
A-level
LAW
COMPONENT CODE

PAPER 1

Mark scheme

Series

V1.0

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

It must be stressed that a mark scheme is a working document, in many cases further developed and expanded on the basis of students' reactions to a particular paper. Assumptions about future mark schemes on the basis of one year's document should be avoided; whilst the guiding principles of assessment remain constant, details will change, depending on the content of a particular examination paper.

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

Level of response marking instructions

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

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

Step 1 Determine a level

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

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

Step 2 Determine a mark

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

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

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

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

Examiners are required to assign each of the students' responses to the most appropriate level according to its overall quality, then allocate a single mark within the level. When deciding upon a mark in a level examiners should bear in mind the relative weightings of the assessment objectives (see page 17) and be careful not to over/under credit a particular skill. For example, in question 8 more weight should be given to AO2 than to AO1. This will be exemplified and reinforced as part of examiner training.

Examiners are reminded that AO1, AO2 and AO3 are regarded as interdependent. When deciding on a mark all should be considered together using the best fit approach. For example, a level 3 mark could be awarded for level 3 evidence against each objective, or a mixture of level 4, 3 and 2 evidence across different objectives.

01 Which **one** of the following statements about strict liability offences is **false**?

[1 mark]

Marks for this question: AO1 = 1

A D cannot be guilty of a strict liability offence if she was not negligent

02 Which **one** of the following statements about the defence of insanity is **true**?

[1 mark]

Marks for this question: AO1 = 1

C The 'disease of the mind' can result from physical disease.

03 Which **one** of the following kinds of statements made in a judgment in a case would best be described as 'obiter dicta'?

[1 mark]

Marks for this question: AO1 = 1

D Statements about the application of the law to facts which are a little different from those in the case.

04 Which **one** of the following approaches to statutory interpretation gives judges the least discretion (power)?

[1 mark]

Marks for this question: AO1 = 1

B The literal rule.

05 Which **one** of the following statements about jurors in criminal trials is correct?

[1 mark]

Marks for this question: AO1 = 1

B Jurors can discuss the case with other jurors in the trial.

06 Explain **two** reasons why the ratio decidendi of a case may sometimes be difficult to establish. Use an example from criminal or civil law to illustrate **one** of your suggested reasons.

[5 marks]

Marks for this question: AO1 = 5

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

Answers that do not provide two reasons cannot progress beyond band 2.

Indicative Content:

Any two from the following reasons (bullets 1-4) or any other relevant reason(s):

- Judgments are often constructed in a very discursive manner from which it is difficult to extract the essential reason(s) for the decision.
- The ratio decidendi of a case can never be determined solely from what is said by judges in the case itself but depends in part where it is located in the continuing development of the relevant law and on how it is interpreted in subsequent cases. That interpretation may change over time in response to a variety of considerations.
- There may have been a number of judgments with different reasoning. Perceptions of their relative importance may differ (and may change over time).
- Perceptions of the level of generality at which reasoning is pitched (dependent, in part, on the view of what are the material facts) may differ (and may change over time).
- Recognition and basic relevant account of an appropriate example which clearly serves to illustrate the suggested reason – eg *Majewski*, *Woollin*, *Donoghue v Stevenson*, *Esso Petroleum Ltd v Commissioners of Customs and Excise*, *Campbell v MGN*.

07 Assume that, if Gemma had thrown the acid at Helen’s face and had burnt her with it, she would have committed an offence of causing grievous bodily harm with intent (Offences Against the Person Act 1861 s18).

Suggest why, in law, Gemma probably did not commit the actus reus of an attempt to commit that offence when she did not throw the acid.

[5 marks]

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

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

Indicative Content:

AO1

- Statement of the requirement in the Criminal Attempts Act 1981 s1(1) for an ‘act more than merely preparatory’ to the commission of the full offence, and as a matter of fact for the jury.
- Identification and outline explanation of ‘tests’ such as ‘last act’, ‘proximity’, act in a sequence which, if uninterrupted, would result in commission. Inherent uncertainty in the definition and its application.

AO2

- Identification of key facts: sequence of acts involved in throwing acid, and point reached.
- Application of test(s) explained in outline to stage reached by Gemma in her conduct to suggest that she probably had not yet reached the stage of an act ‘more than merely preparatory’: for example, she certainly had not done the last act possible – the throwing of the acid – though she was very close to doing so.

- Brief explanation of a relevant case to support application and argument (for example, Gullefer, Geddes, Campbell, Boyle and Boyle, Jones, A-G's reference (No 1 of 1992)).

Credit any other relevant point(s).

08 Advise Jason on whether he could avoid criminal liability for the injury to Kris by pleading intoxication.

[10 marks]

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

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

Indicative Content:

AO1

- Identification and outline explanation of the elements of the offences of unlawful and malicious wounding/infliction of gbh and unlawful and malicious wounding with intent to cause gbh
- Identification and outline explanation of the plea of voluntary intoxication, including the distinction between specific and basic intent offences and consequent availability of the plea
- Reference to supporting statutory authority (Offences Against the Person Act 1861 s20 and s18) and case authority (for example, DPP v Majewski)

AO2

- Application of the definition of ‘wound’ and/or of ‘gbh’ to the ‘cut’ to conclude that the cut is a ‘wound’
- Application of the mens rea of s20 and of s18 to Jason’s apparent state of mind deducible from his actions in the context, to conclude that, prima facie, Jason must have intended some injury to Kris when punching him (s20), and that this could be an intention to cause serious injury (s18) if he intended to strike Kris with the glass or knew that he was holding the glass when he threw the punch
- Application of the rules on the effect on criminal liability for specific intent offences of voluntary intoxication to suggest that it may enable Jason to avoid liability for s18 because he may be able credibly to advance the argument that he was sufficiently intoxicated to forget that he was holding the glass, and so had no intent to cause serious injury
- Application of the rules on intoxication in basic intent offences to acknowledge that, even if Jason can avoid liability for s18, he cannot use intoxication to deny intent or recklessness as to some injury under s20

AO3

- Analysis and evaluation of the actus reus element of s20/s18, in particular, of the meaning of ‘wound’
- Analysis and evaluation of intention/recklessness requirements, and as to what consequences, of the s20/s18 offences
- Analysis and evaluation of the required effect of intoxication on purpose, knowledge and awareness if proof of (specific) intention is to be resisted; reference to appropriate authority
- Use of supporting case authority (for example, JCC v Eisenhower, Savage, Parmenter, Brown and Stratton)

Credit any other relevant point(s).

09 In the defence of loss of control to a charge of murder, special rules apply where the loss of control may be related to ‘sexual infidelity’.

Examine the meaning of justice and discuss the extent to which application of the special rules on ‘sexual infidelity’ in the loss of control defence may achieve justice.

[15 marks]

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

Levels of response mark scheme 15marks – AO1 (5) and AO3 (10).	
Mark range	Description
13-15 Band 5	<p>Knowledge is excellent and demonstrates an excellent understanding of the Nature of Law and legal rules and principles. Excellent selection and use of relevant legal authority.</p> <p>Excellent analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Excellent drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
10-12 Band 4	<p>Knowledge is good and demonstrates a good understanding of the Nature of Law and legal rules and principles. Good selection and use of relevant legal authority.</p> <p>Good analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Good drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
7-9 Band 3	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of the Nature of Law and legal rules and principles. Satisfactory selection and use of relevant legal authority.</p> <p>Satisfactory analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Some drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study.</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
4-6	<p>Knowledge is limited and demonstrates a limited understanding of the Nature of Law and</p>

Band 2	<p>legal rules and principles. Limited selection and use of relevant legal authority.</p> <p>Limited analysis and evaluation of legal rules and principles; concepts and issues.</p> <p>Limited drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study</p> <p>Some reasoning is attempted which leads to a limited conclusion.</p>
1-3 Band 1	<p>Knowledge is minimal and demonstrates a minimal understanding of the Nature of law and legal rules and principles. Minimal selection and use of relevant legal authority.</p> <p>Minimal analysis and evaluation of legal concepts and issues.</p> <p>No chain of reasoning is attempted.</p>
0	Nothing worthy of credit

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
5	10	15

Indicative Content:

AO1

- Identification and brief explanation of justice as, say, simple ‘fairness’.
- Identification and brief explanation of a more philosophical theory of justice eg natural law, utilitarianism, Rawls etc
- Identification and brief explanation of context of sexual infidelity rules within ‘anger trigger’ requirement in the defence of loss of control (Coroners and Justice Act 2009 s54 and s55
- Brief explanation of statutory prohibition on evidence of sexual infidelity, and limitations recognised in, say, Clinton.

AO3

- Analysis of the scope and implications of one or more theories of/approaches to the meaning of ‘justice’, utilising examples from any area of law, criminal and/or civil. Possible exploration of the contrast/comparison between broad theories of justice which have implications for legislative social engineering, and of design and application of legal rules to achieve ‘justice’ in outcome on a more individual scale, as in resolution of disputes or determination of the scope of civil and criminal responsibility
- Analysis of the scope of the sexual infidelity exclusion in the light of the case interpretation: the exclusion in the context of the ‘anger trigger’ and the explanation offered in Clinton as to the limitations of the exclusion.
- Analysis of the uncertainties remaining in the scope of the exclusion, related to the inherent imprecision in the notion of ‘sexual infidelity’.
- Evaluation of the extent to which ‘justice’ is promoted, clearly relating the explanation and analysis of justice and the explanation and analysis of the sexual infidelity exclusion: for example, what purpose is served by the exclusion; does traditional recognition of sexual infidelity as within the scope of a provocation/loss of control defence promote injustice in itself; does the exclusion miss the target, and so promote injustice as between different alleged murderers; can justice be promoted when there is significant uncertainty in the scope of the exclusion?

10 Consider the criminal liability of Oliver for the manslaughter of Marcus, and for the murder of Noah.

[30 marks]

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

Levels of response mark scheme 30 marks – AO1 (10), AO2 (10) and AO3 (10).	
Mark range	Description
25-30 Band 5	<p>Knowledge is excellent and demonstrates an excellent understanding of relevant legal rules and principles. Excellent selection and use of appropriate legal authority.</p> <p>There is excellent analysis and evaluation of legal rules and principles leading to excellent application of the correct rules and principles to the scenario. An excellent legal argument is presented using appropriate terminology.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
19-24 Band 4	<p>Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good selection and use of appropriate legal authority.</p> <p>There is good analysis and evaluation of legal rules and principles leading to good application of the correct rules and principles to the scenario. A good legal argument is presented using appropriate terminology.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
13-18 Band 3	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory selection and use of appropriate legal authority.</p> <p>There is satisfactory analysis and evaluation of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario. A satisfactory legal argument is presented using some appropriate terminology</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
7-12 Band 2	<p>Knowledge is limited and demonstrates a limited understanding of relevant legal rules and principles. Limited selection and use of appropriate legal authority.</p> <p>There is limited analysis and evaluation of legal rules and principles which may lead to limited application of the correct rules and principles to the scenario. A limited legal argument is presented using little appropriate terminology.</p> <p>Some reasoning is attempted which leads to a limited conclusion.</p>
1-6 Band 1	<p>Knowledge is minimal and demonstrates minimal understanding of legal rules and principles. Minimal selection and use of legal authority.</p> <p>There is minimal analysis and evaluation of legal rules and principles which may lead to minimal application of the correct rules and principles to the scenario.</p> <p>A fragmented legal argument is attempted.</p>

	No chain of reasoning is attempted.
0	Nothing worthy of credit

Indicative Content:

AO1

- Identification and outline explanation of the elements of the offence of involuntary manslaughter, as unlawful act manslaughter
- Identification and outline explanation of the elements of the offence of murder
- Identification and outline explanation of the elements of the defence of self-defence
- Identification and outline explanation of the rules on causation
- Reference to appropriate supporting case and statutory authority (for example, Cunningham, Moloney, Lamb, DPP v Newbury and Jones, Criminal Justice and Immigration Act 2008)

AO2

- Application to suggest that Oliver’s acts (production of the knife by Oliver and the chase) amount to a continuing assault to which Marcus’ fearful response in running away is reasonably foreseeable, though the reasonable foreseeability of his crossing the busy road is a little more doubtful
- Application to suggest that Oliver probably caused the death of Marcus by his crime of assault, and that the crime of assault was ‘dangerous’ in relation to the obvious risk of injury occurring during the chase (falling, bumping into people or objects, being struck by traffic), so that, subject to causation, Oliver committed unlawful act manslaughter
- Application to suggest that Oliver’s blows probably caused serious injury to Noah; the subsequent treatment of Noah by Perry may have contributed to Noah’s death but is unlikely to break the chain of causation; Oliver’s repeated blows with a weapon are strong evidence of an intention to cause at least serious injury; there is a prima facie case of murder
- Application to suggest that Oliver could claim to be acting in self-defence/defence of another/ prevention of crime, in that use of some force was necessary, given the threat to Perry from Noah.
- Application to question whether Perry/Oliver were the initial aggressors, to which Noah’s response was not disproportionate (ruling out self=defence/prevention of crime by Oliver), or that, even if use of the baseball bat by Oliver was initially necessary and proportionate, the sustained attack may have become unnecessary, and certainly disproportionate (taking into account blows to the head)

AO3

- Analysis and evaluation of the rules of causation in relation to potential breaks in the chain of causation: acts of the victim; acts of third parties
- Analysis and evaluation of the requirement of ‘dangerousness’ in unlawful act manslaughter
- Analysis and evaluation of mens rea in murder: direct and oblique intent; death and serious injury
- Analysis and evaluation of necessity for the use of force in self-defence/prevention of crime,
- Analysis and evaluation of proportionate force in self-defence/prevention of crime
- Use of supporting statutory and case authority (for example, Criminal Law Act 1967 s3(1), Criminal Justice and Immigration Act 2008 s76(6)-(7), Roberts, Pagett, Smith, Church, Woollin, Matthews and Alleyne, Clegg, Rashford, Martin)

11 Consider Rav’s criminal liability for property offences in relation to Sam’s bicycle, and in relation to the excess change that he was given by the shopkeeper.

Assess the value of jury trial in determining Rav’s criminal liability.

[30 marks]

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

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

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

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
23	7	30

Indicative Content:

AO1

- Identification and outline explanation of the elements of the offence of theft in relation to appropriation issues
- Identification and outline explanation of the elements of the offence of theft in relation to 'belonging to another' issues
- Identification and outline explanation of the elements of the offence of robbery
- Reference to appropriate supporting statutory authority (Theft Act 1968)
- Identification of advantages and disadvantages of jury trial (for example, trial by peers, discipline imposed on prosecution in presenting case, unpredictability, difficulty in understanding complex evidence, possible bias, lack of reasons)

AO2

- Application of rules on appropriation to the two distinct events – taking and disposal – combined with dishonesty, to suggest that Rav appropriated Sam's bicycle when he took it but did not steal it because he was not dishonest since he genuinely believed the bicycle to be his, whether his belief was reasonable or not
- Application of the rules above to suggest a further appropriation when Rav disposed of the bicycle by dumping it on waste land, and to suggest that he has no argument against dishonesty,

though there may be doubts about the intention permanently to deprive, given the method and circumstances of disposal, with, perhaps, a tentative conclusion in favour of theft

- Application of rules on belonging to another, combined with dishonesty, to suggest no theft of the excess change at the point of receipt, after which he became owner but may still be guilty of theft if aware of the mistake whilst still in possession of the money
- Application of the rules on robbery to suggest that force was threatened to enable initial appropriation but, since this was not theft (no dishonesty), no robbery took place, and no force was used or threatened in the subsequent appropriation

AO3

- Analysis and evaluation of the appropriation rules, with reference to appropriation without theft
- Analysis and evaluation of the 'belonging to another' rules in theft, in relation to mistakes which do not prevent transfer of ownership
- Analysis and evaluation of the dishonesty and intent permanently to deprive rules in theft
- Analysis and evaluation of the time at which force must be used or threatened in robbery
- Use of supporting statutory and case authority (for example, Theft Act 1968 s2, s3(1), s5(4), s6, s8, Morris, Gilks, Ghosh, Robinson, Fernandes, Vinall, Hale
- Analysis and evaluation of arguments for/against use of juries – particular focus may be on importance of jury where, as in dishonesty, the standard to be applied is that of ordinary reasonable people; measured against, say, unpredictability of juries and the difficulties in rendering complex legal issues sufficiently clear

Assessment Objectives Grid

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

Distribution of marks for substantive and non-substantive law

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