



A-level LAW 7162/1

Paper 1

Mark scheme

June 2025

Version: 1.0 Final



Mark schemes are prepared by the Lead Assessment Writer and considered, together with the relevant questions, by a panel of subject teachers. This mark scheme includes any amendments made at the standardisation events which all associates participate in and is the scheme which was used by them in this examination. The standardisation process ensures that the mark scheme covers the students' responses to questions and that every associate understands and applies it in the same correct way. As preparation for standardisation each associate analyses a number of students' scripts. Alternative answers not already covered by the mark scheme are discussed and legislated for. If, after the standardisation process, associates encounter unusual answers which have not been raised they are required to refer these to the Lead Examiner.

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of students' 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.

No student should be disadvantaged on the basis of their gender identity and/or how they refer to the gender identity of others in their exam responses.

A consistent use of 'they/them' as a singular and pronouns beyond 'she/her' or 'he/him' will be credited in exam responses in line with existing mark scheme criteria.

Further copies of this mark scheme are available from aqa.org.uk

Copyright information

AQA retains the copyright on all its publications. However, registered schools/colleges 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 schools/colleges to photocopy any material that is acknowledged to a third party even for internal use within the centre.

Copyright © 2025 AQA and its licensors. All rights reserved.

Level of response marking instructions

Level of response mark schemes are broken down into levels, each of which has a descriptor. The descriptor for the level shows the average performance for the level. There are marks in each level.

Before you apply the mark scheme to a student's answer read through the answer and annotate it (as instructed) to show the qualities that are being looked for. You can then apply the mark scheme.

Step 1 Determine a level

Start at the lowest level of the mark scheme and use it as a ladder to see whether the answer meets the descriptor for that level. The descriptor for the level indicates the different qualities that might be seen in the student's answer for that level. If it meets the lowest level then go to the next one and decide if it meets this level, and so on, until you have a match between the level descriptor and the answer. With practice and familiarity you will find that for better answers you will be able to quickly skip through the lower levels of the mark scheme.

When assigning a level you should look at the overall quality of the answer and not look to pick holes in small and specific parts of the answer where the student has not performed quite as well as the rest. If the answer covers different aspects of different levels of the mark scheme you should use a best fit approach for defining the level and then use the variability of the response to help decide the mark within the level, ie if the response is predominantly level 3 with a small amount of level 4 material it would be placed in level 3 but be awarded a mark near the top of the level because of the level 4 content.

Step 2 Determine a mark

Once you have assigned a level you need to decide on the mark. The descriptors on how to allocate marks can help with this. The exemplar materials used during standardisation will help. There will be an answer in the standardising materials which will correspond with each level of the mark scheme. This answer will have been awarded a mark by the Lead Examiner. You can compare the student's answer with the example to determine if it is the same standard, better or worse than the example. You can then use this to allocate a mark for the answer based on the Lead Examiner's mark on the example.

You may well need to read back through the answer as you apply the mark scheme to clarify points and assure yourself that the level and the mark are appropriate.

Indicative content in the mark scheme is provided as a guide for examiners. It is not intended to be exhaustive and you must credit other valid points. Students do not have to cover all of the points mentioned in the Indicative content to reach the highest level of the mark scheme.

An answer which contains nothing of relevance to the question must be awarded no marks.

01 In relation to the offence of unlawful act (constructive) manslaughter, which **one** of the following statements about the 'dangerousness' requirement is **true**? **[1 mark]**

Marks for this question: AO1 = 1

D The reasonable person must foresee the risk of some harm.

02 Select the **true** statement about the principle of transferred malice. **[1 mark]**

Marks for this question: AO1 = 1

C The defendant can be liable for intended harm caused to an unintended victim.

03 In relation to the doctrine of judicial precedent, which of the following statements **best** describes the power of a court to 'distinguish' an earlier precedent? **[1 mark]**

Marks for this question: AO1 = 1

B A court does not apply a precedent from an earlier case because significant facts are different in the current case.

04 Which **one** of the following statements about circuit judges is **true**? **[1 mark]**

Marks for this question: AO1 = 1

D Circuit judges can preside over a trial in the Crown Court.

05 Which **one** of the following would be most likely to act as an advocate in the Court of Appeal? **[1 mark]**

Marks for this question: AO1 = 1

A A barrister

- 06** Explain what is meant by a triable either-way offence **and** explain **one** possible route of appeal available to the defendant following conviction for such an offence.

[5 marks]

Marks for this question: AO1 = 5

Levels of response mark scheme 5 marks – AO1 only	
Mark range	Description
4–5 Band 3	Knowledge is good and demonstrates a good understanding of the English legal system. Where appropriate a good example of a case to illustrate suggested reasons.
2–3 Band 2	Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system. Where appropriate a satisfactory example of a case to illustrate reasons.
1 Band 1	Knowledge is limited and demonstrates a limited understanding of the English legal system. Where appropriate a limited example of a case to illustrate reasons.
0	Nothing worthy of credit.

Indicative content

AO1

- Explanation of triable either-way offences ie they are middle-range offences that can be tried either in the Magistrates' or Crown Court. Some development may include examples of triable either-way offences such as theft, assault occasioning actual bodily harm etc or how the venue is decided.

An explanation of one of the routes following trial in the Magistrates' Court:

- appeal to the Crown Court on sentence given and conviction if D pleaded not guilty
- case stated appeal from the Magistrates' Court to the High Court
- appeal by way of case stated to the High Court from a decision of the Crown Court following an appeal from the Magistrates' Court to the Crown Court
- further appeal from the High Court on case stated directly to the Supreme Court.

An explanation of one of the routes following trial in the Crown Court:

- appeal to the Court of Appeal (Criminal Division) against conviction or sentence
- further appeal from the Court of Appeal (Criminal Division) to the Supreme Court.

Note: If only one part of the question is dealt with the maximum band is 2.

Credit any other relevant point(s).

- 07** Assume that Arnold has been charged with an offence under s20 of the Offences Against the Person Act 1861 (unlawful and malicious infliction of grievous bodily harm).
- Suggest why Arnold is likely to succeed if he pleads the defence of involuntary intoxication.

[5 marks]

Marks for this question: AO1 = 2 and AO2 = 3

	Levels of response mark scheme 5 marks – AO1 (2) and AO2 (3)
Mark range	Description
4–5 Band 3	Good outline explanation of relevant legal rules and principles and good application to the scenario in order to present a legal argument using appropriate terminology. Good explanation of a relevant case to support the application.
2–3 Band 2	Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory application of legal rules and principles to the scenario. Satisfactory explanation of a relevant case to support the application.
1 Band 1	Knowledge is limited and demonstrates a limited understanding of legal rules and principles.
0	Nothing worthy of credit.

Indicative content

AO1

- Identification and outline explanation that involuntary intoxication occurs in situations where the defendant did not know he or she was taking an intoxicating substance
- Explanation that if the defendant was unable to form the mens rea for the offence even in basic intent offences because of the involuntary intoxication then the defence will succeed.

Although not required, appropriate supporting case law may include: **R v Kingston**.

AO2

- Application to suggest that Arnold became involuntarily intoxicated when Cady put drugs into his drink without his knowledge.
- Application to suggest that at the time of the attack Arnold was suffering from the well-known effects of the drug; making him lose control and not understand the consequences of his behaviour.
- Application to conclude that, in the absence of mens rea, the defence is likely to succeed.

Credit any other relevant point(s).

08	Advise Dylan of his criminal liability for the gross negligence manslaughter of Ellis.	[10 marks]
-----------	--	-------------------

Marks for this question: AO1 = 3, AO2 = 4 and AO3 = 3

Levels of response mark scheme 10 marks – AO1 (3), AO2 (4) and AO3 (3)	
Mark range	Description
7–10 Band 3	Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario. Good explanation of relevant legal authority to support the application. A good legal argument is presented using appropriate terminology to support advice.
3–6 Band 2	Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. Satisfactory explanation of relevant legal authority to support the application. A satisfactory legal argument is presented using some appropriate terminology to support advice.
1–2 Band 1	A limited demonstration of knowledge. Limited analysis of legal rules and principles in relation to the scenario but rules and principles are not applied correctly to the scenario.
0	Nothing worthy of credit.

Indicative content

AO1

- Identification and outline explanation of the elements of the offence of involuntary (gross negligence) manslaughter, including causation (thin skull rule).
- Appropriate supporting case law may include: **R v Adomako**, **R v Broughton**, **R v Blaue**, **R v Misra and Srivastava**.

AO2

- Application to suggest that a duty of care exists between Dylan and Ellis as she has engaged his services as a chef to provide her with food safe for her consumption.
- Application to suggest that failing to check emails containing allergy information and as a result failing to adjust his recipe for Ellis amounts to a breach of duty.
- Further discussion to suggest that Dylan's failures create an obvious risk of death as he was providing food to customers and states that all recipes will be amended in response to allergy information. Credit alternative well-reasoned argument.
- Application to suggest that Dylan providing Ellis with food containing nuts caused her death and that her allergy cannot be used to escape liability as he must take Ellis (the victim) as he finds her.
- Application to suggest that Dylan's failure was so exceptionally bad in all the circumstances that it would be considered criminal. Credit alternative well-reasoned argument.

AO3

- Analysis and evaluation of the rules relating to duty of care within gross negligence manslaughter.
- Analysis and evaluation of the rules stating that the breach of duty must cause the death, developed to consider causation in relation to the thin skull rule.
- Analysis and evaluation of whether, in the view of the jury, the circumstances of the breach were truly exceptionally bad and so reprehensible as to justify the conclusion that it amounted to gross negligence and required criminal sanction (**R v Broughton, R v Bawa-Garba**).

Credit any other relevant point(s).

09 Examine the meaning of 'justice' **and** discuss the extent to which the defence of insanity may achieve justice.

[15 marks]

Marks for this question: AO1 = 5 and AO3 = 10

Levels of response mark scheme 15 marks – AO1 (5) and AO3 (10)	
Mark range	Description
13–15 Band 5	Knowledge is excellent and demonstrates an excellent understanding of the Nature of Law and legal rules and principles. Excellent selection and use of relevant legal authority. Excellent analysis and evaluation of legal rules and principles; concepts and issues. Excellent drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
10–12 Band 4	Knowledge is good and demonstrates a good understanding of the Nature of Law and legal rules and principles. Good selection and use of relevant legal authority. Good analysis and evaluation of legal rules and principles; concepts and issues. Good drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
7–9 Band 3	Knowledge is satisfactory and demonstrates a satisfactory understanding of the Nature of Law and legal rules and principles. Satisfactory selection and use of relevant legal authority. Satisfactory analysis and evaluation of legal rules and principles; concepts and issues. Some drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A chain of reasoning starts to develop which leads to a partially justified conclusion.
4–6 Band 2	Knowledge is limited and demonstrates a limited understanding of the Nature of Law and legal rules and principles. Limited selection and use of relevant legal authority. Limited analysis and evaluation of legal rules and principles; concepts and issues. Limited drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. Some reasoning is attempted which leads to a limited conclusion.
1–3 Band 1	Knowledge is minimal and demonstrates a minimal understanding of the Nature of Law and legal rules and principles. Minimal selection and use of relevant legal authority. Minimal analysis and evaluation of legal concepts and issues. No chain of reasoning is attempted.
0	Nothing worthy of credit.

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total marks
5	10	15

Indicative content**AO1**

- Identification and brief description of the different possible meanings of justice, for example, justice in terms of basic fairness or equality of treatment.
- Identification of different theories of justice, for example natural justice, distributive justice, utilitarianism and social justice.
- Identification and basic explanation of various philosophical approaches behind the theories of justice.
- Identification and brief explanation of the elements required to successfully prove insanity.

AO3

- Analysis of approaches to the meaning of justice, from the simple 'fairness' approach to more sophisticated philosophical treatment, for example, distributive justice, utilitarianism, social justice, using examples from any area of law, whether civil, criminal or procedural.
- Analysis of the role of philosophical theories of justice, for example the theories of Aristotle, Marx, Bentham, Rawls, and how they can be related to the legal system.
- Analysis of procedural justice (for example how legal institutions, such as the courts and the judiciary work to achieve justice) and/or substantive justice (for example how the rules of law are used to achieve justice) and/or corrective justice (for example how the appeal system or the CCRC can achieve justice).
- Analysis and evaluation of whether justice is promoted by the existence of the defence of insanity taking either a positive or negative or balanced view. Possible examples may include the suggestion that justice is achieved by providing a defence to those who are not truly responsible for their conduct and its consequences. Justice may not be achieved as D may have a disease of the mind and defect of reason but is not able to use the defence if they know what they did was wrong.
- Use of supporting case authority to evaluate the analysis above, eg **R v Windle, M'Naghten**.

Credit any other relevant point(s).

ICGs

1. Justice
2. Insanity

10	Consider the criminal liability of Frank for the murder of Gail and for the injury suffered by Hal.	[30 marks]
-----------	--	-------------------

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

	Levels of response mark scheme 30 marks AO1 (10), AO2 (10) and AO3 (10)
Mark range	Description
25–30 Band 5	Knowledge is excellent and demonstrates an excellent understanding of relevant legal rules and principles. Excellent selection and use of appropriate legal authority. There is excellent analysis and evaluation of legal rules and principles leading to excellent application of the correct rules and principles to the scenario. An excellent legal argument is presented using appropriate terminology. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
19–24 Band 4	Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good selection and use of appropriate legal authority. There is good analysis and evaluation of legal rules and principles leading to good application of the correct rules and principles to the scenario. A good legal argument is presented using appropriate terminology. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
13–18 Band 3	Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory selection and use of appropriate legal authority. There is satisfactory analysis and evaluation of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. A satisfactory legal argument is presented using some appropriate terminology. A chain of reasoning starts to develop which leads to a partially justified conclusion.
7–12 Band 2	Knowledge is limited and demonstrates a limited understanding of relevant legal rules and principles. Limited selection and use of appropriate legal authority. There is limited analysis and evaluation of legal rules and principles which may lead to limited application of the correct rules and principles to the scenario. A limited legal argument is presented using little appropriate terminology. Some reasoning is attempted which leads to a limited conclusion.
1–6 Band 1	Knowledge is minimal and demonstrates minimal understanding of relevant legal rules and principles. Minimal selection and use of legal authority. There is minimal analysis and evaluation of legal rules and principles which may lead to minimal application of the correct rules and principles to the scenario. A fragmented legal argument is attempted. No chain of reasoning is attempted.
0	Nothing worthy of credit.

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total marks
30	0	30

Indicative content**AO1**

- Identification and outline explanation of the offence of murder; unlawful killing of a reasonable creature in being under the King's peace with malice aforethought.
- Identification and outline explanation of the elements of the specific defence to murder of loss of control including; the defendant's conduct resulted from a loss of self-control, the loss of self-control had a qualifying trigger and a person of the defendant's sex and age with a normal level of tolerance and self-restraint and in the circumstances of the defendant might have acted in the same or similar way to the defendant.
- Identification and outline explanation of the elements of the offence of assault occasioning actual bodily harm.

Appropriate supporting authority may include: **Pagett, Woollin, Jewell, Clinton**, s54 and s55 Coroners and Justice Act 2009, **Lamb, Miller**, s47 OAPA 1861.

AO2

- Application to suggest that the death of Gail would satisfy the actus reus elements for murder. In particular the rules of causation suggest that Gail would not have died if it was not for Frank pushing her into the road; further application to examine the significance of the 'speeding' van as an intervening event and whether the van hitting and killing Gail would be enough to remove liability from Frank.
- Application to the facts to suggest that Frank grabbing Gail and pushing her into the busy road constitutes strong evidence of an intention to kill or at least to cause serious injury; there is a prima facie case of murder. Credit alternative suggestion to consider whether pushing someone into the busy road is virtually certain to result in death or serious injury and whether or not Frank realised this.
- Application to suggest that Frank may raise the defence of loss of control via the anger trigger due the taunt 'I never loved you. You are a useless father and I am leaving with the children tonight!' as this made Frank 'immediately' grab Gail.
- Further application to suggest that evidence of the affair from the photographs and the sight of Gail and Hal holding hands (sexual infidelity?) could provide a more hurtful 'context' for the taunt.
- Application to consider that the evidence above may be accepted as circumstances of a serious nature, further application to examine whether this evidence would be accepted as providing a justifiable sense of being seriously wronged. In addition, it is unlikely that a person with a normal degree of tolerance and self-restraint and even in the circumstances of the defendant (including sexual infidelity) might act in a similar way by pushing their wife into the busy road.
- Possible application to suggest that evidence of Frank's 'rage' after seeing the photographs and going to 'confront' Gail is possible evidence of revenge, developed to suggest that if this is proved, the defence will fail.
- Application to suggest that Frank committed an assault against Hal as after witnessing the incident with Gail, Frank said 'You are next'. This caused Hal to attempt to run and likely indicates that he was fearful of what was about to happen to him. (apprehension of immediate unlawful violence).
- Application of the rules of causation to suggest that Hal moving 'hastily' is reasonable and foreseeable as he was probably in fear for his life. Further application to conclude that a bruised knee satisfies the ABH (minor injury) requirement and mens rea for assault would be established through intention or at

the least subjective recklessness due to the language Frank used ('You are next') which may be designed to instil fear in Hal.

AO3

- Analysis and evaluation of causation issues, specifically the act of a third party.
- Analysis and evaluation of mens rea in murder: intention to kill (express) or intention to cause GBH (implied). Direct and oblique intent (foresight of consequences).
- Analysis of the availability of the anger trigger with reference to the need for circumstances of extremely grave character and justifiable sense of being seriously wronged. Additional analysis of s55(6)(c) as sexual infidelity alone cannot be relied on as a thing done or said for the purposes of the anger trigger but it can be considered as a relevant circumstance for the normal person test.
- Analysis of the requirement that 'a person of D's sex and age, with a normal degree of tolerance and self-restraint and in the circumstances of D, might have reacted in the same or in a similar way to D' (s54).
- Analysis and evaluation of the availability of the defence of loss of control to conclude that if successful the conviction will be voluntary manslaughter and if not, it will be murder.
- Analysis of the s47 offence from an assault and discussion of causation issues.

Credit any other relevant point(s).

ICGs

1. Murder
2. Loss of control
3. s47

11	Consider Indira's criminal liability in relation to the wild flowers that she picked for sale and Kris's criminal liability for property offences arising out of the incidents in Indira's shop. Assess the role magistrates might play if Indira went to trial in the Magistrates' Court. [30 marks]
-----------	---

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

	Levels of response mark scheme 30 marks AO1 (10), AO2 (10) and AO3 (10)
Mark range	Description
25–30 Band 5	Knowledge is excellent and demonstrates an excellent understanding of the English legal system and legal rules and principles. Excellent selection and use of relevant legal authority. There is excellent analysis of legal rules and principles leading to excellent application of the correct rules and principles to the scenario. An excellent legal argument is presented using appropriate terminology. There is excellent analysis and evaluation of legal concepts and issues. Excellent drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
19–24 Band 4	Knowledge is good and demonstrates a good understanding of the English legal system and legal rules and principles. Good selection and use of relevant legal authority. There is good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario. A good legal argument is presented using appropriate terminology. There is good analysis and evaluation of legal concepts and issues. Good drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
13–18 Band 3	Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system and legal rules and principles. Satisfactory selection and use of relevant legal authority. There is satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. A satisfactory legal argument is presented using some appropriate terminology. There is satisfactory analysis and evaluation of legal concepts and issues. Some drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. A chain of reasoning starts to develop which leads to a partially justified conclusion.

7–12 Band 2	Knowledge is limited and demonstrates a limited understanding of the English legal system and legal rules and principles. Limited selection and use of relevant legal authority. There is limited analysis of legal rules and principles leading to limited application of the correct rules and principles to the scenario. A limited legal argument is presented using little appropriate terminology. There is limited analysis and evaluation of legal concepts and issues. Limited drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. Some reasoning is attempted which leads to a limited conclusion.
1–6 Band 1	Knowledge is minimal and demonstrates a minimal understanding of the English legal system and legal rules and principles. Minimal selection and use of relevant legal authority. There is minimal analysis of legal rules and principles leading to minimal application of the correct rules and principles to the scenario. A fragmented legal argument is attempted. There is minimal analysis and evaluation of legal concepts and issues. Minimal drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. No chain of reasoning is attempted.
0	Nothing worthy of credit.

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total marks
23	7	30

Indicative content

AO1

- Identification and outline explanation of the offence of theft under the Theft Act 1968.
- Identification and outline explanation of the offence of robbery and attempted robbery/theft under s8 of the Theft Act 1968.
- Identification and outline explanation of the defence of duress.
- Identification of the role of magistrates.
- Use of supporting case authority may include: **R v Morris**, **R v Vinall**, **Ivey v Genting Casino Ltd**, **Barton and Booth v R**, **R v Graham**, **R v Dawson and James**, **R v Sharp**.

AO2

- Application to the facts to suggest that the flowers were land ('real property') which could be stolen by 'severing' (and so also 'appropriating') them, if the person doing so (Indira) was not in possession of the land. Additionally, because they were 'wild' flowers, Indira could only be guilty of theft if, in doing so, she had a purpose which included to sell them, as she did have.
- Application of the mens rea requirement of dishonesty with discussion as to whether Indira was dishonest. Credit a potential argument which discusses the fact that an s2 exception may apply as Indira may think she had consent or a legal right. Also, credit an argument which states that the s2 exceptions don't apply, and Indira was dishonest as she knew that making a profit from flowers

growing in woodland is dishonest according to the ordinary standards of reasonable and honest people.

- Possible application of attempted robbery/theft including the fact that Kris's actions of going into the shop and demanding money from Indira with the threat of force were more than 'merely preparatory' to the offence(s). Application to the issue of dishonesty either under s2(1)(a) or dishonesty at large issue in the Barton test in which a demand for £50 may not be excessive. NB this is not required but will enhance treatment of ICG 2.
- Application of the elements of robbery in relation to Kris against Lyn. Raising issues of theft (intent permanently to deprive), as well as of elements specific to robbery, including force in the barging, or, if that force is too dissociated from the theft, either in time or in purpose, 'snatching' as within the use of force on a person, the purpose of the use of the force to assist the theft. Possible application to suggest Kris's actions in taking the flowers is nothing specifically to do with fulfilling the demands made by Jayden but, rather, as an unthinking frustration/rage reaction to the embarrassment of being humiliated by Indira in front of Lyn. Throwing the flowers away indicates that he was never really interested in them, though it does not rule out intention permanently to deprive, either when he first appropriated them or when he subsequently demonstrated an intention "to treat the [flowers] as his own to dispose of regardless of [Lyn's] rights".
- Application to the facts to suggest the defence of duress may be raised. However, conclusions should be made to suggest that, as the threat must be specific and as he took flowers and not money, the defence may fail. Possible reference to the issue of reasonably safe avenue of escape. Also application to suggest that the defence may not be available if Kris had voluntarily associated himself with Jayden, a violent criminal.

AO3

- Analysis and evaluation of the rules on property (s4(1)–(3) TA 1968).
- Analysis and evaluation of the dishonesty requirement (s2 TA 1968) and the test from **Ivey v Genting Casino Ltd, Barton and Booth v R**.
- Possible analysis and evaluation of the elements of attempted robbery/theft.
- Analysis and evaluation of the elements of robbery.
- Analysis and evaluation of the defence of duress and its legal effect on robbery.
- Analysis and evaluation of the role of magistrates within a criminal trial. Role may include: where D pleads guilty, sentence D and where D pleads not guilty hold a trial (find facts, apply law, reach a verdict), and sentence D if found guilty. If sentence required is outside of their jurisdiction commit for sentencing to the Crown Court.

Credit any other relevant point(s).

ICGs

- 1.Theft (Indira)
- 2.Theft/Robbery (Kris/Lyn) and attempted robbery/theft (Kris/Indira).
- 3.Duress
- 4.Magistrates

Assessment Objectives Grid

	AO1	AO2	AO3	Total
1	1			1
2	1			1
3	1			1
4	1			1
5	1			1
6	5			5
7	2	3		5
8	3	4	3	10
9	5		10	15
10	10	10	10	30
11	10	10	10	30
Paper Total	40	27	33	100

Distribution of marks for substantive and non-substantive law

Question	Substantive	Non-substantive	Total Marks
1	1		1
2	1		1
3		1	1
4		1	1
5		1	1
6		5	5
7	5		5
8	10		10
9	5	10	15
10	30		30
11	23	7	30
Total	75	25	100
Total %	75	25	100