

Question number	Indicative content	Marks
1(a)	<p style="text-align: center;"><b>(2 A01), (2 A02), (2 A03)</b></p> <p><b>Responses are likely to include:</b></p> <p>Reasons favouring defining offences as crimes of strict liability:</p> <p>Definition of crimes of strict liability: in criminal law, strict liability is liability for which <i>mens rea</i> does not have to be proved in relation to one or more elements comprising the <i>actus reus</i> of the offence.</p> <p>The prosecution is allowed to focus only on the existence of an <i>actus reus</i> to convict the defendant, as <i>mens rea</i> does not have to be proved, which makes conviction more likely.</p> <p>Strict liability is employed to denote the seriousness of certain types of behaviour which are deemed to be damaging to general society. In the case of unlawful speeding, it may act as a general deterrent.</p> <p>Reasons against defining offences as crimes of strict liability:</p> <p>Strict liability carries a risk of holding innocent and blameless individuals liable for crimes they are not personally responsible for, as in <i>Sweet versus Parsley</i> prior to final appeal.</p> <p>In the case of businesses, the burden of fines paid is often transferred to blameless parties, for example on employees, customers and shareholders.</p> <p>There may be more cost-effective methods of regulating behaviours than through the imposition of strict liability. There is no clear evidence that strict liability raises standards any more than better inspection and monitoring alone.</p>	<b>(6)</b>

<b>Level</b>	<b>Mark</b>	<b>Descriptor</b>
	<b>0</b>	A completely inaccurate response.
<b>Level 1</b>	<b>1–2</b>	<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>
<b>Level 2</b>	<b>3–4</b>	<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>
<b>Level 3</b>	<b>5–6</b>	<p>Accurate knowledge and understanding is 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(b)	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (4 AO3), (6 AO4)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• Discussion of reasons why strict liability would apply in the case of this crime eg, impact of toxic waste on general society, deterring violations etc.</li> <li>• Explanation of the rationale for the creation of sanctions for this type of conduct.</li> <li>• Identification that a fine is just one of a range of sentences that could be applied to a case.</li> <li>• Distinguishing between the 'fault' of S and B plc.</li> <li>• Analysis of possible aggravating and mitigating factors, and aims of sentencing.</li> <li>• Evaluation that includes how effective the imposed sanctions were in meeting the purpose of the law, i.e. to control pollution by punishing those in control.</li> </ul>	<b>(14)</b>

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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 is demonstrated.</p> <p>Knowledge and understanding is 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
2(a)	<p style="text-align: center;"><b>(1 AO1), (1 AO2)</b></p> <p><b>One mark for stating what is meant by a right to privacy (1 AO1), and one mark for appropriate expansion/example (1 AO2).</b></p> <ul style="list-style-type: none"> <li>• The right to privacy involves rules governing the collection and handling of personal data (1 AO1), such as credit information and medical records) (1 AO2).</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• the protection of physical autonomy (1 AO1) (including the right to control personal matters) (1 AO2).</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• the right to limit access to oneself (1 AO1).</li> </ul> <p>for example: controlling communication and intrusion into domestic and work space/the right to control one's identity (1 AO2).</p>	<b>(2)</b>

Question number	Answer	Marks
2(b)	<p style="text-align: center;"><b>(2 AO1), (2 AO2)</b></p> <p><b>One mark for each statement of principle, up to two marks (2 AO1), and one mark for each appropriate expansion/example, up to two marks (2 AO2).</b></p> <p>Data protection principles ensure information is:</p> <ul style="list-style-type: none"> <li>• used fairly and lawfully (1 AO1), for example with the consent of the person whose data is stored (1 AO2)</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• used for limited, specifically stated purposes (1 AO1), for example reasons stated by the data controller such as communicating with the person whose data is stored (1 AO2)</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• used in a way that is adequate, relevant and not excessive (1 AO1), for example a school keeping and using a parent's phone number for use in an emergency and not as a marketing tool (1 AO2).</li> </ul>	<b>(4)</b>

Question number	Indicative content	Marks
2(c)	<p style="text-align: center;"><b>(2 A01), (2 A02), (4 A03), (6 A04)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• Identification of parties involved - ISSP's, app providers, offenders, victims.</li> <li>• The problem of anonymity.</li> <li>• Identification of relevant law - s 127 of Communications Act 2003, Obscene Publications Acts 1959 and 1964 etc.</li> <li>• The victim will wish to protect their rights under Article 8 of ECHR.</li> <li>• Possible difficulty of getting remedies for victims.</li> <li>• Conflicting rights of freedom of expression (Art 10) and the protection of reputation and of private life (Art 8).</li> <li>• The statutory framework of the Defamation Act 2013, which shifts the balance away from the protection of reputation and the enhanced test.</li> <li>• The European Court of Human Rights decision in Delfi AS versus Estonia (App no 64569/09).</li> <li>• Norwich Pharmacal orders may be granted to identify otherwise anonymous perpetrators.</li> <li>• injunctions involving 'persons unknown' as defendants.</li> <li>• Electronic service of proceedings can be obtained on ISSPs.</li> <li>• The above procedures help litigation to protect against the posting of revenge pornography, anonymous cyber-stalkers and harassers.</li> <li>• Injunctions can include restraining (unknown) defendants from publishing material on social media and internet forums and can order the removal of offensive material.</li> </ul>	<b>(14)</b>

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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
3(a)	<p style="text-align: center;"><b>(2 AO1), (2 AO2)</b></p> <p><b>Up to two marks for identifying each correct Act (2 AO1), and up not two marks for explaining the distinction between them (2 AO2).</b></p> <ul style="list-style-type: none"> <li>• The 1957 Act deals with visitors (1 AO1), by stating that a duty of care is owed by the occupier to them (1 AO2)</li> <li>• The 1984 Act deals with non-visitors (1 AO1) by recognising a limited duty by the occupier (1 AO1).</li> </ul>	<b>(4)</b>

Question number	Indicative content	Marks
3(b)	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (2 AO3)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• identification of the civil wrong</li> <li>• identification of the appropriate remedies available</li> <li>• identification that the remedies that could be applied to this case are damages and an injunction</li> <li>• identification that damages are not appropriate as, presumably, a homeless person has no money or other assets with which to pay damages</li> <li>• injunction, therefore relevant remedy</li> <li>• suggestion for wording of injunction along the lines of H may not enter L's land at any time.</li> </ul>	<b>(6)</b>

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	<b>0</b>	A completely inaccurate response.
<b>Level 1</b>	<b>1–2</b>	<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>
<b>Level 2</b>	<b>3–4</b>	<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>
<b>Level 3</b>	<b>5–6</b>	<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>

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3(c)	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (3 AO3), (3 AO4)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• identification of Occupier's Liability Acts 1957 and 1984</li> <li>• identification that H is a non-visitor so the 1984 Act might apply</li> </ul> <p>When the 1984 Act applies:</p> <ul style="list-style-type: none"> <li>• The occupier is aware of the danger or has reasonable grounds to believe that it exists. Here L must do so as he placed the items on the land</li> <li>• The occupier knows or has reasonable grounds to believe the other is in the vicinity of the danger or may come into the vicinity of the danger. This may be difficult to prove as the scenario states that H's presence is unknown to L.</li> <li>• The risk is one in which in all circumstances of the case, L may reasonably be expected to offer the other some protection. This is dependent on the evidence with respect to <i>knowledge or reasonable grounds</i> for L's presence</li> <li>• If all three of these are present the occupier owes a duty of care to the non-lawful visitor</li> <li>• Reference to and application of cases such as <i>Donoghue versus Folkestone Properties</i></li> <li>• Reference to and application of cases such as <i>Revill versus Newbury</i>; <i>Tomlinson versus Congleton</i></li> <li>• No warning signs involved, so the issue about remoteness of damage or defences need be discussed as they are irrelevant and therefore gain no credit</li> </ul>	<b>(10)</b>

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<b>Level 1</b>	<b>1–2</b>	<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>
<b>Level 2</b>	<b>3–4</b>	<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>
<b>Level 3</b>	<b>5–6</b>	<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>
<b>Level 4</b>	<b>7–10</b>	<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
4(a)	<p style="text-align: center;"><b>(4 AO2)</b></p> <p><b>One mark for each element of formation linked to details in the scenario, up to four marks.</b></p> <ul style="list-style-type: none"> <li>• Offer made by R when he said van could be ready for Monday (1)</li> <li>• Acceptance – by conduct when C leaves the van on Friday night – usual means of communication (1).</li> <li>• Legal intention – assumed as a business transaction (1).</li> <li>• Consideration – doing the work and paying a reasonable price for it (1).</li> </ul>	<b>(4)</b>

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4(b)	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (2 AO3)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• breach can be actual or anticipatory</li> <li>• breach can be a breach of condition or warranty.</li> <li>• in this case it is actual breach of condition as failure to perform on time happened and there is a specific term that has been broken, which goes to the root of the contract</li> <li>• reference to cases such as Charles Rickards versus Oppenheim</li> </ul>	<b>(6)</b>

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	<b>0</b>	A completely inaccurate response.
<b>Level 1</b>	<b>1–2</b>	<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>
<b>Level 2</b>	<b>3–4</b>	<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>
<b>Level 3</b>	<b>5–6</b>	<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>

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4(c)	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (3 AO3), (3 AO4)</b></p> <p><b>Responses are likely to include:</b></p> <ul style="list-style-type: none"> <li>• Identification of breach of contract through failure to perform on time. Damages are the remedy.</li> <li>• Normally a condition as time is of the essence, but rescission not relevant as a remedy here as the work was completed</li> <li>• Analysis of remedy of damages. Distinguish between Hadley versus Baxendale and Victoria Laundry versus Newman Industries.</li> <li>• Argument as to whether additional £200 is recoverable based on analysis of The Heron II (Czarnikow versus Koufos), Transfield Shipping versus Mercator Shipping (The Achilles), Ruxley Electronics and Construction versus Forsyth.</li> <li>• Mitigation of loss White and Carter versus McGregor and arguments as to whether C should/could have mitigated her loss (both £300 and £200).</li> <li>• Further evaluation of effectiveness of remedy based on arguments of difficulty of getting an award of damages from defendant, cost of taking action (monetary and mental and time). Possible reference to Law Commission 1997 report on Exemplary and Restitutionary Damages.</li> </ul>	<b>(10)</b>

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<b>Level 1</b>	<b>1–2</b>	<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>
<b>Level 2</b>	<b>3–4</b>	<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>
<b>Level 3</b>	<b>5–6</b>	<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>
<b>Level 4</b>	<b>7–10</b>	<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>

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5	<p style="text-align: center;"><b>(2 AO1), (2 AO2), (8 AO3), (8 AO4)</b></p> <p><b>Responses are likely to include:</b></p> <p>Identification of theft and burglary as possible offences:</p> <ul style="list-style-type: none"> <li>• Theft</li> <li>• Burglary</li> <li>• application of theft and burglary to the scenario</li> <li>• analysing the relevant elements of theft, ss1 – 6, and burglary, s9(1)(a)/(b), in relation to the facts given in the scenario.</li> </ul> <p>For theft, consideration of:</p> <ul style="list-style-type: none"> <li>• appropriation</li> <li>• property</li> <li>• belonging to another</li> <li>• dishonestly</li> <li>• intention to permanently deprive</li> </ul> <p>For burglary, consideration of:</p> <ul style="list-style-type: none"> <li>• entry</li> <li>• as a trespasser</li> <li>• a building, or part</li> <li>• with intention to steal</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Having entered as a trespasser</li> <li>• steals</li> </ul> <p>Coming to logical conclusions focusing on key elements of difficulty for the prosecution</p> <p>Theft of property belonging to another – Woodman and Williams versus Philips</p> <ul style="list-style-type: none"> <li>• dishonesty and the Ghosh test</li> <li>• abandoned goods and dishonesty as in Small</li> <li>• Burglary – distinction between 9(1) (a) and 9(1) (b)</li> <li>• the question of entry and the stage – Collins, Brown</li> <li>• part of a building – Walkington, as a trespasser – Collins</li> <li>• Jones and Smith.</li> </ul>	<b>(20)</b>

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<b>Level 1</b>	<b>1–4</b>	<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>
<b>Level 2</b>	<b>5–8</b>	<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>
<b>Level 3</b>	<b>9–14</b>	<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>
<b>Level 4</b>	<b>15–20</b>	<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>