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# **GCE A LEVEL MARKING SCHEME**

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**AUTUMN 2020**

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

## **INTRODUCTION**

This marking scheme was used by WJEC for the 2020 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**

#### **AUTUMN 2020 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 Explain the rules of language available to a judge when interpreting a statute. [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 rules of language available to a judge when interpreting a statute, candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles underlying rules of statutory interpretation. 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 statutory interpretation.

The response might consider issues such as:

- Role of the judge in interpreting statutes
- Rules of language as aids to interpretation:
  - Eiusdem generis – **Powell v Kempton**
  - Expressio unius est exclusion alterius – **Tempest v Kilner**
  - Noscitur a sociis – **Inland Revenue Commissioners v Frere**
- Credit for any other relevant citation.

### Assessment Grid for Question 0.1

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"><li>• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the rules of language available to a judge when interpreting a statute. Response is clear, detailed and fully developed.</li></ul>
2	2-3	<ul style="list-style-type: none"><li>• Good knowledge and understanding of the English legal system and legal rules and principles relating to the rules of language available to a judge when interpreting a statute. Response is generally clear, detailed and developed.</li></ul>
1	1	<ul style="list-style-type: none"><li>• Basic knowledge and understanding of the English legal system and legal rules and principles relating to rules of language available to a judge when interpreting a statute. Response includes minimal detail.</li></ul>
	0	Response not creditworthy or not attempted.

0.2 Explain the role of pressure groups in reforming the law.

[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 role of pressure groups in reforming the law, candidates are expected to demonstrate knowledge and understanding of law reform focusing on the role of pressure groups in reforming the law. 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 law reform.

The response might consider issues such as:

- Examples of different pressure groups e.g. those concerned with particular subjects, charities e.g. Child Poverty Action Group; Shelter, Age UK
- Other professional organisations such as the Law Society and the British Medical Association; business organisations such as Confederation of British Industry
- Role of JUSTICE in promoting law reform in general
- Other pressure groups such as Greenpeace; CND; Friends of the Earth; Fathers Justice; Liberty; Welsh Language Society
- Methods by which they campaign for a change in the law: publicity; petition; lobbying; demonstrations etc.
- Examples of areas where they have helped reform the law e.g. Friends of the Earth – the House Waste Recycling Act 2003 and the Climate Change Bill in 2008; Welsh Language Society – The Welsh Language Act 1993 and the Welsh Language (Wales) Measure 2011. Snowdrop Petition (Dunblane) managed to persuade the Government to ban most types of handguns.

### Assessment Grid for Question 0.2

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"><li>• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the role of pressure groups in reforming the law. Response is clear, detailed and fully developed.</li></ul>
2	2-3	<ul style="list-style-type: none"><li>• Good knowledge and understanding of the English legal system and legal rules and principles relating the role of pressure groups in reforming the law. Response is generally clear, detailed and developed.</li></ul>
1	1	<ul style="list-style-type: none"><li>• Basic knowledge and understanding of the English legal system and legal rules and principles relating to the role of pressure groups in reforming the law. Response includes minimal detail.</li></ul>
	0	Response not creditworthy or not attempted.

0.3 Read the scenario below and answer the question that follows.

Nottingham Council has recently become concerned about an increase in anti-social behaviour on local streets, particularly on 'student night' which falls on a Wednesday. The Council has therefore decided to pass a by-law banning alcohol from being consumed outside of pubs and clubs in the town centre on all days of the week. The ban includes outside seating areas and beer gardens. The local Pub Owners Association feels the ban is unreasonable and excessive and they feel it may lead to some establishments closing down. They also note that they were not consulted before the ban was imposed.

Using your knowledge of delegated legislation, advise the local pub owners on the ways in which the ban may be challenged. [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 pub owners, candidates are expected to demonstrate knowledge and understanding of delegated legislation. Candidates are expected to apply the full range of legal rules and principles that affect the application of the controls on delegated legislation to the pub owners' situation. In this case candidates may consider the application of control by the courts to the given scenario in order to present a legal argument, using appropriate legal terminology.

The response might consider issues such as:

- By-laws as a source of delegated legislation.
- Challenge via judicial review on the basis the law is ultra vires and beyond the powers given in the enabling Act.
- Challenges that the pub owners could pursue:
  - Unreasonable ultra vires – application to the scenario on the basis that the ban is excessive and unreasonable as it not only bans the consumption of alcohol outside of pubs and clubs but also their outside seating areas on all days of the week. **Associated Picture Houses v Wednesbury Corporation.**
  - Substantive ultra vires – application to the scenario on the basis that the by-law exceeds the powers of the council in banning the consumption of alcohol effectively on the 'private property' of drinking establishments (e.g. beer gardens). **R v Home Secretary, ex parte Fire Brigades Union.**
  - Procedural ultra vires – application to the scenario on the basis the correct procedure has not been followed (e.g. not consulting the pub owners association). **Aylesbury Mushrooms.**

### Assessment Grid for Question 0.3

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



0.4 Read the text below and answer part the question that follows.

### **Protection of Fish (fictitious) Act 2017**

*An Act to preserve fish stocks in UK waters.*

Section 1 makes it an offence to fish up to three miles from the UK shore line without a licence.

Section 2 provides that a licence will only be granted to vessels not adapted for commercial purposes.

Jamie owns a fishing trawler which he operates in the Irish Sea for the purposes of his fish business. He does not have a licence as he normally fishes, for commercial purposes, 4 miles from the shore. Jamie sometimes takes his friends out on social trips on his boat and they often fish with rods 1 mile from the shore but release any fish caught straight back into the sea. On return to port after fishing one day with his friends Jamie is arrested and charged with an offence under s.1 of the Act.

Using your knowledge of statutory interpretation, advise Jamie as to the possible outcomes of his 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 Jamie, candidates are expected to apply the full range of legal rules and principles that affect the application of the rules of statutory interpretation to Jamie'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:

- Applying the four rules of statutory interpretation to the scenario:
  - Literal: gives words their natural and grammatical meaning, even if the result is absurd – *Whitely v Chappel*, *Lees v Secretary of State*, *Fisher v Bell*, *London LNER v Berriman*. Application of the rule to the scenario.
  - Golden: allows words in a statute to be modified in order to avoid an absurdity or repugnant result – *Sweet v Parsley*, *Adler v George*, *Re Sigsworth*, *R v Allen*. Application of the rule to the scenario.
  - Mischief: looks at the gap in the law Parliament intended to fill. Established in *Heydon's Case*. Used in *Smith v Hughes*, *Royal College of Nursing v DHSS*, *Pepper v Hart*. Application of the rule to the scenario.
  - Purposive: looks at the 'spirit of the law' and looks to see what Parliament intended, *Magor v St Mellons*, *Quinatown*, *Jones v Tower Boot Company*. Application of the approach to the scenario.
- Applying other methods of interpretation:
  - Intrinsic aids (short title, long title, preamble interpretation sections, margin notes)
  - Rules of Language
  - Extrinsic aids (*Hansard*, dictionaries, textbooks, Human Rights Act 1998, international conventions)
  - Presumptions

### Assessment Grid for Question 0.4

<b>Band</b>	<b>Marks</b>	<b>AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology</b>
<b>4</b>	<b>12-15</b>	<ul style="list-style-type: none"> <li>• Excellent application of legal rules and principles to Jamie's situation.</li> <li>• 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.</li> </ul>
<b>3</b>	<b>8-11</b>	<ul style="list-style-type: none"> <li>• Good application of legal rules and principles to Jamie's situation.</li> <li>• 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.</li> </ul>
<b>2</b>	<b>4-7</b>	<ul style="list-style-type: none"> <li>• Adequate application of legal rules and principles to Jamie's situation.</li> <li>• 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.</li> </ul>
<b>1</b>	<b>1-3</b>	<ul style="list-style-type: none"> <li>• Basic application of legal rules and principles to Jamie's situation.</li> <li>• Basic presentation of a legal argument using minimal legal terminology relating to statutory interpretation. The legal argument includes minimal detail.</li> </ul>
	<b>0</b>	Response not creditworthy or not attempted.

## Section B

0.5 (a) Explain the main methods of alternative dispute resolution. [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 main methods of ADR, candidates are expected to demonstrate knowledge and understanding of legal rules and principles underlying civil justice. In demonstrating this knowledge and understanding candidates are required to give an answer which is focused on the main methods of ADR and not give a general answer on civil law or tribunals.

The response might consider issues such as:

- Definition of ADR – alternative to litigation. Aimed at getting parties to settle dispute without the need for court action
- 4 main forms of ADR though candidates may mention others such as Ombudsmen
  - Negotiation – informal. With or without a solicitor
  - Mediation – third party mediator helps parties reach a solution. Third party plays a facilitative role. Examples of mediation – Mediation, Information and Assessment Meetings (MIAMs), small claims mediation, etc.
  - Conciliation – third party conciliator plays a more active role and will suggest areas of compromise. Examples of conciliation – ACAS, pre-claim conciliation
  - Arbitration – governed by the Arbitration Act 1996. Formal, binding decision known as an ‘award’. Adjudicative – arbitrator imposes decision on the parties. Scott v Avery clauses. Examples of arbitration – sports arbitration

### Assessment Grid for Question 0.5 (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"><li>• Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the main methods of ADR. Response is clear, detailed and fully developed.</li></ul>
3	5-7	<ul style="list-style-type: none"><li>• Good knowledge and understanding of the English legal system and legal rules and principles relating to the main methods of ADR. Response is generally clear, detailed and developed.</li></ul>
2	3-4	<ul style="list-style-type: none"><li>• Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the main methods of ADR. Response includes some detail which is developed in places.</li></ul>
1	1-2	<ul style="list-style-type: none"><li>• Basic knowledge and understanding of the English legal system and legal rules and principles relating to the main methods of ADR. Response includes minimal detail.</li></ul>
	0	Response not credit worthy or not attempted.

- (b) Analyse and evaluate the advantages and disadvantages of alternative dispute resolution.

[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 advantages and disadvantages of the main methods of ADR. In order to reach a substantiated judgement about this issue, candidates may argue that ADR plays a central role in providing claimants in dispute with an avenue for redress outside of formal litigation. Candidates might consider challenging this by arguing that the informality and lack of binding judgment can prove difficult to enforce. Overall, candidates will offer a debate and come to a substantiated judgement regarding the advantages and disadvantages of the main methods of ADR.*

The response might consider issues such as:

- Definition of ADR – alternative to litigation. Aimed at getting parties to settle dispute without the need for court action. Cheaper and quicker, in general.
- Increased use of ADR since the Woolf reforms, particularly with Rule 1.4 of the Civil Procedure Rules.
- 4 main forms of ADR though candidates may mention others such as Ombudsmen
  - Negotiation
    - Advantages:
      - Informal; with or without a solicitor
      - Costs reduced
      - Less intimidating
      - Quick resolution
      - Private and confidential
    - Disadvantages:
      - Not binding
      - Can take longer if lawyers are involved
      - Can be costly if lawyers are involved
  - Mediation
    - Advantages:
      - Third party helps parties reach a solution
      - Based on compromise and not strict application of the law
      - Relationships can be maintained
      - Avoids adversarial conflict of court
      - CEDR claims over 80% of cases are settled at mediation
      - Cheaper than litigation
    - Disadvantages:
      - Mediator's role is only facilitative
      - Parties have to want to reach a compromise
      - Not normally legally binding
      - If mediation fails, court may be necessary anyway, increasing delay and overall cost
      - Amounts paid in mediated settlements often lower than amounts agreed in other settlements; weaker party can be forced into a settlement
      - More accessible than litigation.

- Conciliation
  - Advantages:
    - third party conciliator plays a more active role and will suggest areas of compromise
    - Can avoid further action – e.g. ‘Early conciliation in employment disputes
    - Cheaper and quicker
    - Private and usually informal
    - More accessible than litigation
  - Disadvantages
    - Parties have to want to reach a compromise
    - If conciliation fails, court may be necessary anyway, increasing delay and overall cost
    - Not normally legally binding
  
- Arbitration
  - Advantages:
    - Formal, binding decision known as an ‘award’
    - Adjudicative – arbitrator imposes decision on the parties
    - *Scott v Avery* clauses
    - The parties may choose their own arbitrator
    - Can use experts in the field
    - The hearing, time and place can be arranged to suit both parties
    - The procedure is flexible
    - More informal and relaxed hearing than in court.
  - Disadvantages:
    - Parties may not be on an equal footing with regards to legal representation
    - Legal aid is not available
    - An unexpected legal point may arise
    - Fees can be expensive for professional arbitrators and formal hearings
    - The rights of appeal are limited
    - Delays for commercial and international arbitration

### Assessment Grid for Question 0.5 (b)

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

0.6. (a) Explain the role of the Crown Prosecution Service

[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 of the CPS candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles underlying the role of the CPS. In demonstrating this knowledge and understanding candidates are required to give an answer which is focused on the role of the CPS and not other issues. The response might consider issues such as:

- CPS – Established by the Prosecution of Offences Act 1985.
- Three main roles:
  - Charging offenders – Criminal Justice Act 2003. Threshold test
  - Deciding whether to prosecute offenders – Prosecution of Offences Act 1985. Full Code Test.
  - Prosecuting in Court – Prosecution of Offences Act 1985.

### Assessment Grid for Question 0.6 (a)

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

- (b) Analyse and evaluate the success of the Crown Prosecution Service. [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.*

In order to reach a substantiated judgement about this issue, Candidates will offer an analysis and evaluation of the legal rules, principles and concepts in order to evaluate the success of the CPS. In order to analyse and evaluate these aspects, candidates may understand that the CPS uses the Full Code test to determine if prosecution should ensue and that this involves balancing a number of factors. In order to fully analyse and evaluate the issue, the response might consider aspects such as:

- analysis and evaluation of several issues in relation to the CPS e.g.
  - Downgrading charges
  - Discontinuing cases
  - Cracked / ineffective trials
  - Judge ordered acquittals
  - Objectivity in the CPS
  - Racism in the CPS
  - Lack of clarity for, e.g. assisted suicide and historic sex abuse cases
  
- Analysis and evaluation of some of the reforms to the CPS e.g.
  - Glidewell report
  - Narey report
  - The Public Prosecution Service – ‘Setting the Standard’
  - CPS Annual Reports



### Assessment Grid for Question 0.6 (b)

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