



GCE A LEVEL MARKING SCHEME

SUMMER 2024

**A LEVEL
LAW - COMPONENT 2
SUBSTANTIVE LAW IN PRACTICE
A150U20-1**

About this marking scheme

The purpose of this marking scheme is to provide teachers, learners, and other interested parties, with an understanding of the assessment criteria used to assess this specific assessment.

This marking scheme reflects the criteria by which this assessment was marked in a live series and was finalised following detailed discussion at an examiners' conference. A team of qualified examiners were trained specifically in the application of this marking scheme. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners. It may not be possible, or appropriate, to capture every variation that a candidate may present in their responses within this marking scheme. However, during the training conference, examiners were guided in using their professional judgement to credit alternative valid responses as instructed by the document, and through reviewing exemplar responses.

Without the benefit of participation in the examiners' conference, teachers, learners and other users, may have different views on certain matters of detail or interpretation. Therefore, it is strongly recommended that this marking scheme is used alongside other guidance, such as published exemplar materials or Guidance for Teaching. This marking scheme is final and will not be changed, unless in the event that a clear error is identified, as it reflects the criteria used to assess candidate responses during the live series.

EDUQAS GCE A LEVEL LAW
COMPONENT 2: SUBSTANTIVE LAW IN PRACTICE
SUMMER 2024 MARK SCHEME

Marking guidance for examiners

Summary of assessment objectives for Component 2

All the questions in this component assess assessment objectives AO1 and AO2. AO1 focuses on the ability to demonstrate knowledge and understanding of the English legal system and legal rules and principles. AO2 focuses on the ability to apply legal rules and principles to given scenarios, in order to present a legal argument using appropriate legal terminology.

The structure of the mark scheme

The mark scheme for each question has two parts:

- Indicative content which can be used to assess the quality of the specific response. The content is not prescriptive and candidates are not expected to mention all material referred to. Examiners should seek to credit any further relevant evidence offered by the candidates.
- An assessment grid showing bands and associated marks that should be allocated to responses which demonstrate the characteristics needed in AO1 and AO2.

Stage 1 - Deciding on the band

Beginning at the lowest band, examiners should look at the learner's answer and check whether it matches the descriptor for that band. If the descriptor at the lowest band is satisfied, examiners should move up to the next band and repeat this process for each band until the descriptor matches the answer.

If an answer covers different aspects of different bands within the mark scheme, a 'best fit' approach should be adopted to decide on the band and then the learner's response should be used to decide on the mark within the band. For instance if a response is mainly in band 2 but with a limited amount of band 3 content, the answer would be placed in band 2, but the mark awarded would be close to the top of band 2 as a result of the band 3 content. Examiners should not seek to mark candidates down as a result of small omissions in minor areas of an answer.

- The first stage for an examiner is to use both the indicative content and the assessment grid to decide the overall band.
- The second stage is to decide how firmly the characteristics expected for that band are displayed.
- Thirdly, a mark for the question is awarded.

Stage 2 - Deciding on the mark

During standardising (marking conference), detailed advice from the Principal Examiner on the qualities of each mark band will be given. Examiners will then receive examples of answers in each mark band that have been awarded a mark by the Principal Examiner. Examiners should mark the examples and compare their marks with those of the Principal Examiner.

When marking, examiners can use these examples to decide whether a learner's response is of a superior, inferior or comparable standard to the example. Examiners are reminded of the need to revisit the answer as they apply the mark scheme in order to confirm that the band and the mark allocated is appropriate to the response provided.

Indicative content is also provided for banded mark schemes. Indicative content is not exhaustive, and any other valid points must be credited. In order to reach the highest bands of the mark scheme a learner need not cover all of the points mentioned in the indicative content but must meet the requirements of the highest mark band. Where a response is not creditworthy, that is contains nothing of any significance to the mark scheme, or where no response has been provided, no marks should be awarded.

SECTION A

Law of Contract

1. Mo, the owner of a fruit farm, Fruity Meadows has received a contract offer from a local farm shop, Perfect Produce, to supply them with 300 bottles of smoothies a week. Mo is keen to agree to the contract as she needs the money after a bad harvest last year but thinks it will be a struggle to deliver 300 bottles a week. However, she thinks that she can fulfil the contract if she buys in fruit from other farms and she suggests this to Alec, the manager of Perfect Produce. Alec says that this should be acceptable as long as she meets the quantity of 300 bottles a week. Three days later Mo receives a contract from Perfect Produce, with a provision that states that the smoothies must be made from fruit exclusively grown and blended at Fruity Meadows. Mo is worried that if she signs the contract, it means that she cannot get fruit from other farms and will not, therefore, be able to fulfil the contract.

Advise Mo as to whether it is an express term of the Perfect Produce contract that the fruit must be sourced from Fruity Meadows, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Mo, candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of express terms of a contract.

The response might consider issues such as:

- The main focus of this question is whether there is an express term that the fruit must be grown on Mo's farm.
- The parol evidence rule. Due to the concerns about oral contracts – including the potential for misunderstanding, as illustrated in *Thake v Maurice* – it makes sense for parties to record their contractual terms in writing. If the contract is considered to be wholly in writing, the parol evidence rule applies. This simply means that what is in the written contract comprises the whole of the contract. If that is the case, parties cannot adduce evidence of other matters or statements made, including oral statements (made, for example, face-to-face like with Mo and Alec), that vary the written contract. The written document is final.
- Rebutting the parol evidence rule.

AO2

Candidates are expected to apply the full range of legal rules and principles to Mo's situation. The response might consider issues such as:

- One way of getting around the parol evidence rule is to contend that the contract is not wholly in writing but is partly oral (that is, agreed verbally as Mo would argue here). In this situation, the parties' intentions are assessed objectively to determine whether oral statements were intended to be part of the contract. This might be challenging to argue, as the fact that a statement was not expressly included in a written contract might suggest that it was deliberate. A long interval

between the oral statement and the written contract will also make it less likely that the oral statement will be considered part of the contract. Here there was a 3-day gap between the oral agreement and the contract.

- However, the courts will recognise oral terms in some scenarios; for example, where the statement-maker accepts responsibility for the truth of the oral statement, or the recipient makes it clear that they attach great importance to the statement. The latter happened in *Couchman v Hill*.
- The courts will review the written contract and the surrounding facts and also look if it was professionally drafted and clearly written - *Wood v Capita*.
- Pre contractual negotiations here between Mo and Alec will only be relevant if they point to the aim and evolution of the overall transaction - *Merthyr (South Wales) Limited v Merthyr Tydfil County Borough Council* (2019).

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to express terms of a contract. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Mo's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to express terms of a contract. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to express terms of a contract. • Response is generally clear, detailed and developed	[8-11 marks] • Good application of legal rules and principles to Mo's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to express terms of a contract. • The legal argument is generally detailed, developed and persuasive
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to express terms of a contract. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Mo's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to express terms of a contract. • The legal argument includes some detail which is developed in places
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to express terms of a contract. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Mo's situation. • Basic presentation of a legal argument using minimal legal terminology relating to express terms of a contract. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

2. Hanif owns a book shop that specialises in rare children's and antique books. Janice collects first edition books. Janice visited Hanif's shop and Hanif showed her a Harry Potter book which he described as a first edition. Janice had always wanted to buy a first edition Harry Potter book and Hanif told her that it was worth £15,000. In fact, Hanif had bought the book in a car boot sale where it was known that a number of first edition books sold were not genuine. Janice agreed to buy the book for £14,000. Some years later she took the book to be valued and was told that it was a fake and was only worth £15.

Advise Janice as to whether she can take action for misrepresentation and the remedies available to her, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Janice candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of misrepresentation.

The response might consider issues such as:

- Nature of misrepresentation and differentiating between the different types of misrepresentation.
- Statutory misrepresentation under the Misrepresentation Act 1967.
- Fraudulent misrepresentation and remedies available.
- Innocent misrepresentation and remedies available.
- Negligent misrepresentation and remedies available.
- The distinction between fact and opinion.
- Is this an express term of a contract?
- Sale by description.
- Relevant citation, for example, *Doyle v Olby*; *Royscot Trust v Rogerson*.

AO2

In advising Janice candidates are expected to demonstrate knowledge and understanding of legal rules and principles relevant to misrepresentation. Candidates are expected to apply the full range of legal rules and principles to Janice's situation, including the Misrepresentation Act 1967 and relevant case law, in order to present a legal argument.

The response might consider issues such as:

- Discussion and application to Janice's situation of statutory misrepresentation under the Misrepresentation Act 1967.
- Was there fraudulent misrepresentation here? If so, the remedies available.
- Was Hanif's statement an innocent misrepresentation? If so, the remedies available.
- Whether there was negligent misrepresentation by Hanif and the remedies

available.

- One issue relates to the lapse of time.
- Candidates should refer to section 2(1) of the Misrepresentation Act 1967 in respect of the issue of damages. Is this an express term of a contract?
- Application of the distinction here between fact and opinion.
- Relevant citation.

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to misrepresentation. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Janice's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to misrepresentation. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to misrepresentation. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Janice's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to misrepresentation. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to misrepresentation. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Janice's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to misrepresentation. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to misrepresentation. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Janice's situation. • Basic presentation of a legal argument using minimal legal terminology relating to misrepresentation. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section B

Law of Tort

3. Lana works as Sanam's housekeeper from 9am to 5pm every weekday. On Tuesday, whilst starting to prepare dinner for Sanam, the electric socket explodes when Lana plugs Sanam's slow cooker into the socket. Lana suffers an electric shock and receives burns to her hand and arm. The socket has been recently fitted by Voltron Electricians and Lana is the first person to use it.

On Thursday Lana stays after 5pm to use Sanam's personal computer to book herself a holiday on the internet. At 6pm she hears Sanam returning and leaves the house quickly by the back door hoping no one will see her. She falls over some bricks, which were bought to build a wall and stored outside the back door for the last month, and breaks her leg.

Advise Lana if Sanam could be held liable in connection with her injuries under the tort of occupiers' liability, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Lana candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to occupiers' liability.

The response might consider issues such as:

- This case concerns the issue of occupiers' liability and the Occupiers' Liability Act 1957 and 1984.
- An occupier is anyone who is in control of the land, as held in *Wheat v Lacon* and is usually the owner or tenant but can sometimes be more than one person.
- A premises is defined in s1(2) as any fixed or moveable structure including a vessel, vehicle or aircraft.
- In the case of *Herrington v British Railways Board*, the House of Lords held that there is a duty of common humanity to trespassers where the occupier knows of the danger and the likelihood of trespass. This was later confirmed in s1(1) Occupiers' Liability Act 1984.

AO2

Candidates are expected to apply the full range of legal rules and principles to Lana's situation, including the Occupier's Liability Act 1957 and 1984 to Lana in order to present a legal argument.

The response might consider issues such as:

- The first thing that has to be established is whether Lana was a lawful visitor, because in order for a duty of care to exist, Lana must be a lawful visitor. s2(1)

Occupiers' Liability Act 1957 defines a lawful visitor as an invitee, a licensee, those with contractual permission and those with a statutory right such as a metre reader or a police officer exercising a warrant.

- Has Sanam satisfied her duty of care? Under s2(2) Occupiers' Liability Act 1957, the occupier must take care to see that the visitor will be reasonably safe in using the premises for the purpose for which he is invited to be there. The case of *Laverton v Kiapasha Takeaway* held that the premises do not have to be completely safe, the occupiers just have to take reasonable care.
- Also need to consider the liability of Voltron Electricians as an independent contractor and whether Sanam can pass the liability for the electric socket back to them. This is governed by s2(4) Occupiers' Liability Act 1957 where the liability can be passed to the independent contractor, if the occupier satisfies three criteria under the Act: The first criteria is that it must have been reasonable for the occupier to have given the work to the independent contractor as illustrated in *Haseldine v Daw* (1941) where the work was not given to a specialist firm. The second criteria are that the contractor must have been competent to carry out the work as illustrated in *Bottomley v Todmorden Cricket Club* (2003) where the cricket club was liable for fireworks display that went wrong on the basis that they were amateurs. The third and final criteria is that the occupier must have checked the work has been properly done, as illustrated in *Woodward v The Mayor of Hastings* (1945) where the occupiers were liable as they did not take reasonable steps to ensure that the work had been done properly.
- In this case, it appears that Sanam did not check that the work had been carried out properly, and it is not clear whether she took reasonable steps to ensure this happened.
- Candidates may conclude either way that in this case Sanam did/ did not satisfy the criteria laid down in s2(4), and so will/ will not be able to pass liability onto Voltron Electricians, making her liable for the injuries to Lana.
- Discussion of whether Lana is a trespasser when she stays after 5pm. State of the premises as s1(1)(a) Occupiers' Liability Act 1984 says that a duty will only apply in respect of trespassers if the injury was caused by the state of the premises as opposed to the claimant's own stupidity for taking an obvious risk. This was illustrated in *Ratcliff v McConnell* (1999), where the claimant took an obvious risk in diving into a pool with unknown depth and so the occupier was not liable.
- In this case, it can be said that Lana's injuries were caused by the state of the premise, the pile of bricks, however she probably knew they were there as Sanam's housekeeper.
- The next thing that needs to be considered is whether the occupier has satisfied their duty of care. To assess this, there are three criteria contained in s1(3) Occupiers Liability Act 1984. The first is under s1(3)(a) which asks whether the occupier was aware of the danger. An occupier cannot be expected to offer protection against unknown dangers as was the case in *Rhind v Astbury Water Park* (2004) where the occupier was unaware of the existence of a fibreglass box at the bottom of his lake.
- In this case, there is an argument that Sanam was aware of the danger as she knew the bricks were there.
- The second thing that needs to be considered under s1(3)(b) is whether the occupier had reason to suspect trespassers. In order for a duty to exist, the occupier has to have reason to suspect that trespassers will use the premises. Clearly, an occupier cannot be expected to be liable for injuries to trespassers they know nothing about. This was seen in the case of *Higgs v Foster* (2004) where the occupier had no reason to suspect a police officer would trespass on his property for the purposes of criminal investigation.
- In this case, there is no reason for Sanam to expect trespassers.
- The final thing that will need to be considered is under s1(3)(c) where the court

will ask whether it was practical to take precautions. The leading case for this is *Tomlinson v Congleton Borough Council* (2008) which very much supported the occupier by reaffirming the statutory position and also indicating that the occupier would not be expected to spend a lot of money in making their premises safe; they should only do what is practical under the circumstances.

- In this case, it was not necessary for Sanam to put up any signs in her own private back garden.
- Under s1(4) Occupiers' Liability Act 1984, it is stipulated that the occupier only has to take such care as is reasonable to satisfy his duty of care.
- Has Sanam taken reasonable care here?

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to occupier's liability. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Lana's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to occupier's liability. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to occupier's liability. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Lana's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to occupier's liability. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to occupier's liability. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Lana's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to occupier's liability. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to occupier's liability. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Lana's situation. • Basic presentation of a legal argument using minimal legal terminology relating to occupier's liability. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

4. Malik is a self-employed delivery driver. He parks his van at the top of a steep road but fails to properly apply the handbrake. The van rolls down the hill. Abdul and Lystra are walking on the pavement at the bottom of the road when the van crashes into a shop front with large glass windows. Abdul dives to save Lystra to push her out of the way of the splintering glass. Abdul suffers cuts to his hands. He is also suffering from a back problem that he has had for the last 5 years. Following the incident, he is now unable to continue his work as a teacher because of the worsening back pain. He is also suffering from post-traumatic stress disorder following the incident. Lystra has suffered no injuries.

Advise Abdul of any legal action he may be able to take under the tort of negligence, applying your knowledge and understanding of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Abdul candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the tort of negligence

The response might consider issues such as:

- History of test for duty of care – *Donoghue v Stevenson*; A person must take reasonable care to avoid acts or omissions which could be reasonably foreseen to likely injure a neighbour.
- Test redefined in *Caparo v Dickman*. Three elements must be proved: Reasonable foreseeability that a person in the claimant's position would be injured; There was sufficient proximity between the parties; It is fair, just and reasonable to impose liability on the defendant.
- Robinson (2018) *Caparo* tests will now only be used to establish duty of care if the present case is a new (novel) situation.
- Definition of causation –. Both factual and legal causation must be proved: Factual causation: 'But for' test – *Barnett v Chelsea and Kensington Hospital Management Committee*.
- Legal causation: Operating and substantial cause; Remoteness of damage; Take your victim as you find them; Cases such as *Wagon Mound*.

AO2

Candidates are expected to apply the full range of legal rules and principles to Abdul's situation, including duty of care, breach of duty and causation.

The response might consider issues such as:

- For Abdul to succeed in an action in negligence against Malik, it must first be established that Malik owed Abdul a duty of care. The basis of whether or not a duty of care is owed is determined by asking firstly if there is an already

established duty of care between road users and pedestrians - Robinson (2018), which there is.

- If unsure as to whether there is already an established duty of care or there is not one by analogy, the three-part test as laid out in *Caparo Industries PLC v Dickman* is used. Malik does not owe a duty to the whole world but only to those persons that could be reasonably foreseen to be affected by his actions or omissions as determined in *Donoghue v Stevenson*. It could reasonably be foreseen that Malik's actions could lead to other persons being affected.
- If it is established that a degree of foreseeability exists, then the proximity of the parties involved must be considered. Proximity is determined on the basis of the relationship of the parties involved.
- The courts will also consider if it is reasonable to impose a duty of care on Malik on the basis of fairness or policy.
- Abdul has suffered damage as a result of Malik's breach of his duty of care.
- Apply the tests used in negligence to decide the issue of causation; Apply those tests to Abdul's claim against Malik. Malik's acts or omissions must have caused the loss complained of. There was no evidence of novus actus interveniens that could negate Malik's liability for the accident and responsibility for the injuries suffered by Abdul.

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the elements of the tort of negligence. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Abdul's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the elements of the tort of negligence. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to the elements of the tort of negligence. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Abdul's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the elements of the tort of negligence. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the elements of the tort of negligence. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Abdul's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to the elements of the tort of negligence. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the elements of the tort of negligence. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Abdul's situation. • Basic presentation of a legal argument using minimal legal terminology relating to the elements of the tort of negligence. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section C

Criminal Law

5. Baz lost his job over a year ago. He owes money to his landlord for rent, and he also has a big credit card bill. Baz is worried about how he is going to repay his debts and he suggests to his friend Penny that they start stealing. Penny agrees to help him. Baz and Penny decide to steal from tourists. They approach Tanya who has an expensive looking camera around her neck. Baz grabs Tanya's arm and Penny pulls the camera. Tanya tries to hold on to the camera, but Penny knocks her to the ground and runs off with it. Baz sells the camera, but he still owes £800. Baz has a key to his mother's house and knowing she is away on holiday he decides to sell his mother's antique clock to raise the money. Baz and Penny go to the house but once inside they discover that the clock is not there. Penny is really annoyed and takes a bottle of prosecco belonging to Baz's mother.

Advise Baz and Penny as to whether they are guilty of robbery and burglary, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Baz and Penny candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of theft

The response might consider issues such as:

- Actus reus of theft- S1(1) Theft Act: appropriation of property belonging to another.
- Mens rea of theft - S 1 (1) TA 1968: dishonesty; intention to permanently deprive.
- What is meant by dishonest s2- TA 1968; Ivey v Genting, R v Barton and Booth 2020.
- Robbery- s.8 TA 1968; burglary s.9 TA 1968.

AO2

Candidates are expected to apply the full range of legal rules and principles to Baz and Penny's situation, including concepts such as theft, robbery and burglary in order to present a legal argument.

The response might consider issues such as:

- Actus reus of theft- S1(1) Theft Act: appropriation of property belonging to another.
- Camera is personal property under s 4 (1), camera belongs to Tanya as she is the owner, camera is appropriated when taken by Penny as she has assumed the rights of the owner according to s 3 (1).
- Appropriation cases - Lawrence v MPC; R v Morris; DPP v Gomez; R v Hinks.

- Property cases - R v Kelly and Lindsay- actus reus of theft satisfied.
- Mens rea of theft - S 1 (1) TA 1968: dishonesty; intention to permanently deprive.
- Dishonesty- starting point section 2 (1) tells us when a defendant is not dishonest. The Starting point is to decide if Baz and Penny are dishonest by looking at s.2 (1)- does (a), (b), or (c) apply? If not, look at the case of Ivey v Genting Casinos- common law test for dishonesty. What was Penny and Baz's subjective knowledge here? Was Penny and Baz objectively dishonest by the standards of ordinary people? Intention to permanently deprive is satisfied if it is Penny and Baz's aim to deprive Tanya of her camera permanently. There is evidence of intention as Baz is in debt and needs to get money. Penny also shows intention when she struggles with Tanya and then knocks her over.
- Force used to commit the theft- For robbery, force is required rather than violence and minimal force will suffice R v Dawson; R v James (1977). The force must be used in order to steal R v Hale (1978). Penny grabbed the camera from Tanya.
- Discuss whether Penny and Baz intended that force be used - direct intention, Penny and Baz clearly aimed to apply force to Tanya by grabbing the camera, therefore Penny intended that force be used.
- Conclude- Penny and Baz are likely to be liable for robbery as all the elements of section 8 (1) are established.
- In relation to the antique clock - burglary under s9(1)(a) Theft Act 1968 where there must be entry of a building or part of a building as a trespasser with the intention to commit theft, GBH or criminal damage. Entry is now defined by the case of Ryan as simply being what is needed to be a trespass. It is clear that this requirement is met as Baz and Penny go into the house. Baz has a key which implies permission to enter but presumably not to steal. The offence is complete at entry if the mens rea is present and here Baz enters with the intention to steal the clock. It does not matter that the clock is missing, and Baz is likely to be liable for burglary under s9(1)(a).
- In relation to the prosecco the relevant offence is s9(1)(b) where having entered a building or part of a building as a trespasser there is a theft or attempted theft. When Penny takes the prosecco, she is a trespasser as she exceeds any consent she might have had to be in the house. She has committed theft as she has treated the property of Baz's mother as her own, she has been dishonest as it is clearly wrong to take someone else's prosecco and her intention is to permanently deprive. It appears likely that Penny is also liable for s9(1)(b) burglary.

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] - Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the law of robbery and burglary. - Response is clear, detailed and fully developed.	[12-15 marks] - Excellent application of legal rules and principles to Baz and Penny's situation. - Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to robbery and burglary. - The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] - Good knowledge and understanding of the English legal system and legal rules and principles relating to the law of robbery and burglary. - Response is generally clear, detailed and developed.	[8-11 marks] - Good application of legal rules and principles to Baz and Penny's situation. - Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to robbery and burglary. - The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] - Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the law of robbery and burglary. - Response includes some detail which is developed in places.	[4-7 marks] - Adequate application of legal rules and principles to Baz and Penny's situation. - Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to robbery and burglary. - The legal argument includes some detail which is developed in places.
1	[1-2 marks] - Basic knowledge and understanding of the English legal system and legal rules and principles relating to the law of robbery and burglary. - Response includes minimal detail.	[1-3 marks] - Basic application of legal rules and principles to Baz and Penny's situation. - Basic presentation of a legal argument using minimal legal terminology relating to robbery and burglary. - The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

6. Ozzy and Max are next door neighbours on a housing estate. Ozzy is very proud of his house and garden and keeps it looking neat and tidy. Ozzy has had many arguments with Max about the number of cars parked on Max's drive, some of which have not been driven for years and are now rusting away. Ozzy is disgusted by the state of the front of Max's house, and he believes that Max is giving the street and estate a very bad reputation.

One night, Ozzy, after having a few cans of beer, goes over to Max's house and pours petrol through the letterbox. The house catches fire and Max dies in the fire.

Ozzy is arrested three days later by police and is charged with murder. He claims that, while he knew that Max was in the house, he never wanted him to die. All he was trying to do was to scare Max so that he would move house.

Advise Ozzy as to whether he may be criminally liable for the death of Max, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Ozzy candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of fatal offences against the person.

The response might consider issues such as:

- The elements of murder are:
 - Actus reus – unlawful killing of a person in being under the King's peace (including factual and legal causation).
 - Mens rea – intention to kill or cause GBH; direct, indirect intention.
 - Consider - Partial defence- loss of control.
- Unlawful and dangerous act manslaughter.
- Defence of voluntary intoxication.

AO2

Candidates are expected to apply the full range of legal rules and principles to Ozzy's situation, including murder and manslaughter and relevant case law, in order to present a legal argument.

The response might consider issues such as:

- Actus reus – unlawful killing of a person in being under the King's peace (including factual and legal causation).
- Mens rea – intention to kill or cause GBH.
- Unlawful: refers to the absence of a valid defence, so this can be deferred until after the offence elements are considered. It may be inferred from the scenario that Max is a person (from the context and his actions) and it is under the King's peace (as there is no contrary indication).

- Killing: factual and legal causation – Max is dead; he ‘dies in the blaze’. But for Ozzy pouring petrol through his letterbox and setting light to it, Max would not have died. Factual causation is established. Ozzy’s actions are the sole cause of death, so his actions are operating and substantial, and more than minimal. White, Pagett, Kimsey, Smith.
- Intention to kill or cause GBH: Ozzy’s actions are voluntary, but he ‘never wanted anyone to die’. According to the scenario, ‘all he was trying to do was to frighten Max so he would move’, so there is no evidence of intent to cause serious harm. Direct intent is therefore unlikely to be established.
- Oblique/indirect intent: May infer intent if Ozzy’s actions were virtually certain to cause death or serious injury to Max, and Ozzy foresaw this (Nedrick, Woollin). Ozzy ‘knew Marcus may be in the house’ but was not certain that he was. Is setting light to a substance put through a letter box of a house virtually certain to seriously injure someone inside it? Quite possibly. But it is unclear on the facts that Ozzy foresaw this as virtually certain. Students may answer this either way, but there is at least some doubt as to whether intent is established.
- Is there coincidence of actus reus and mens rea in Ozzy’s case (i.e. the application of the ‘same transaction’ principle)? Reference to Thabo Meli, Church, Le Brun.
- If the mens rea of murder is not established or is in doubt, students should go on to consider the next most serious offence. There is no suggestion of an established duty of care, so gross negligence manslaughter is not an appropriate offence on the facts. Students may try to argue that Ozzy created a dangerous situation and so has a duty to rescue Max, and some credit may be given for this, but the facts do not support an effective examination of this offence.
- UDAM - liability will arise where there is an unlawful act; that unlawful act was committed with mens rea; the unlawful act was criminal and dangerous; and the UDA caused death. Here, Ozzy has set fire to Max’s house, so has committed criminal damage by fire - arson.
- A criminal, unlawful act is therefore present (assuming absence of a lawful excuse).
- Answers should go on to consider the test for dangerousness. First, the act must be objectively dangerous – i.e. a sober, reasonable person would recognise it subjects a person to the risk of some harm, not necessarily serious (Church). It does not matter if the defendant foresaw the risk of harm (Newbury). Here, Ozzy has set light to petrol inside Max’s house, which objectively exposes Max to the risk of some harm.
- Finally, the UDA must cause death, and that seems likely to be the case here as setting light to the house causes the death of M (see factual and legal causation relating to murder, above).
- Unlawful act manslaughter is likely to be satisfied.
- Defence of voluntary intoxication, distinction between basic and specific offence crimes; Majewski; Sheehan & Moore; murder specific intent crime, but UADM basic intent crime so cannot be used for UADM.
- Some students may suggest Ozzy has lost control. This could only apply as a partial, specific defence to murder if students have found the elements of murder are satisfied. In any event, the facts do not support the defence and there is nothing to suggest that Ozzy has, in fact, lost control.
- Credit relevant citation.

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to fatal offences against the person. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Ozzy's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to fatal offences against the person. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to fatal offences against the person. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Ozzy's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to fatal offences against the person. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to fatal offences against the person. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Ozzy's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to fatal offences against the person. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to fatal offences against the person. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Ozzy's situation. • Basic presentation of a legal argument using minimal legal terminology relating to fatal offences against the person. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section D

Human Rights Law

7. Lawton City Council commissioned the up-and-coming British artist Diangelo to create a series of sculptures to be displayed in the city centre. Diangelo's sculptures were reviewed in the colour supplement of a popular Sunday newspaper, the Sunday Slur, by the leading art critic John Jewell. In his review, Jewell described the sculptures as "the twisted products of a twisted mind distorted by drugs and alcohol". Hamza Aziz, a Government spokesman on the arts, said in Parliament that it was "positively crooked" of Lawton City Council to use taxpayers' money to buy Diangelo's sculptures, a statement which he repeated when he appeared as a guest on Jewell's late night television art show. The Lawton councillors are furious by Hamza Aziz's suggestion of corruption. Diangelo is also extremely upset by Jewell's comments, which he feels have damaged his reputation as an artist. He is also very worried, as he has noticed that since the article was published several orders for his sculptures have been cancelled.

Advise Diangelo and the Lawton City Councillors whether they can claim for defamation against the Sunday Slur and Hamza Aziz, applying your knowledge and understanding of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Diangelo and the Lawton City Councillors candidates are expected to demonstrate knowledge and understanding of the English legal system legal rules and principles relevant to defamation.

The response might consider issues such as:

- Provisions of Article 8 European Convention on Human Rights, right to respect for private and family life, home and correspondence.
- Provisions of Article 10 European Convention on Human Rights, right to freedom of expression. Article 10 exceptions, restrictions.
- The meaning of defamation under Defamation Act 2013 including section 1 which imposes a requirement of serious harm to the reputation of the claimant; *Munroe v Hopkins* (2017)
- A statement is not defamatory unless its publication has caused, or is likely to cause, serious harm to the claimant's reputation e.g. *Sim v Stretch*, *Byrne v Dean*.
- Reference maybe made to *Cassidy v Daily Mirror*, *Charlesworth v MGN* on the impact of photos.
- Elements of defamation: the statement must be defamatory; it must refer to the claimant, and it must have been published.
- Possible defences that may be used including reference to the pre-Defamation Act 2013; these will also include: justification –it has to be shown that the statement is substantially true; fair comment – rebranded "honest comment" in

Spiller v Joseph and now replaced with “honest opinion” under s. 3 of the Defamation Act 2013; the Reynolds defence of publication in the public interest – Reynolds v Times Newspaper and now replaced with defence of Publication on a matter of public interest, under s.4 of the Defamation Act 2013; the Post Defamation Act 2013 – the defence of justification has been abolished and replaced by the defence of truth: s.2 Defamation Act 2013; absolute privilege

AO2

Candidates are expected to apply the full range of legal rules and principles to Diangelo and the Lawton City Councillors situation, including the Defamation Act 2013 and relevant cases, in order to present a legal argument.

The response might consider issues such as:

- Defamation Act s.1 imposes a requirement of serious harm to the reputation of the claimant. A statement is not defamatory unless its publication has caused, or is likely to cause, serious harm to the claimant's reputation. Almost certainly the damage to reputation would be considered serious. Further support can be provided by reference to Sim v Stretch, Byrne v Dean; Tolley v Fry; Munroe v Hopkins; Collins.
- Cases on what can amount to defamation such as Cassidy v Daily Mirror, Charlesworth v MGN on the impact of photos.
- Applying the elements of defamation to Diangelo and the Lawton City Councillor's case: the statement must be defamatory; it must refer to the claimant, and it must have been published. Mistaken identity, citing cases like Hulton v Jones or O'Shea v MGN; for a mistaken identity case to succeed now, the claimant would have to show serious harm to his/her reputation.
- Applying the possible defences that may be used by the Sunday Slur and Hama Aziz including “honest opinion” under s.3 of the Defamation Act 2013; defence of Publication on a matter of public interest, under s.4 of the Defamation Act 2013; absolute privilege.
- section 6 DA 2013 Peer-reviewed statements in scientific or academic journals. Section 6 provides - the qualified privilege defence to those publishing in a scientific or academic journal, provided that the statement related to a scientific or academic matter (section 6(2)) which had been subjected to an independent review as to its scientific/academic merit, either by the editor of the journal or by one or more other experts in the matter concerned.
- The Defamation Act 2013 – the defence of justification has been abolished and replaced by the defence of truth: s.2, which is substantially the same as the old defence.

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the law on defamation. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Diangelo and the Lawton City Councillors situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the law on defamation. • The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to the law on defamation. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Diangelo and the Lawton City Councillors situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the law on defamation. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the law on defamation. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Diangelo and the Lawton City Councillors situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to the law on defamation. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the law on defamation. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Diangelo and the Lawton City Councillors situation. • Basic presentation of a legal argument using minimal legal terminology relating to the law on defamation. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

8. A chemist's shop was broken into one evening. Footage from the shop's CCTV showed a young female taking drugs from one of the drug cabinets. After a few days had passed without the police being able to identify the female, PC Chen saw Lily, a young female whose brother had a record of drug-related offences, walking down the street wearing new designer trainers. PC Chen stopped Lily and questioned her about the burglary at the chemist shop. PC Chen was unhappy with Lily's answers and searched her pockets. He found some tablets wrapped in silver foil.

Lily was taken to the police station and upon arrival placed in a cell. After eight hours the police took her fingerprints and a sample of her DNA, and then questioned her for eighteen hours about the burglary. Lily asked to be allowed to contact her mother and speak to a solicitor, but was told that she would have to wait, as the investigation was at a crucial stage. Lily was then returned to her cell and kept there for a further 48 hours. Meanwhile, investigations revealed that the tablets found on Lily were prescribed for her dog by a vet and Lily was released without charge.

Advise Lily as to the legality of the actions of the police, applying your knowledge of legal rules and principles. [25]

Indicative content

NOTE: The content is not prescriptive, and candidates are not expected to mention all the material mentioned below. Each answer will be assessed on its merits according to the assessment grid and the indicative content. Examiners should seek to credit any further admissible evidence offered by candidates.

This is an extended response question. In order to achieve the highest marks a response must construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

AO1

In advising Lily candidates are expected to demonstrate knowledge and understanding of the English legal system legal rules and principles relevant to police powers.

The response might consider issues such as:

- Provisions of Article 5 & 6 European Convention on Human Rights, right to liberty and a fair trial.
- The police powers to stop and search: reference may be made to ss 1-3 of the Police and Criminal Evidence Act 1984 (PACE) and Code A of the Codes of Practice.
- The police powers to arrest: section 24 of PACE as amended by section 110 of the Serious Organised Crime and Police Act 2005, section 28 of PACE and Code G of the Codes of Practice.
- The rights of a suspect during detention: including sections 56, 57, 58 and 61 of PACE and Code C of the Codes of Practice.
- The time limits and reviews of detention: sections 40-44 of PACE.

AO2

Candidates are expected to apply the full range of legal rules and principles to Lily, including the Police and Criminal Evidence Act 1984 and relevant case law, in order to present a legal argument.

The response might consider issues such as:

In the case of the stop and search

- Reasonable suspicion to stop and search Lily under Code A of the Codes of Practice– should not be based on personal factors alone.
- Requirements of a valid search: information given to Lily under section 2 of PACE; the failure renders search invalid: Osman/ Bristol cases could be cited to support this.
- Requirements under section 3 of PACE to supply Lily with a record of the stop and search.

In the case of the arrest

- Lily should be advised that the police can arrest her; under s.24 of PACE as amended by section 110 of SOCPA 2005 provided that they reasonably suspect that an offence is about to be committed, is being committed, or has been committed. The power to arrest.
- Lily can only be exercised if the police have reasonable grounds to believe it is necessary under section 24(5) of PACE. Reasons include where the suspect's name cannot be readily ascertained or no satisfactory address has been given; where it is necessary to prevent the suspect causing injury to himself or another or suffering physical injury or causing loss or damage to property; to allow the prompt and effective investigation of the offence or the conduct of the suspect, or to prevent the investigation being hindered by his disappearance. At least the last two grounds would seem to apply in Lily 's case.
- But query whether Lily was validly arrested in view of the procedural requirement of S.28; DPP v Hawkins. and Code of Practices, Code G - the procedural requirements of a valid arrest including the fact Lily is under arrest; also, the grounds for arrest (s.28) and that she should be cautioned.

In the case of the detention

- How Lily should be treated in police custody: Code C. Her rights should be explained - Information to be given immediately by custody officer (Code C para 3) – provision of written notice of right to have someone informed, right to legal advice and right to consult the Codes of Practice, and written notice of entitlement to visits, meals and conduct of interviews.
- The right to have someone informed of arrest: s.56 of PACE. and her right to legal advice: s.58 of PACE, and the circumstances when these rights can be withheld by the police and whether these apply to Lily. Query whether Lily would need an appropriate adult under s 57 PACE.
- Procedural requirements needed for the taking of Lily's fingerprints (section 61 of PACE)
- Time limits: on detention: section 41 allows police to authorise detention up to 36 hours but further detention up to 96 hours requires authorisation by magistrates. Lily's detention should be reviewed after 6 hours and then every 9 hours thereafter by a review officer not involved in the case: section 40 of PACE.
- S.60- requirements for interview- did these take place?

Section 62/ 63- Query what type of sample was taken, intimate or non-intimate
Potential remedies for Lily – IOPC; sue for false imprisonment; trespass to the person; breaches of human rights, Arts 3, 5, 6

Band	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	[8-10 marks] • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the law on police powers. • Response is clear, detailed and fully developed.	[12-15 marks] • Excellent application of legal rules and principles to Lily's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the legality of the actions of the police. The legal argument is detailed, fully developed and persuasive.
3	[5-7 marks] • Good knowledge and understanding of the English legal system and legal rules and principles relating to the law on police powers. • Response is generally clear, detailed and developed.	[8-11 marks] • Good application of legal rules and principles to Lily's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the legality of the actions of the police. • The legal argument is generally detailed, developed and persuasive.
2	[3-4 marks] • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the law on police powers. • Response includes some detail which is developed in places.	[4-7 marks] • Adequate application of legal rules and principles to Lily's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to the legality of the actions of the police. • The legal argument includes some detail which is developed in places.
1	[1-2 marks] • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the law on police powers. • Response includes minimal detail.	[1-3 marks] • Basic application of legal rules and principles to Lily's situation. • Basic presentation of a legal argument using minimal legal terminology relating to the legality of the actions of the police. • The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	