



GCE A LEVEL MARKING SCHEME

SUMMER 2023

**A LEVEL
LAW – COMPONENT 1
A150U10-1**

INTRODUCTION

This marking scheme was used by WJEC for the 2023 examination. It was finalised after detailed discussion at examiners' conferences by all the examiners involved in the assessment. The conference was held shortly after the paper was taken so that reference could be made to the full range of candidates' responses, with photocopied scripts forming the basis of discussion. The aim of the conference was to ensure that the marking scheme was interpreted and applied in the same way by all examiners.

It is hoped that this information will be of assistance to centres but it is recognised at the same time that, without the benefit of participation in the examiners' conference, teachers may have different views on certain matters of detail or interpretation.

WJEC regrets that it cannot enter into any discussion or correspondence about this marking scheme.

GCE A LEVEL LAW

COMPONENT 1 – THE NATURE OF LAW AND THE ENGLISH LEGAL SYSTEM

SUMMER 2023 MARK SCHEME

Marking guidance for examiners

Summary of assessment objectives for Component 1

Component 1 assesses all three assessment objectives: AO1, AO2 and AO3. The assessment objectives focus on the ability to demonstrate knowledge and understanding of, the English legal system and legal rules and principles; the ability to apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology; and the ability to analyse and evaluate legal rules, principles, concepts and issues respectively.

The structure of the mark scheme

The mark scheme for both Section A and Section B 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 the material referred to. Examiners should seek to credit any further admissible evidence offered by the candidates.
- an assessment grid advising bands and associated marks that should be allocated to responses which demonstrate the characteristics needed in AO1, AO2 and AO3.

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

0 1 In relation to delegated legislation, explain the affirmative and negative resolution procedures. **[5]**

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.

In explaining what is meant by the affirmative and negative resolution procedures, candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles underlying the controls on delegated legislation. In demonstrating this knowledge and understanding candidates are required to focus on the specific nature of the question and not simply give a general answer on delegated legislation.

The response might consider issues such as:

- Parliamentary control on delegated legislation – specifically statutory instruments. Required as Parliament, being sovereign and democratically elected, has delegated some law-making powers.
- Affirmative resolution procedure requires that the SI be ‘laid before Parliament’ and approved by both the House of Commons and the House of Lords in order for it to become law.
- Negative resolution procedure a ‘weaker’ control and just requires the SI be published and if no objections are raised within a specified time frame (e.g. 40 days) then it becomes law.

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
3	4-5	<ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the affirmative and negative resolution procedure. Response is clear, detailed and fully developed.
2	2-3	<ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to the affirmative and negative resolution procedure. Response is generally clear, detailed and developed.
1	1	<ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the affirmative and negative resolution procedure. Response includes minimal detail.
	0	Response not creditworthy or not attempted.

0 2 Explain the effect of the *Young v Bristol Aeroplane Co* [1944] case on the application of judicial precedent in the Court of Appeal. **[5]**

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.

In explaining the effect of the *Young v Bristol Aeroplane Co* [1944] case on the application of judicial precedent in the Court of Appeal, candidates are expected to demonstrate knowledge and understanding of the overruling in precedent, focusing on the case. In demonstrating this knowledge and understanding candidates are required to focus on the specific nature of the question and not simply give a general answer on judicial precedent.

The response might consider issues such as:

- Applies to the Civil Division of the Court of Appeal
- Allows the Court of Appeal (Civil Division) to overrule its own previous decisions in specified exceptions laid down in the case:
 - If there is a later Supreme Court decision, the court must follow that
 - If there are two conflicting Court of Appeal precedents they can choose which to follow
 - If the previous decision was made 'per incuriam'

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
3	4-5	<ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the effect of the <i>Young v Bristol Aeroplane Co</i> [1944] case on the application of judicial precedent in the Court of Appeal. Response is clear, detailed and fully developed.
2	2-3	<ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating the effect of the <i>Young v Bristol Aeroplane Co</i> [1944] case on the application of judicial precedent in the Court of Appeal. Response is generally clear, detailed and developed.
1	1	<ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the effect of the <i>Young v Bristol Aeroplane Co</i>[1944] case on the application of judicial precedent in the Court of Appeal. Response includes minimal detail.
	0	Response not creditworthy or not attempted.

Either,

0 3 Read the scenario below and answer the question that follows.

The Supreme Court is hearing a case involving a 42-year-old man with learning difficulties, meaning that he has the mental age of a 12-year-old child. He set fire to a wheelie bin outside of a nightclub. The fire spread to the nightclub and caused over £2 million of damage. He is charged with criminal damage but his defence is claiming he did not appreciate the risk involved in setting fire to the wheelie bin.

There is a precedent from a 2009 case in the Supreme Court that states that the age of two 12-year-old girls convicted of criminal damage could not be taken into account. They suggested, *obiter*, that other similar characteristics should also not be taken into account when determining whether the defendant foresaw the risk when committing the act.

Using your knowledge of judicial precedent, advise the Supreme Court as to their possible options when deciding the current case. [15]

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.

In advising the Supreme Court, candidates are expected to apply the full range of legal rules and principles that affect the application of judicial precedent. In this case, candidates may apply legal rules and principles in relation to following, overruling, reversing and distinguishing to the given scenario in order to present a legal argument using legal terminology. The response may consider issues such as:

- Brief overview of the operation of judicial precedent – higher courts bind lower courts based on the doctrine of *stare decisis*.
- Normally the Supreme Court is bound by its own previous decision but has option to use the 1966 Practice Statement when ‘it appears right to do so’. **Include some examples of case law where the PS has been used.** Further defined in **Knulier v DPP**. In the general interests of certainty in the law, there has to be a ‘very good reason’ before using the Practice Statement.
- Supreme Court could choose to follow the 2009 precedent and the man would be convicted as the characteristic of the learning disability would not be taken into account. They could refer to the obiter dictum from 2009.
- Supreme Court could choose to depart from and therefore overrule the 2009 precedent and set a new one allowing the characteristic of a learning difficulty to be considered when determining if the man foresaw the risk. To do this they would use the 1966 Practice Statement and would justify it on the basis of it being ‘right to do so’.
- Supreme Court could distinguish the current case from the 2009 case as a learning difficulty is different from age, thereby allowing the court to reach a different outcome.
- The option of reverse is not available as the current case is not an appeal of the 2009 case.

Assessment Grid for Question 3

Band	Marks	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	12-15	<ul style="list-style-type: none"> • Excellent application of legal rules and principles to the situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to the application of judicial precedent. The legal argument is detailed, fully developed and persuasive.
3	8-11	<ul style="list-style-type: none"> • Good application of legal rules and principles to the situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to challenges to the application of judicial precedent. The legal argument is generally detailed, developed and persuasive.
2	4-7	<ul style="list-style-type: none"> • Adequate application of legal rules and principles to the situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to challenges to the application of judicial precedent. The legal argument includes some detail which is developed in places.
1	1-3	<ul style="list-style-type: none"> • Basic application of legal rules and principles to the situation. • Basic presentation of a legal argument using minimal legal terminology relating to challenges to the application of judicial precedent. The legal argument includes minimal detail.
	0	Response not creditworthy or not attempted.

Or,

0 4 Read the text below and answer the question that follows.

In response to an increase in pollution around cities in England, Parliament passed the Urban Speed Restriction (fictitious) Act 2022, which limits the speed limit on any road within a radius of 5 miles of a city centre to 30 miles per hour. During the Second Reading, the House of Commons commented that this should not apply in emergency situations. The comments were recorded in Hansard.

The Act states:

S1 – It is an offence punishable by a fine of £100 to drive at more than 30 miles per hour on any road within a 5-mile radius of a city centre in England, except for a specified reason.

S2 – This Act only applies to cities in England.

S3 – This Act applies to motorised vehicles with CO2 emissions over 0.5g/km.

S4 – Specified reasons: registered official emergency vehicles or other similar vehicles

Rahman, a paramedic, is driving his own petrol car at 28 mph on a Birmingham city centre dual carriageway when he witnesses a pedestrian being hit and seriously injured on the other side of the road. Keen to help and in order to reach the injured person, he must drive 100 metres to the next roundabout and then cross to the other side of the dual carriageway. In doing so, he drives at 40 mph on the road and is caught by the speed camera. His car has emission of 0.6g/km of CO2. He receives a fine of £100 and is now appealing the penalty.

Using your knowledge of statutory interpretation, advise Rahman as to the possible outcomes of his appeal. [15]

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.

In advising Rahman, candidates are expected to apply the full range of legal rules and principles that affect the application of the rules of statutory interpretation to Rahman's situation. In this case candidates may apply the literal, golden, mischief and purposive rules, plus other aids of interpretation, including both intrinsic and extrinsic aids, to the given scenario in order to present a legal argument.

The response might consider issues such as:

- Nature of SI – allows judges to interpret statutes where the meaning is not clear. Use 4 main rules and have other aids (intrinsic and extrinsic, rules of language).
- Literal rule – judges apply the meaning of the words in the statute literally, grammatically, even if an absurd result is produced. (Case law such as *Whitely v Chappel*). Respects Parliamentary sovereignty but can produce absurd results which Parliament could not have intended. In this case, if the judge was to apply the literal rule, Rahman would lose his appeal. He is in a city centre, within 5 miles of the centre. He is in a motor vehicle with emissions exceeding 0.5g/km of CO2. He has driven at more than 30 mph on a road. He is not exempt as he is in his own private vehicle and not e.g. his official registered ambulance.

- Golden rule – allows the judge to substitute a more reasonable meaning in light of the statute as a whole when and only when the literal rule has produced an absurd result. (Case law such as *Adler v George*). Allows a more reasonable outcome but no definition of absurdity so gives unelected judges discretion. If the judge decided the outcome under the literal rule was absurd he could use the golden rule. In this case, arguably it is as Rahman is a paramedic and was rushing in order to assist at the scene of an accident. The judge may, therefore, determine that the more reasonable outcome is to provide a wide definition of specified emergency vehicle and, as Rahman is a paramedic and was speeding to carry out such duties, to allow his appeal.
- Mischief rule – laid down in *Heydon's case* and judges consider three questions: i) what was the law before (in this case, there was none), ii) what was the 'mischief' or problem the Act was trying to overcome (in this case, to tackle the problem of pollution in city centres), iii) if the case before the judge is still creating the problem, the judge can apply the solution regardless of the wording of the Act (in this case, arguable Rahman is still causing an increase in pollution but it is for an emergency and this falls within the Act, though it is tightly worded). Arguably under this rule, he would win his appeal as he is attending at the scene of an emergency. Case law such as *Smith v Hughes*.
- Purposive approach – allows the judge to apply the broad purpose of the Act. (Case law such as *Quintavalle*). In this case, the purpose of the Act is to reduce pollution but, as with the mischief rule, it is likely that Rahman would win his appeal as he is attending at the scene of an emergency even though he is not in his official vehicle.
- Judges could also refer to *Hansard* comments (extrinsic aid). Judges could use other intrinsic/extrinsic aids as required. Provide some examples. Could use *eiusdem generis* rule of language for 'other such vehicles'.

Assessment Grid for Question 4

Band	Marks	AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology
4	12-15	<ul style="list-style-type: none"> • Excellent application of legal rules and principles to Rahman's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to statutory interpretation. The legal argument is detailed, fully developed and persuasive.
3	8-11	<ul style="list-style-type: none"> • Good application of legal rules and principles to Rahman's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to statutory interpretation. The legal argument is generally detailed, developed and persuasive.
2	4-7	<ul style="list-style-type: none"> • Adequate application of legal rules and principles to Rahman's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating statutory interpretation. The legal argument includes some detail which is developed in places.
1	1-3	<ul style="list-style-type: none"> • Basic application of legal rules and principles to Rahman's situation. • Basic presentation of a legal argument using minimal legal terminology relating to statutory interpretation. The legal argument includes minimal detail.
	0	Response not creditworthy or not attempted.

Section B

Either,

0 5 (a) Explain the role and composition of tribunals. **[10]**

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.

In explaining the role and composition of tribunals, candidates are expected to demonstrate knowledge and understanding of legal rules and principles underlying tribunals. In demonstrating this knowledge and understanding, candidates are required to give an answer which is focused on the role and composition of tribunals.

The response might consider issues such as:

- Definition of tribunal – alternative to litigation in court. Relevant example.
- Overseen by HMCTS
- Administrative and domestic tribunals
- First-tier and Upper-tier tribunals – examples of Chambers.
- Composition – Tribunals often sit as a panel, incorporating a legally qualified tribunal judge, as well as panel members with specific areas of expertise
- Credit for any relevant citation

Assessment Grid for Question 5(a)

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
4	8-10	<ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the role and composition of tribunals. Response is clear, detailed and fully developed.
3	5-7	<ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to the role and composition of tribunals. Response is generally clear, detailed and developed.
2	3-4	<ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the role and composition of tribunals. Response includes some detail which is developed in places.
1	1-2	<ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the role and composition of tribunals. Response includes minimal detail.
	0	Response not credit worthy or not attempted.

(b) Analyse and evaluate the importance of conditional fee agreements. [15]

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. In order to achieve the highest marks, candidates must demonstrate their ability to draw together details from pervasive areas including the rule of law, the English legal system and the nature of law.

Candidates will offer an analysis and evaluation of the legal rules, principles, concepts and issues in order to evaluate the importance of conditional fee agreements. In order to analyse and evaluate these issues, candidates may argue that conditional fee agreements have widened access to justice and have contributed to lessening the problems with unmet legal need. Candidates might consider challenging this by arguing the range of key issues and concerns with conditional fee agreements, such as the uplift fee and the unavailability of these arrangements for certain areas of civil law. Overall candidates will offer a debate and come to a substantiated judgement regarding the importance of conditional fee agreements.

The response might consider issues such as:

- the unmet need for legal services – litigants cannot afford their own legal fees because of the tight civil legal aid budget. ‘No win, no fee’ arrangements are important because they offer an alternative for those who would not otherwise have access to justice as per Dicey’s Rule of Law – everyone is equal before the law.
- the background legal context including the Courts and Legal Services Act 1990 which introduced the concept of conditional fee arrangements.
- the Access to Justice Act 1999 which introduced concept of uplift fee and success fees.
- the Legal Aid, Sentencing and Punishment of Offenders Act 2012 – success fee is no longer recoverable from the losing party, limited categories of cases eligible for civil legal aid. Under this Act there are now two types of ‘no win no fee’ agreements:
 - Conditional Fee Arrangements, and Damages Based Agreements. Both of these are important because they give litigants alternatives to court and reduce the number of litigants in person.
- access to justice to those who cannot otherwise afford it; abolition of success fee.
- pressure to settle out of court – is this a “second best” resolution; lawyers will not take on high risk cases; pressure from insurance companies; winning litigants will be left with hardly any damages after paying fees.
- considerations of law and justice include the meaning of ‘justice’ and the extent to which ‘no win no fee’ arrangements achieve justice or create barriers to justice.
- There can be different strengths between a claimant and a defendant and, without help for financially weaker parties, justice might not be achieved.

Assessment Grid for Question 5(b)

Band	Marks	AO3: Analyse and evaluate legal rules, principles and concepts
4	12-15	<ul style="list-style-type: none"> • Excellent analysis of legal rules, principles and concepts relevant to the importance of conditional fee agreements. Analysis is detailed with appropriate range of supporting evidence which draws together knowledge, skills and understanding. • Excellent evaluation of the success of the importance of conditional fee agreements, including a valid and substantiated judgement. • Excellent citation of supporting case law and legal authorities.
3	8-11	<ul style="list-style-type: none"> • Good analysis of legal rules, principles and concepts relevant to the success of the importance of conditional fee agreements. Analysis is generally detailed with appropriate range of supporting evidence. • Good evaluation of the success of the importance of conditional fee agreements, including a valid judgement. • Good citation of supporting case law and legal authorities.
2	4-7	<ul style="list-style-type: none"> • Adequate analysis of legal rules, principles and concepts relevant to the success of the importance of conditional fee agreements. Analysis includes some detail with some supporting evidence. • Adequate evaluation of the success of the importance of conditional fee agreements, including reference to a judgement. • Adequate citation of supporting case law and legal authorities.
1	1-3	<ul style="list-style-type: none"> • Basic analysis of legal rules, principles and concepts relevant to the success of the importance of conditional fee agreements. Analysis includes minimal detail. • Basic evaluation of the success of the importance of conditional fee agreements. • Basic citation of supporting case law and legal authorities.
	0	Response not creditworthy or not attempted.

Or,

0 6 (a) Explain how lay magistrates are appointed.

[10]

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.

In explaining the appointment of lay magistrates, candidates are expected to demonstrate knowledge and understanding of legal rules and principles underlying the role of lay magistrates. In demonstrating this knowledge and understanding, candidates are required to give an answer which is focused on the appointment of lay magistrates.

The response might consider issues such as:

- Adverts
- Local Advisory Committee
- Key qualities
- Role of Ministry of Justice
- Interviews

Assessment Grid for Question 6(a)

Band	Marks	AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles
4	8-10	<ul style="list-style-type: none">• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the appointment of lay magistrates.• Response is clear, detailed and fully developed.
3	5-7	<ul style="list-style-type: none">• Good knowledge and understanding of the English legal system and legal rules and principles relating to the appointment of lay magistrates.• Response is generally clear, detailed and developed.
2	3-4	<ul style="list-style-type: none">• Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the appointment of lay magistrates.• Response includes some detail which is developed in places.
1	1-2	<ul style="list-style-type: none">• Basic knowledge and understanding of the English legal system and legal rules and principles relating to the appointment of lay magistrates.• Response includes minimal detail.
	0	Response not credit worthy or not attempted.

- (b) **Analyse and evaluate the advantages and disadvantages of lay magistrates.**

[15]

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. In order to achieve the highest marks, candidates must demonstrate their ability to draw together details from areas including civil courts, the English legal system and the nature of law.

Candidates will offer an analysis and evaluation of the legal rules, principles, concepts and issues in order to evaluate effectiveness of lay magistrates in Wales and England. In order to analyse and evaluate these issues, candidates might consider issues such as training, qualification and the role of the clerk. Overall candidates will offer a debate and come to a substantiated judgment regarding the advantages and disadvantages of lay magistrates in Wales and England.

The response might consider issues such as:

Advantages

- Lay involvement – Public participation in the justice system
- Local knowledge – Community concerns and interests represented
- Balanced view – A bench of 3 magistrates provide a balanced view
- Cost – They are volunteers and therefore relatively cheap though do take longer to make decisions than professional judges

Disadvantages

- Not representative – Similar criticisms to judiciary being from middle class and professional backgrounds
- Inconsistent – Magistrates courts have a tendency to come to different decisions and sentences for the same crime
- Inefficient – Magistrates can be slow to reach a decision often retiring to consider their verdict where a professional district judge would come to a decision straight away
- Bias towards the police – Sitting in local areas, magistrates get to know the police officers that come to give evidence and tend to be more sympathetic to this

Reform of the magistrates

There have been calls to remove lay participation in the legal system.

- Increase the role of the Justices' Clerk
- Replace lay magistrates with professional judges
- Set up a District Division
- Increase the representativeness of magistrates

Assessment Grid for Question 6(b)

Band	Marks	AO3: Analyse and evaluate legal rules, principles and concepts
4	12-15	<ul style="list-style-type: none"> • Excellent analysis of legal rules, principles and concepts relevant to the effectiveness of lay magistrates. Analysis is detailed with appropriate range of supporting evidence which draws together knowledge, skills and understanding. • Excellent evaluation of the advantages and disadvantages of lay magistrates, including a valid and substantiated judgement. • Excellent citation of supporting case law and legal authorities.
3	8-11	<ul style="list-style-type: none"> • Good analysis of legal rules, principles and concepts relevant to the effectiveness of lay magistrates. Analysis is generally detailed with appropriate range of supporting evidence. • Good evaluation of the effectiveness of the advantages and disadvantages of lay magistrates including reference to a judgement. • Good citation of supporting case law and legal authorities.
2	4-7	<ul style="list-style-type: none"> • Adequate analysis of legal rules, principles and concepts relevant to the effectiveness of lay magistrates. Analysis includes some detail with some supporting evidence. • Adequate evaluation of the effectiveness of the advantages and disadvantages of lay magistrates, including reference to a judgement. • Adequate citation of supporting case law and legal authorities.
1	1-3	<ul style="list-style-type: none"> • Basic analysis of legal rules, principles and concepts relevant to the effectiveness of lay magistrates. Analysis includes minimal detail. • Basic evaluation of the effectiveness of the advantages and disadvantages of lay magistrates. • Basic citation of supporting case law and legal authorities.
	0	Response not creditworthy or not attempted.