, AO2:0, AO3:2]

- 9 (b) (i)** Explain the differences between the Small Claims Track and the Fast Track. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

### Potential Content

Small Claims Track – eg under £5000 (£1000 for personal injury); quick; cheap and informal (DIY); no government funded Legal Representation; District Judge; court.

Fast Track– eg £5000-£25 000; Circuit Judge; 6 months (30 weeks) from issue of claim form; limited costs; max 1 day hearing; usually professional representation; court.

*Note: only one aspect dealt with – max 3 marks for a very good answer* [AO1:4, AO2:0, AO3:1]

- 9 (b) (ii)** Briefly comment on the advantages **and** disadvantages of the Small Claims Track for members of the public. (**Answer in continuous prose.**) (5 marks)

**Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:**

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

**Add the two marks (for law and QWC) together. Then place the response in the band which provides the 'best fit' in the light of both the legal content and the QWC.**

Band 0	Inappropriate answer showing no understanding. The candidate spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	<b>0 marks</b>
Band 1	Basic awareness. The candidate spells, punctuates and use the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	<b>1 mark</b>
Band 2	Answer based on limited understanding. The candidate spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding. The candidate spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	<b>4-5 marks</b>

### Potential Content

Advantages can include: cost; informality; relatively quick; assistance provided to lay people by court/District Judge; on-line claims; local, etc

Disadvantages can include: problems with self-representation; what if other side is represented?; settlements are often a compromise, etc

Conclusion

*Unbalanced answer – max 4 marks for an excellent response*

[AO1:0, AO2:0, AO3:5]

- |          |            |            |  |           |
|----------|------------|------------|--|-----------|
| <b>9</b> | <b>(c)</b> | <b>(i)</b> | Where <b>legal advice</b> is concerned, explain what is meant by the following: <ul style="list-style-type: none"> <li>▪ Legal Help</li> <li>▪ Citizens Advice Bureaux.</li> </ul> | (6 marks) |
|----------|------------|------------|--|-----------|

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based on limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

(i) Government-funded advice scheme; limitations; means test; possible reference to Help at Court

(ii) Government-funded advice network; largely voluntary advisers (trained); some professional advice; free/voluntary contributions; areas of 'expertise'

*Note – only one dealt with – max four marks for a good answer*

[AO1:3, AO2:0, AO3:3]

- |          |            |             |   |           |
|----------|------------|-------------|---|-----------|
| <b>9</b> | <b>(c)</b> | <b>(ii)</b> | Briefly comment on the advantages of the Citizens Advice Bureaux <b>and</b> the Legal Help Scheme. <b>(Answer in continuous prose.)</b> | (5 marks) |
|----------|------------|-------------|---|-----------|

**Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:**

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

**Add the two marks (for law and QWC) together. Then place the response in the band which provides the 'best fit' in the light of both the legal content and the QWC.**

Band 0	Inappropriate answer showing no understanding. The candidate spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	<b>0 marks</b>
Band 1	Basic awareness. The candidate spells, punctuates and use the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	<b>1 mark</b>
Band 2	Answer based on limited understanding. The candidate spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding. The candidate spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	<b>4-5 marks</b>

**Potential Content**

Legal Help – national scheme; free; quality advice; extension of scheme to Help at Court

CABs – national network, locally available; good expertise in some areas; not means tested + free

*Note – only one dealt with – max 3 for a good answer*

[AO1:0, AO2:0, AO3:5]

- 9 (d)** Identify **two** types of insurance policy which often include legal services cover. (2 marks)

**Potential Content**

Any two from, eg car, house, buildings, holiday, etc

**1 mark each**

*Note – any other **sensible** form of insurance can be credited*

[AO1:2, AO2:0, AO3:0]

- 9 (e) (i)** Explain what is meant by a conditional fee arrangement. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based on limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5 marks</b>

**Potential Content**

Recognition of no-win, no-fee arrangement (**1 mark**)

Civil case context: what exactly is/is not covered in terms of costs; the insurance position; solicitors uplift + methods of calculation, etc

[AO1:4, AO2:0, AO3:1]

- 9 (e) (ii)** Briefly comment on the advantages of conditional fee arrangements. (3 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

No cost to the State (taxpayer); client knows what his costs are going to be; relatively affordable insurance policy to cover potential losses; no means test, therefore everyone qualifies if they have a good enough claim

*Note – credit any other sensible points made*

[AO1:0, AO2:0, AO3:3]

---

<b>9 (f)</b> Briefly explain and comment on the process of negotiation. (5 marks)
---

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

**Potential Content**

Explanation – pre-litigation form of ADR, settlement ‘out of court’; role of solicitors/insurance companies; implications of settlement re future action

Comment – eg cheaper; quicker; preserves future relationship, but settlements at less than court damages; no recourse post-settlement

*Note – only ‘explain’ or only ‘comment’ – max 3 marks for a good answer* [AO1:2, AO2:0, AO3:3]

**10** Study the extract below and then answer **all** parts of the question which follows.

**10 (a)** Outline how magistrates are **selected** and **appointed** to their role. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

**Potential Content**

Application; role of Advisory Committee; disqualification; balancing factors; two-stage interview; key qualities; recommendation for appointment; background checks; appointment by Lord Chancellor; initial training; swearing-in [AO1:5, AO2:0, AO3:0]

*Note – selection only: max 4 marks for a good answer. Appointment only – max 3 marks for a good answer.*

**10 (b) (i)** Outline the range of duties undertaken by magistrates. (5 marks)

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

**Potential Content**

Criminal jurisdiction (summary, either-way, indictable only offences); bail; committal/sends; trial; sentencing; Youth Court; Family Proceedings Court; Licensing Appeals Panel; warrants; enforcement of local taxes, etc [AO1:1, AO2:0, AO3:4]

- 10 (b) (ii)** Comment on the advantages **and** disadvantages of using lay magistrates. In your answer, you may find it helpful to refer to the extract.  
(Answer in continuous prose.) (5 marks)

**Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:**

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

**Add the two marks (for law and QWC) together. Then place the response in the band which provides the ‘best fit’ in the light of both the legal content and the QWC.**

Band 0	Inappropriate answer showing no understanding. The candidate spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately. <b>0 marks</b>
Band 1	Basic awareness. The candidate spells, punctuates and use the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately. <b>1 mark</b>
Band 2	Answer based on limited understanding. The candidate spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility. <b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding. The candidate spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly. <b>4-5 marks</b>

#### Potential Content

Advantages – lay perspective; local knowledge; cheap

Disadvantages – errors of law; inconsistency; bias

Conclusion

*Note – credit any other sensible points made*

[AO1:0, AO2:0, AO3:5]

- 10 (c) (i)** Identify **two** groups of people who are **disqualified** from jury service. (2 marks)

#### Potential Content

Eg 5+ year sentence; any prison/community sentence in last 10 years; on bail; mentally ill; connected to case, etc. **1 mark each**

*Note: shopping list rule applies.*

[AO1:2, AO2:0, AO3:0]

- 10 (c) (ii)** Identify a reason why someone can be **discharged** from jury service. (1 mark)

#### Potential Content

Insufficient command of English; those suffering from long-term illness; armed services **1 mark**

[AO1:1, AO2:0, AO3:0]



<b>10 (c) (iii)</b> Identify a reason why someone may be able to <b>defer</b> jury service. (1 mark)
--

**Potential Content**

Eg Pre-booked holidays; public exam; business commitments; family commitments, etc **1 mark**  
[AO1:1, AO2:0, AO3:0]

<b>10 (c) (iv)</b> Describe the role of the jury in both criminal <b>and</b> civil cases. (6 marks)
---

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1-2 marks</b>
Band 2	Answer based on limited understanding	<b>3-4 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>5-6 marks</b>

**Potential Content**

Criminal – connection to trial in the Crown Court; listen to evidence; listen to prosecution + defence summing-up; listen to judge’s summing-up; consider verdict(s); apply relevant law + burden/standard of proof; verdict based on unanimous or majority decision; deliver verdict, etc.

Civil – connection to defamation or other civil cases where jury is used; listen to evidence; listen to defence + claimant summing-up; listen to judge’s summing-up; consider verdict(s); apply relevant law + burden/standard of proof; verdict based on unanimous or majority decision; deliver verdict; if liable, consider and award damages.

*Note – only one aspect dealt with – max 4 marks for a good answer* [AO1:5, AO2:0, AO3:1]

- 10 (c) (v)** Comment on the **advantages** of trial by jury. In your answer, you may find it helpful to refer to the extract. **(Answer in continuous prose.) (5 marks)**

**Note: Quality of Written Communication is to be assessed in this part-question. Assess the law content first (up to max of 3 marks), then assess the QWC on the following basis:**

- **Average performance for a notional 16-year-old under exam conditions – 1 mark**
- **Better than average – 2 marks**
- **Significantly below average – 0 marks**

**Add the two marks (for law and QWC) together. Then place the response in the band which provides the 'best fit' in the light of both the legal content and the QWC.**

Band 0	Inappropriate answer showing no understanding. The candidate spells, punctuates and uses the rules of grammar poorly: he/she uses a very limited range of specialist terms, perhaps inaccurately.	<b>0 marks</b>
Band 1	Basic awareness. The candidate spells, punctuates and use the rules of grammar with some accuracy: he/she uses a limited range of specialist terms appropriately.	<b>1 mark</b>
Band 2	Answer based on limited understanding. The candidate spells, punctuates and uses the rules of grammar with reasonable accuracy: he/she uses a good range of specialist terms with facility.	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding. The candidate spells, punctuates and uses the rules of grammar with considerable accuracy: he/she uses a wide range of specialist terms adeptly.	<b>4-5 marks</b>

#### **Potential Content**

Eg public acceptability/confidence based on long usage; range of views of ordinary people; wider range of backgrounds than judges/magistrates; 12 heads better than 1/shared decision making; verdicts based on conscience rather than strict law, etc

Possible conclusion

Possible reference to authority, eg Ponting, Kronlid, Owen, etc

*Note – credit any other sensible points made*

[AO1:0, AO2:0, AO3:5]

- 10 (d) (i)** Rosemary is studying for her A Levels and is considering a career as a barrister. Explain to her what she would need to do to become a barrister. **(5 marks)**

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

#### **Potential Content**

Law degree or other degree (usually upper second requirement) followed by GDL/CPE; join an Inn of Court; residential training weekends (dining); BVC (BPTC); pupillage; called to the Bar; find place in Chambers

[AO1:3, AO2:0, AO3:2]

<b>10 (d) (ii)</b>	Outline the work undertaken by barristers	<b>(3 marks)</b>
--------------------	---	------------------

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>3 marks</b>

**Potential Content**

Unlimited rights of advocacy; paperwork – drafting pleadings, preparation for trial; drafting opinions on ‘difficult’ areas of law on the instructions of solicitors; possible reference to direct access; possible reference to relevant legislation/Codes of Practice. [AO1:1, AO2:0, AO3:2]

<b>10 (d) (iii)</b>	Briefly explain what is meant by a QC.	<b>(2 marks)</b>
---------------------	--	------------------

Translation (Queen’s Counsel)	<b>1 mark</b>
Any sensible further development, eg application; criteria; implications; taking silk; rescindable, etc	<b>1 mark</b>
	[AO1:2, AO2:0, AO3:0]

<b>10 (d) (iv)</b>	Briefly comment on whether the public would benefit from: <ul style="list-style-type: none"> <li>• more solicitor advocates</li> <li>• more direct access to barristers.</li> </ul> In your answer, you may find it helpful to refer to the extract.	<b>(5 marks)</b>
--------------------	--	------------------

Band 0	Inappropriate answer showing no understanding	<b>0 marks</b>
Band 1	Basic awareness	<b>1 mark</b>
Band 2	Answer based on limited understanding	<b>2-3 marks</b>
Band 3	Appropriate answer showing sound understanding	<b>4-5 marks</b>

**Potential Content**

Solicitor advocates – eg greater trust between client and one ‘lawyer’; less duplication of work to prepare case for trial; shorter lines of communication/fewer misunderstandings; reduced costs?, but loss of the ‘second opinion’; loss of the independent specialist advocate, etc  
 Direct access to barristers – eg greater trust between client and one ‘lawyer’; less duplication of work to prepare case for trial; shorter lines of communication/fewer misunderstandings; reduced costs?, but loss of the ‘second opinion’; how would the client know which barrister to approach?; geographical access in rural areas, etc  
*Note – credit any other sensible points raised* [AO1:0, AO2:0, AO3:5]

**ASSESSMENT GRID PAPER 1**

	<b>Maximum mark</b>	<b>Assessment Objective 1</b>	<b>Assessment Objective 2</b>	<b>Assessment Objective 3</b>
<b>Question 1</b>	4	2	0	2
<b>Question 2</b>	6	3	0	3
<b>Question 3</b>	9	3	0	6
<b>Question 4</b>	5	5	0	0
<b>Question 5</b>	6	6	0	0
<b>Question 6</b>	4	2	0	2
<b>Question 7</b>	6	3	0	3
<b>Question 8</b>	5	2	0	3
<b>Question 9</b>	45	a) 6 b) 4 c) 3 d) 2 e) 4 f) 2	a) 0 b) 0 c) 0 d) 0 e) 0 f) 0	a) 3 b) 6 c) 8 d) 0 e) 4 f) 3
<b>Question 10</b>	45	a) 5 b) 1 c) 9 d) 6	a) 0 b) 0 c) 0 d) 0	a) 0 b) 9 c) 6 d) 9
<b>Sub-Total</b>	90	47	0	43

**ASSESSMENT GRID OVERALL**

	<b>Target</b>	<b>Achieved</b>
<b>AO1</b>	30-40%	37.2%
<b>AO2</b>	20-30%	27.8%
<b>AO3</b>	30-40%	35.0%

This Paper is identical in terms of Assessment Objective coverage to both the Specimen Paper and the June 2010 examination.

### SPECIFICATION COVERAGE

Topic		Unit 1		
Introduction to Law	Meaning and definition of Law			
	Classifications of Law	✓		
Courts and Processes	Hierarchy of the Courts	✓		
Criminal Courts	The Magistrates Court	✓		
	The Crown Court	✓		
Civil Courts	The County Court	✓		
People in the Law - Lay People	Juries	✓		
	Lay Magistrates	✓		
Legal Professionals	Solicitors and Barristers	✓		
	Judges	✓		
Sources of Law	Acts of Parliament	✓		
	Case Law and Precedent	✓		
	Relationship between sources of Law	✓		

### Converting Marks into UMS marks

Convert raw marks into Uniform Mark Scale (UMS) marks by using the link below.

**UMS conversion calculator** [www.aqa.org.uk/umsconversion](http://www.aqa.org.uk/umsconversion)