

Question number	Answer	Marks
1(a)	<p style="text-align: center;">(4 AO1)</p> <p>One mark for describing each stage of the legislative process in the correct order up to four marks.</p> <ul style="list-style-type: none"> • A bill is presented in Parliament, usually in the House of Commons (1) • First reading (1) • Committee stage (1) • Second reading (1) • Report stage and after repeated process in other House (1) • third reading (1) • becomes an Act after receiving Royal Assent (1) 	(4)

Question number	Indicative content	Marks
1(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <p>When considering a case, judges need to interpret how they understand an Act applies to the facts in issue</p> <p>Tools used by judges include:</p> <ul style="list-style-type: none"> • literal rule • mischief rule • golden rule • purposive approach • intrinsic aids • extrinsic aids • reference to binding and persuasive precedents 	(6)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented in a consistent and balanced manner, and supported by appropriate legal authorities.</p>

Question number	Indicative content	Marks
1(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Statutes can often be expressed in complex, technical and obscure terms. • In applying the law, judges need to decide on the meaning of an act of Parliament through an interpretation of the wording of the act. • As a non-elected body, judges interpreting statutes can be said to play an important role in declaring the law. Whereas, the parliamentary law-making process is slow. • Judges, in examining a statute closely in a case before them, can detect problems in the wording used in the parliamentary drafting. • Such problems are addressed by judges employing the statutory rules of interpretation: literal, mischief and golden and also by adopting the purposive approach. • Reviewing evidence through the judge's role in such cases as <i>Whiteley versus Chappell</i> 1868, <i>R versus Sigsworth</i> 1935, <i>R versus Allen</i> (1872), <i>Smith versus Hughes</i> (1960) and <i>Pepper versus Hart</i> (1993), <i>Magor and St Mellons versus Newport Corporation</i> (1950). 	(10)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Answer	Marks
2(a)	<p>One mark for accurate definition of the doctrine (1 AO1), and one mark for explanation (1 AO2).</p> <ul style="list-style-type: none"> • Judges have to follow previous decisions (1 AO1) • Intrinsic aspect of English law whereby judgments made by superior courts bind future courts addressing the same or similar legal issues (1 AO2). 	(2)

Question number	Answer	Marks
2(b)	<p style="text-align: center;">(4 AO1)</p> <p>Up to two marks for courts of first instance and up to two marks for appeal courts.</p> <ul style="list-style-type: none"> • Courts of first instance: <ul style="list-style-type: none"> - magistrates court (1) - Crown court (1). • Appeal courts, examples: <ul style="list-style-type: none"> - Crown court by way of case stated (1) - Court of appeal (criminal division) (1) - Supreme court (1) - Possible references to ECJ (1). 	(4)

Question number	Indicative content	Marks
2(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (4 AO3), (6 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Under the doctrine of judicial precedence, judges are bound to follow previous decisions that relate to an instant case before a court. • Discussion of the principles underlying the doctrine, including: <i>stare decisis</i>, <i>ratio decidendi</i> and <i>obiter dicta</i>. • Decisions of the Supreme Court and the Court of Appeal (civil or criminal division) bind all lower courts. • Reasons why courts depart from strict adherence to the doctrine of judicial [precedent. • The Supreme Court can choose not to follow its own decisions, through the 1966 Practice Court Direction. • The Court of Appeal can also choose not to follow its own decisions, following <i>Young versus Bristol Aeroplane Co.</i> • Ways of departing from previous binding decisions, including: reversing, overruling, distinguishing. • Use of relevant authorities such as <i>Whiteley versus Chappell</i>, <i>R versus Sigsworth</i>, <i>R versus Allen</i>, <i>Smith versus Hughes</i> and <i>Pepper versus Hart</i>, <i>Gillick versus West Norfolk & Wisbeck Area Health Authority</i>, <i>R versus R</i>, <i>Balfour versus Balfour</i>. 	(14)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding is applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding is demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.</p>

Question number	Answer	Marks
3(a)	<p style="text-align: center;">(1 AO1), (1 AO2)</p> <p>One mark for providing an accurate definition (1 AO1), and one mark for expansion (1 AO2).</p> <ul style="list-style-type: none"> Statutory instruments allow the provisions of an act of parliament to be brought into force (1 AO1) <p>AND one of:</p> <ul style="list-style-type: none"> this means Parliament does not need to pass a new Act (1 AO2) also known as secondary, delegated or subordinate legislation (1 AO2) they are overseen by Parliament and/or the courts (1 AO2). 	(2)

Question number	Answer	Marks
3(b)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>One mark for identifying each reason up to two marks (2 AO1), and one mark for each linked explanation (2 AO2).</p> <p>Criminal law is applied as:</p> <ul style="list-style-type: none"> civil law alone may not be enough to encourage a change in behaviour of parents/individuals (1 AO1), whereas the application of criminal law provides additional pressure (1 AO2) it puts pressure on parents to comply with the law (1 AO1), through fear of prosecution and criminal conviction (1 AO2) the publicity generated when there has been a breach of the law (1 AO1), will act as a deterrent to other parents (1 AO2). 	(4)

Question number	Indicative content	Marks
3(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (4 AO3), (6 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Stating the nature of the powers being employed and their effect as law • Explaining how the law applies in the given situation and the impact on the parents for non-compliance and the threat of the severity of punishment. • Assessing the reasons supporting the use of the criminal law rather than creating civil sanctions to address this conduct . • Evaluating the consequences of the use of criminal sanctions by weighing up the benefit of the regulation against the interference with parents' wishes. • Balancing the protection of a child's education, including other fears affecting school children such as forced/arranged marriages and female genital mutilation (FGM). 	(14)

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	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.</p>

Question number	Answer	Marks
4(a)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>One mark for each accurate definition up to two marks (2 AO1), and one mark for each linked expansion/example up to two marks (2 AO2).</p> <ul style="list-style-type: none"> • a regulation is a binding EU legislative act (1 AO1) for example Regulation (EC) No 2027/97 imposes unlimited liability on Community air carriers in the event of death or injury to passengers (1 AO2) • a directive lays down certain results to be effected by member countries by a given date (1 AO1), for example Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (1 AO2). 	(4)

Question number	Indicative content	Marks
4(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Describing the European Commission (EU) as one of the principal institutions that binds the member states together. • Explaining that the European Commission is charged with ensuring EU member states comply with EU law, taking action for failure to incorporate EU directives into national law or suspected breaches of EU law. In the absence of resolving an issue, the European Commission can commence formal infringement proceedings and eventually refer the member state to the ECJ • Analysing the process under which the UK as a member state can be declared to be in breach of EU law. Examples may include the 2013 case successfully brought by 'Client Earth' in the Supreme Court over the UK Government's failure to control environmental legislation on air pollution. The case has now been remitted to the ECJ for judgment 	(6)

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	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented in a consistent and balanced manner, and supported by appropriate legal authorities.</p>

Question number	Indicative content	Marks
4(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • the historical context of parliamentary sovereignty • discussion of the supreme law-making powers of Parliament • the fact of dispersing this sovereignty through the European Communities Act 1972 • exploration of the impact on the role of the courts in the English legal system • assessing the development of the courts to carry out EU Law • an examination of authorities such as Van Gend en Loos, Costa versus ENEL, Factortame and Brassiere du Pechier and Factortame [No 4] • an evaluation of the impact of balancing the effect of EU Law prevailing over English national law and concluding as to whether the loss of sovereignty imposes a threat to national interests 	(10)

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	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Indicative content	Marks
5	<p style="text-align: center;">(2 AO1), (2 AO2), (8 AO3), (8 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Stating the definition of law as a set of legal rules • Contrasting this with rules that are defined by standards of morality • Differentiating law from morals and recognising that rules adopted by people following personal conscience may not necessarily be reflected in legislation • Illustrating the similarities and differences between moral and legal rules • Explaining the debate following the Wolfenden Committee report on homosexuality and prostitution • The Hart – Devlin debate: the latter arguing the damage caused by law lacking morality against the view that some people's moral values ought not to be used to stop others' behaviour • Evaluating decided cases such as R versus Brown, Shaw versus DPP, R versus R, the Gillick case and concluding as to the extent to which morals ought to inform English laws. 	(20)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–4	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	5–8	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	9–14	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.</p>
Level 4	15–20	<p>Accurate and thorough knowledge and understanding is demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.</p>