



GCE A LEVEL MARKING SCHEME

SUMMER 2022

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

INTRODUCTION

This marking scheme was used by WJEC for the 2022 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.

EDUQAS GCE A LEVEL LAW
COMPONENT 2: SUBSTANTIVE LAW IN PRACTICE
SUMMER 2022 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

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Fatou bought a new filter system for her swimming pool from Leisure Life Ltd who assured her that it would be perfect for improving the quality of the water in her pool. Fatou arranged independently for Grant to install the filter system. Grant missed two appointments, for which Fatou had taken time off work. When he finally turned up for the third appointment, Grant damaged the mosaic tiles around the pool when he dropped his tools whilst installing the filter system. Though Grant properly installed the filter system, it was of poor quality and failed to improve the water quality, leading to green moss forming on the top of the pool. Leisure Life Ltd refused to accept any responsibility. Grant also pointed out that Fatou had signed a “completion of work” form, which included a statement that he would not be liable for any damage resulting from the installation work.

Advise Fatou whether there has been a breach of any implied or express terms for the purchase and installation of the filter system, 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 Fatou candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of express and implied terms of a contract.

The response might consider issues such as:

- the Consumer Rights Act 2015
- satisfactory quality/fitness for purpose
- whether the service was carried out with reasonable care and skill; information said to the consumer is binding where the consumer relies on it; the service must be done for a reasonable price; service must be carried out within a reasonable time
- advice given should be clear regarding remedies: significance of business and consumer contracts; alternative dispute resolution under the new Act; right to reject; repair and replacement; repeat performance or price reduction
- Consumer Contracts (information, cancellation and additional charges) Regulations 2013 – 14 day cooling off period.

AO2

Candidates are expected to apply the full range of legal rules and principles to Fatou's situation, including express and implied terms and relevant case law, in order to present a legal argument

The response might consider issues such as:

- the Consumer Rights Act 2015 in relation to Fatou and Leisure Life Ltd such as satisfactory quality and fitness for purpose
- whether the service was carried out with reasonable care and skill; information said to Fatou is binding if Fatou has relied on it
- whether the service from Leisure Life Ltd was done for a reasonable price and whether the service was carried out within a reasonable time; the remedies available to Fatou might be considered such as alternative dispute resolution under the Act or the right to reject or repair, replacement; repeat or price reduction
- consideration may be given to the impact of the Consumer Contracts (information, cancellation and additional charges) Regulations 2013 – 14 day cooling off period.

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to express and implied terms of a contract. • Response is clear, detailed and fully developed. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Fatou’s situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to express and implied terms of a contract. The legal argument is detailed, fully developed and persuasive.
3	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to express and implied terms of a contract. • Response is generally clear, detailed and developed 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Fatou’s situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to express and implied terms of a contract. The legal argument is generally detailed, developed and persuasive
2	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to express and implied terms of a contract. • Response includes some detail which is developed in places. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Fatou’s situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to express and implied terms of a contract. The legal argument includes some detail which is developed in places
1	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to express and implied terms of a contract. • Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Fatou’s situation. • Basic presentation of a legal argument using minimal legal terminology relating to express and implied terms of a contract. The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

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Sunrise Holidays owns a seaside holiday home in Cornwall called Rose Cottage. It agrees to rent the cottage to David and Kate and their two children, for the two weeks of their summer holiday in July. David and Kate paid the price of the holiday in full. There was very wet weather just before the holiday, as a result of which there was a substantial leak of water through the cottage roof. This made Rose Cottage uninhabitable until it dried out and repairs were carried out. These would not be completed until after the period for which the David and Kate had rented the cottage. David and Kate believed that the cottage had not been properly maintained and this was the cause of the damage. As a result of the flooding, Sunrise Holidays telephoned and cancelled David and Kate's holiday at Rose Cottage, claiming that the contract had been frustrated. David and Kate had already travelled to Cornwall. They then booked an alternative cottage from Cosy Cottages, but as they were booking late there was limited choice and they had to pay an additional £300. In addition, Kate and the children complained that they were too far from the sea and could not enjoy the watersports that they would have participated in at Rose Cottage.

Advise David and Kate of the rights and remedies against Sunrise Holidays, 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 David and Kate candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of discharge of contract.

The response might consider issues such as:

- The scenario relates to the issues of the doctrine of frustration, breach and damages and asks whether the contracts can be set aside on the basis that it is no longer possible for the parties to perform their obligations under the contracts.

AO2

Candidates are expected to apply the full range of legal rules and principles to David and Kate's situation, including the doctrine of frustration and relevant case law, in order to present a legal argument.

The response might consider issues such as:

- Breach -David and Kate have contracted to stay in Rose Cottage and by telling them they cannot, Sunrise is in breach as contractual obligations are strict: *Arcos v Ronaasen*. This is an anticipatory breach in that Sunrise informs David and Kate that the cottage is unavailable before they are due to be there. David and Kate could elect to treat the contract as repudiated and sue for damages or treat it as subsisting and sue for breach, as in *White & Carter (Councils) v McGregor*. It appears from this decision that a party to a contract can continue performing his obligations despite the unwillingness of the other party. This cannot happen where the innocent party needs the cooperation of the party in breach: *Hounslow LBC v Twickenham Garden Developments Ltd*. The innocent party cannot additionally burden the other by continuing to perform and there is a duty to mitigate the loss.
- A party that waits until performance is due when breach is inevitable, risks the possibility of a frustrating event intervening: *Avery v Bowden*. Here it seems that David and Kate had already departed for Cornwall before they were aware of Sunrise Holiday's breach. It seems reasonable that, having reached their destination, David and Kate should look for an alternative cottage, claiming the difference in price as part of their damages. In fact, in view of the time-scale, it must be arguable whether Sunrise Holidays has committed an anticipatory breach
- This case appears to be one in which the doctrine of frustration could apply, enabling Sunrise Holidays and David and Kate to avoid any further performance of the contract. The reason for this is that the contract can no longer physically be performed as the cottage is uninhabitable. The leading case is *Taylor v Caldwell* in which the concert hall was destroyed two days before the concert and the parties were entitled to treat the contract as frustrated.
- When a contract is set aside on the basis that it can no longer be performed, the contracting parties are required to return any deposit paid and expect no further payment under the contract. The Law Reform (Frustrated Contracts) Act 1943 makes some provision for expenses incurred prior to the frustrating event. Section 1(2) states that any monies advanced should be repaid. The provision requires the court to determine whether expenses can be claimed, and if this is successful the court will determine the amount can be claimed. However, it is not straightforward as to how the court will make an award as to expenses that may be reclaimed.
- The general principle of the doctrine of frustration is that the contract will not be treated as frustrated if it is still capable of being performed.
- The courts are reluctant to allow the doctrine of frustration to be used in all but the most exceptional cases. This is where it is deemed no longer possible to perform the contract as the very nature of performance renders the contract different to that which the parties originally intended.

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to discharge of contract. Response is clear, detailed and fully developed. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to David and Kate's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to discharge of contract. The legal argument is detailed, fully developed and persuasive.
3	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to discharge of contract. Response is generally clear, detailed and developed 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to David and Kate's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to discharge of contract. The legal argument is generally detailed, developed and persuasive
2	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to discharge of contract. Response includes some detail which is developed in places. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to David and Kate's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to discharge of contract. The legal argument includes some detail which is developed in places
1	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to discharge of contract. Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to David and Kate's situation. • Basic presentation of a legal argument using minimal legal terminology relating to discharge of contract. The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section B

Law of Tort

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Bao runs a small museum specialising in Egyptian artefacts. There are several signs displayed prominently that read “Please do not touch the exhibits” and two of the rarest pieces are also roped off to protect them from the public. Sally, a visitor to the museum, having left her glasses in her car, fails to notice the signs and wanders into the roped off area where she cuts her hand badly on an ancient Egyptian hunting knife. Lily works in the newly refurbished coffee shop at the museum, which was fitted out by Lennox, a local handyman. Lennox struggled with some of the wiring, not being experienced with electrical work and this causes a power surge during which the coffee machine explodes, causing Lily to suffer severe burns.

Advise Sally and Lily if Bao could be held liable in connection with their injuries under the tort of occupiers’ liability, 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 Lily 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 specifically the Occupiers’ Liability Act 1957 and the Occupiers’ Liability Act 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

AO2

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

The response might consider issues such as:

- The first thing that has to be established is whether Lily and Sally were lawful visitors, because in order for a duty of care to exist, Lily and Sally 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 meter reader or a police officer exercising a warrant.
- Has Bao satisfied her duty of care towards Sally and Lily? 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; *Dean of Rochester Cathedral v Debell*
- Also, under s2(4) Occupiers' Liability Act 1957, the warning that Bao placed will act as a complete defence to visitors because it was enough to enable the visitors to be reasonably safe.
- A lawful visitor can become a trespasser when they go beyond their permission. Has Sally done this? Under s.1(3) OLA 57, an occupier owes a duty of care to all visitors. However, under s.1(3) OLA 84 the occupier will only owe a duty to a non-visitor if: (a) He is aware of the danger (or has reasonable grounds to believe it exists) (b) He knows or has reasonable grounds to believe that a non-visitor is in the vicinity of the danger; and (c) The risk is one against which, in the circumstances of the case, he may reasonably be expected to offer some protection. By s1(4) the duty is to 'take such care as is reasonable in all the circumstances' to prevent injury to trespassers 'by reason of the danger concerned'. An occupier can discharge his duty by giving warnings which allow the claimant to be safe but these are subject to the limitation that the sign is sufficient to adequately alert the claimant to the danger (*Westwood v Post Office*). Where a claimant ignores a sign they may be considered *volenti* (*Tomlinson*) and an occupier is not required to warn adult trespassers of the risk of injury against obvious dangers (*Ratcliff v McConnell*) or foolhardy pursuits (*Donoghue v Folkestone*).
- Also need to consider the liability of Lennox as an independent contractor and whether Bao can pass the liability for the faulty coffee machine back to him. 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 is 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 a 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, Bao did not check that Lennox had carried out the repairs properly, and it is not clear whether she took reasonable steps to ensure this happened.
- Candidates will probably conclude that in this case Bao did not satisfy the criteria laid down in s2(4), and so will not be able to pass liability onto Lennox, making her liable for the injuries to Lily.

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Sally and Lily'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	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • 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 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Sally and Lily'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	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Sally and Lily'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	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to occupier's liability Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Sally and Lily'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.	

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Richard owns a hotel and golf course. Juan plays at the golf course every week. Juan suffered injuries to his leg following an accident in a golf buggy. He was a passenger when Richard drove the buggy on a steep slope. Juan claimed that he was thrown out of the buggy when Richard lost control of it. He broke his left leg, tearing his muscles and puncturing his skin caused by the severe protruding break. As a result, he suffered severe pain and had to undergo complex surgery at a private medical facility, where he also received plastic surgery to repair the skin. Juan was unable to work for over a year because of his injuries. He was self-employed. Juan is no longer able to play golf as a result of the lasting damage to his leg.

Advise Juan, following his successful negligence claim, as to the types of damages he will be awarded for the injuries he suffered, 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 Juan candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to remedies in tort.

The response might consider issues such as:

- **Compensatory Damages** - In a tort claim the court can award a successful claimant compensation for the injuries he has suffered or damage to his property. This award is known as damages.
- The aim of the award of damages is to place the claimant in the same position as if the tort had not been committed as far as money can do so.
- To calculate the award damages are divided into two kinds – special damages and general damages.

AO2

Candidates are expected to apply the full range of legal rules and principles to Juan's situation, including special and general damages and mitigation of loss, in order to present a legal argument.

The response might consider issues such as:

- **Special damages:** These comprise quantifiable financial losses up to the date of trial and are assessed separately from other awards because the exact amount to be claimed is known at the time of the trial
- **Loss of earnings for Juan** – This is calculated from the date of the tort to the trial.
- **Medical Expenses for Juan** – These cover any services, treatment or medical appliances or the unpaid services of relatives or friends. Only such expenses as are considered reasonable by the court are recoverable; *Cunningham V. Harrison (1973)*; *Donnelly v. Joyce (1972)* Expenses to cover special facilities. These can cover the cost of special living accommodation. The measure of damages here is the sum spent to obtain the special facility and its running costs. *Povey v. Rydal School (1970)*
- **General damages:** This covers all losses that are not capable of exact quantification and they are further divided into pecuniary and non-pecuniary damages. Pecuniary loss is a loss that can be easily calculated in money terms, for example future loss of earnings. Non-pecuniary loss is loss that is not wholly money-based
- **Pecuniary:** The major type of pecuniary damages is future loss of earnings. The courts calculate this amount using the multiplicand (a sum to represent the claimant's annual net lost earnings) and the multiplier (a notional figure that represents a number of years for which the claimant was likely to have worked). These are multiplied together in order to calculate the future losses. The multiplier is arbitrary – it can never be precise and is calculated by looking at previous cases.
- As Juan may receive financial support from several sources in addition to tort damages (e.g. social security benefits, sick pay and private insurance) amounts are deducted from the damages award to account for these. This is known as off-setting
- However, Juan is entitled to an award to cover the cost of future care, such as nursing requirements and physiotherapy.
- **Non-pecuniary:** Pain and suffering. Compensation for pain and suffering is subjective as they are impossible to measure in terms of money. However, an award will be made to cover nervous shock and physical pain and suffering. The Judicial College sets tariffs to govern the fixing of the appropriate figure.
- **Loss of amenity.** Juan is entitled to claim damages if his injury has led to the inability to carry out everyday activities and to enjoy life. This includes for example the inability to run or walk, play sport or play a musical instrument, and impairment of the senses. Such awards are assessed objectively and are thus independent of the victim's knowledge of his or her fate. In *West v. Shepherd (1964)* the claimant was 41 when she suffered a severe head injury. Although she could not speak, there was evidence from her eye movements that she understood her predicament and so she received a high award for loss of amenity.
- **Damages for the injury itself.** Injuries are itemised and specified sums are awarded for these on the basis of precedents.
- **Mitigation of loss** - Juan is required to take reasonable steps to mitigate (reduce) his loss. Richard will not be liable to compensate Juan for any losses that could have been prevented by taking such steps. Juan is entitled to be compensated for his loss, but he is under a duty to keep the loss to a reasonable level. For example, Juan cannot claim for private treatment for the injury if there is suitable treatment available under the NHS. On the other hand, if treatment is only available privately, the cost of the private treatment can be claimed.

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to damages. Response is clear, detailed and fully developed. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Juan's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to damages. The legal argument is detailed, fully developed and persuasive.
3	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to damages. Response is generally clear, detailed and developed 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Juan's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to damages. The legal argument is generally detailed, developed and persuasive
2	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to damages. Response includes some detail which is developed in places. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Juan's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating damages. The legal argument includes some detail which is developed in places
1	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to damages. Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Juan's situation. • Basic presentation of a legal argument using minimal legal terminology relating to damages. The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section C

Criminal Law

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A charity which helps ex-offenders began renovating a house and turning it into a hostel for newly released prisoners. Many of the people who lived nearby were opposed to? the hostel, as they feared that its presence would affect the value of their own houses and make them harder to sell. One local resident, Mike, decided to take matters into his own hands. Under cover of darkness, he broke into the hostel and began to damage the fittings and throw paint all over the walls. Suddenly one of the social workers, Claire, appeared with her mobile phone in her hand, ready to call the police. To stop her, Mike punched her as hard as he could, knocking her unconscious. Thinking he had killed her, Mike tried to make it look as if Claire had died in an arson attack by setting fire to a pile of cleaning cloths before running from the burning building. It so happened that Claire's phone had already connected with the emergency services before she fell unconscious, and the ambulance and fire brigade were there within minutes. Claire was brought out alive from the building, but died later in hospital when the junior doctor, Rosie, failed to diagnose a fractured skull.

Advise Mike as to whether he may be criminally liable for the death of Claire, 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 Mike candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of homicide

The response might consider issues such as:

- The actus reus of murder, that the defendant must cause the death of a human being.
- Causation, factual and legal- 'but for' test (White) and legal causation -operating and substantial cause.
- The mens rea of murder- the intention to kill or cause grievous bodily harm. Reference to both direct and oblique intention – discussion of virtual certainty test: Woollin; Nedrick
- Involuntary manslaughter: unlawful act manslaughter and gross negligence manslaughter.

AO2

Candidates are expected to apply the full range of legal rules and principles to Mike's situation, including including concepts such as actus reus and mens rea of murder and manslaughter and causation, in order to present a legal argument.

The response might consider issues such as:

- Mike may be guilty of the murder or manslaughter of Claire, depending on: (a) his actions being the cause in law of Claire's death, and (b) his state of mind when he hit Claire. Causation issue, actions of Rosie – candidates may draw analogies with cases involving negligent medical treatment such as Smith, Jordan, Cheshire or Adamako (some may be aware of Misa and Srivastave (2005), where doctors held guilty of gross negligence manslaughter for failure to diagnose and treat MRSA).
- Mike 's state of mind – mens rea of murder = malice aforethought – an intention to kill or cause grievous bodily harm: Maloney. This requires knowledge that one's action is virtually certain to cause death or grievous bodily harm: Woollin. Recklessness will not suffice. Mike 's state of mind looks like recklessness rather than intention to cause GBH, so may not amount to mens rea of murder.
- Involuntary manslaughter – Unlawful act manslaughter – act must be unlawful and dangerous: Franklin, Lamb, Church, Newbury. Gross negligence manslaughter requires a duty of care by D towards V – D must either be recklessly indifferent to an obvious risk to V's health, or foresee the risk and decide to run it: Stone and Dobinson, approved by HL in Adamako.
- Mike may be guilty of the manslaughter of Claire. Could be argued as unlawful act manslaughter

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to the law of murder and manslaughter. Response is clear, detailed and fully developed. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Mike's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to criminal liability. The legal argument is detailed, fully developed and persuasive.
3	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to the law of murder and manslaughter. Response is generally clear, detailed and developed 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Mike's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to criminal liability. The legal argument is generally detailed, developed and persuasive
2	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to the law of murder and manslaughter. Response includes some detail which is developed in places. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Mike's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to criminal liability. The legal argument includes some detail which is developed in places
1	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the law of murder and manslaughter. Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Mike's situation. • Basic presentation of a legal argument using minimal legal terminology relating to criminal liability. The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

0	6
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Cai and Abdul were best friends until Cai started going out with Abdul's ex-girlfriend, Dara. Cai and Dara were sitting together in the cinema when Cai received a text message from Abdul which said: "I am behind you. Be very afraid". Dara read the text, and turned pale with fright. Seconds later, Cai was hit on the back of the head by an empty popcorn container thrown by Abdul. Cai decided that it was time he and Abdul ended their quarrel, so he located Abdul at the back of the cinema and suggested that they settle their differences as they always did, with a friendly fight. Abdul agreed to the plan, and the two young men squared up to one another in the street outside the cinema. Not wanting to hurt Abdul, Cai delivered a loose punch which barely grazed Abdul's face. Abdul retaliated with a blow that knocked out one of Cai's teeth. A passerby, Joe, saw the blood coming from Cai's mouth, and ran up to separate them. Thinking that he was being attacked, Abdul kicked Joe in the stomach, causing him serious internal injuries

Advise Abdul and Cai and whether they may have committed any offences, taking account of any defences which may be available to them, 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 and Cai candidates are expected to demonstrate knowledge and understanding of the English legal system and legal rules and principles relevant to the subject of non-fatal offences against the person.

The response might consider issues such as:

- Elements of assault and battery at common law: Criminal Justice Act 1988, s.39.
- Aggravated assaults: Offences Against the Person Act 1861, ss. 47, 20, 18.
- Self-defence, mistake.
- Reasonable force in prevention of crime: Criminal Law Act 1967, s.3.

AO2

Candidates are expected to apply the full range of legal rules and principles to Abdul and Cai's situation, including the Offences Against the Person Act 1861 and relevant case law, in order to present a legal argument.

The response might consider issues such as:

- **Abdul** - May be guilty of assault – can be committed by words alone: The *mens rea* for assault is intention or recklessness as to causing the victim to fear immediate unlawful force, while the *actus reus* can be as little as fear Ireland; Bustow. D's conduct must cause V to fear immediate unlawful force.
- **Cai and Abdul** - May be guilty of assault occasioning actual bodily harm (s.47) or malicious wounding (s.20).
- The *mens rea* for s20 is the intention or recklessness to cause some harm (some injury or ABH) but the *actus reus* or the outcome has to be a wound or serious injury/GBH.
- The *mens rea* for s47 is the intention or recklessness to commit an assault, meaning the intention or recklessness to cause the victim fear of unlawful force or applying unlawful force. The *actus reus* of s47 is any injury or hurt caused which leaves a mark but is not permanent; it should not be too trivial or too insignificant. Cuts and bruises are often seen as being s47 so this will apply to Cai.
- S18 requires the intention to cause serious injury/GBH or to wound. The *actus reus* is a wound which breaks all layers of the skin or a serious injury. Abdul punches Cai and hits Joe - does this show he has the intention to cause serious injury?
- It is helpful to consider the *actus reus* before the *mens rea* and then reach a conclusion.
- **Abdul** - May be guilty of offence under s.18 – causing GBH with intent. 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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system and legal rules and principles relating to non-fatal offences against the person. Response is clear, detailed and fully developed. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Abdul and Cai's situation. • Excellent presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to non-fatal offences against the person. The legal argument is detailed, fully developed and persuasive.
3	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system and legal rules and principles relating to non-fatal offences against the person. Response is generally clear, detailed and developed. 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Abdul and Cai's situation. • Good presentation of a legal argument using appropriate legal terminology, case law and other legal authorities relating to non-fatal offences against the person. The legal argument is generally detailed, developed and persuasive.
2	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • Adequate knowledge and understanding of the English legal system and legal rules and principles relating to non-fatal offences against the person. Response includes some detail which is developed in places. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Abdul and Cai's situation. • Adequate presentation of a legal argument using some appropriate legal terminology, case law and other legal authorities relating to non-fatal offences against the person. The legal argument includes some detail which is developed in places.
1	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to non-fatal offences against the person. Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Abdul and Cai's situation. • Basic presentation of a legal argument using minimal legal terminology relating to non-fatal offences against the person. The legal argument includes minimal detail.
0	Response not creditworthy or not attempted.	

Section D

Human Rights Law

0 **7** Eddie is a journalist who writes for The Weekly Probe, a magazine with a wide popular readership. He was approached by a soap star, Izzy Irving, who told him that she was having an affair with a famous actor and offered to reveal the man's identity in return for £20,000. At first Eddie refused to believe Izzy and told her to go away. However, shortly afterwards Eddie heard a rumour that the actor Charles Anthony, was dating an actress behind his wife's back. This convinced Eddie that he had discovered a good story, so he persuaded his editor to print a photo of Charles and his wife which had been digitally altered to make it appear that the woman in the photo was Izzy. The text which accompanied the photo was headlined, "Cheating Charles in Real Life Soap Drama!" and strongly suggested, without actually stating as a fact, that Charles and Izzy were in love. On the day that the magazine appeared, the Opposition spokesman for culture and the arts, Jeremy Longmartin, commented in Parliament on the low state of morals among British actors and repeated his comments in a television interview in which he referred to Charles by name. Charles feels that the article and comments have completely destroyed his credibility as an actor and wants to make a claim against Weekly Probe.

Advise Charles whether he can make a claim for defamation, applying your knowledge and understanding of legal rules and principles. [25]

Indicative content

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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 Charles 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 the 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 eg *Sim v Stretch*, *Byrne v Dean*. Reference may be 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 Charles’s situation, including the Defamation Act 2013 and relevant cases, in order to present a legal argument.

The response might consider issues such as:

In the case of whether the defamatory statements refer to the claimant

- in advising Charles, the newspaper article and picture refers to him, as required by the Defamation Act 2013. There is a picture of Charles and the article refers to him

In the case of whether the statements are defamatory

- almost certainly the damage to Charles’s reputation by the newspaper article/photo could be considered as causing serious damage as required by section 1 *Defamation Act 2013*. Charles’s reputation been adversely affected or put at risk by the statement and he may be turned down for further acting jobs
- Reference may be made to *Sim v Stretch*; right thinking members of society would consider Charles’s reputation lowered. Reference may be made to *Byrne v Dean*

In the case of whether the statements have been published

- publishing means that the information has passed from the defendant to a person other than the claimant or the defendant’s spouse. In Charles’s case, the information has passed to the public via a newspaper article/headline/photos. Publication can also be online as in the case of the Twitter comments

In the case of whether there are any defences applicable

- truth as a defence - it has to be shown that the statement is substantially true under section 2 of the *Defamation Act 2013*. In this case, the article is not true
- other defences that might apply – s. 4 DA 2013 responsible publication on a matter of public interest – does not apply as it is not responsible publication though defendant could argue they reasonably believe the publication was a matter of public interest
- s. 3 DA 2013 – honest opinion

Absolute privilege for comments made in Parliament

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Charles's 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	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Charles's 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	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Charles's 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	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system and legal rules and principles relating to the law on defamation. Response includes minimal detail. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Charles's 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.	

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PC Porter saw a man in the street whom he thought he recognised as a member of a family of regular offenders. PC Porter stopped the man and said, "Aren't you Jac James?" Jac James replied, "No sir, never heard of him." PC Porter said, "I think you're lying", and proceeded to search him. PC Porter found nothing suspicious, but he was still not satisfied, so he told Jac he would need to come to the police station in order to establish his identity. Jac went willingly, unaware that he was under arrest. When they arrived at the police station, the custody officer said, "Hello, Jac, how's it going?" PC Porter said, "He says he's not Jac, so let's put him in a cell until he tells us who he is." Jac sat in the police cell for 24 hours. He asked to contact his family and to obtain legal advice, but his requests were refused. Jac was then taken to an interview room, where the police took his fingerprints. He was then questioned for twelve hours before being placed back in the cell. After 36 hours Superintendent Smith came on duty and wanted to know why there was no custody record for Jac. When the custody officer explained the circumstances, Superintendent Smith told him to give Jac bail and send him home.

Advise Jac as to the legality of the actions of the police, 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 Jac 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: 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 Jac, 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 Jac under Code A of the Codes of Practice– should not be based on personal factors alone
- requirements of a valid search: information given to Jac 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 Jac with a record of the stop and Search

In the case of the arrest

- Jac should be advised that the police can arrest him; 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 Jac 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 Jac 's case. But query whether Jac 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 Jac is under arrest; also the grounds for arrest (s.28) and that he should be cautioned

In the case of the detention

- how Jac should be treated in police custody: Code C. His 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 his 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 Jac. Query whether Jac would need an appropriate adult under s 57 PACE
- procedural requirements needed for the taking of Jac'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. Jac'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.

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	<p style="text-align: center;">[8-10 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[12-15 marks]</p> <ul style="list-style-type: none"> • Excellent application of legal rules and principles to Jac'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	<p style="text-align: center;">[5-7 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[8-11 marks]</p> <ul style="list-style-type: none"> • Good application of legal rules and principles to Jac'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	<p style="text-align: center;">[3-4 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[4-7 marks]</p> <ul style="list-style-type: none"> • Adequate application of legal rules and principles to Jac'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	<p style="text-align: center;">[1-2 marks]</p> <ul style="list-style-type: none"> • 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. 	<p style="text-align: center;">[1-3 marks]</p> <ul style="list-style-type: none"> • Basic application of legal rules and principles to Jac'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.	