

GCE

Law

Unit **G154**: Criminal Law Special Study

Advanced GCE

Mark Scheme for June 2017

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by examiners. It does not indicate the details of the discussions which took place at an examiners' meeting before marking commenced.

All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

OCR will not enter into any discussion or correspondence in connection with this mark scheme.

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Annotations

Annotation	Meaning
	AO2+
	Point 2 (Q7-8), Accurate facts but wrong case name or no name (Q1-Q6)
	Point 3 (Q7-8)
	Point 4 (Q7-8)
	Point 5 (Q7-8)
	AO2
	Alternative reasoning in Q7-8
	Case (Q1-6) / reference to statutory provisions
	Expansion of developed point (Q1-Q6)
	Case - name only
	Not relevant
	Repetition/or where it refers to a case this indicates that the case has already been noted by examiner
	AO1 / Point 1 (Q7-8)
	Sort of

Question	Answer	Marks	Guidance												
1*	<p>Potential answers may include:</p> <p>Assessment Objective 2 (Analysis, evaluation and application)</p> <p>CP Discuss that the English criminal law's doctrine of coincidence of <i>actus reus</i> and <i>mens rea</i> requires that both elements of a crime must occur at the same time. The decision in <i>Fagan</i> creates an exception to this doctrine. In <i>Fagan</i> the Divisional Court took a common-sense approach and held that it is sufficient if a defendant forms the <i>mens rea</i> at some point during the duration of the <i>actus reus</i> and can be superimposed as such</p> <p>1 Identify the major issue in the case that the defendant had accidentally driven onto a police officer's foot having been directed to park his car. The officer shouted to the defendant to remove his car which initially he refused to do. After repeating his request the defendant eventually agreed</p> <p>2 Discuss that the defendant was charged with battery. The magistrates decided that there was a continuing act and the defendant was convicted. The Queen's Bench Division dismissed his appeal</p> <p>3 Discuss that James J stated that a distinction had to be drawn between acts which are complete and those which continue. In this case he said there was an act constituting a battery which at its inception was not criminal when the car wheel was driven onto the officer's foot. However, by deliberately leaving the wheel of his car <i>in situ</i> the defendant had formed the intent sufficient for a conviction for battery</p> <p>4 Discuss that the Divisional Court thought that an omission was not sufficient to constitute an assault (under common assault). James J said some intentional act must be performed. The Divisional Court did say that the act could be inflicted indirectly through the actions of a weapon</p>	12	<table border="1" data-bbox="1473 284 1892 566"> <thead> <tr> <th>AO2 Level</th> <th>AO2 marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>11-12</td> </tr> <tr> <td>4</td> <td>9-10</td> </tr> <tr> <td>3</td> <td>7-8</td> </tr> <tr> <td>2</td> <td>4-6</td> </tr> <tr> <td>1</td> <td>1-3</td> </tr> </tbody> </table> <p>CP – Max 3 marks</p> <p>Linked to the material point/ratio – 1 mark is available for the facts of the case but these are not essential to get full marks. An accurate source and line reference is adequate for the facts of the case to receive the one mark where possible. Where given, the ratio of the case needs to be given an AO2 slant to get a mark</p> <p>AP – Max 6 marks for any Applied Point(s)</p> <p>These may be six single points, three points which are developed, two points which are well-developed or a combination of these up to a maximum of 6 marks</p> <p>Re: Analytical Point 6</p> <p>Please note credit can only be given for comment that has direct relevance to <i>Fagan</i>. Hence any generic comment should not be</p>	AO2 Level	AO2 marks	5	11-12	4	9-10	3	7-8	2	4-6	1	1-3
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Question	Answer	Marks	Guidance										
	<p>or instrument controlled by the defendant</p> <p>5 James J stated that the case could not be argued on general principles but rather on the individual case basis. He stated that for practical purposes today “assault” is generally synonymous with “battery” but means the actual intended and apprehended use of force. He stated that the defendant’s words to the officer in response to being asked to remove his car could not alone amount to an assault</p> <p>SC Consider any other relevant point to <i>Fagan</i></p> <p>LNK Link any relevant case to <i>Fagan</i> for example: <i>Thabo Meli, Church, Jakeman, Le Brun, Kaitamaki, Miller (1983), Santana-Bermudez</i></p>		<p>credited.</p> <p>LNK – Max 3 marks for a relevant, linked case</p> <p>The case must be linked for a particular point. Marks can be achieved as follows, for example: 1 mark for the name of the case, 1 mark for some development and 1 mark for a link to the question</p>										
	<p>Assessment Objective 3 (Communication and presentation)</p> <p>Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</p>	4	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th data-bbox="1469 1038 1722 1086">AO2 marks</th> <th data-bbox="1722 1038 1962 1086">AO3 marks</th> </tr> </thead> <tbody> <tr> <td data-bbox="1469 1086 1722 1134">10-12</td> <td data-bbox="1722 1086 1962 1134">4</td> </tr> <tr> <td data-bbox="1469 1134 1722 1182">7-9</td> <td data-bbox="1722 1134 1962 1182">3</td> </tr> <tr> <td data-bbox="1469 1182 1722 1230">4-6</td> <td data-bbox="1722 1182 1962 1230">2</td> </tr> <tr> <td data-bbox="1469 1230 1722 1278">1-3</td> <td data-bbox="1722 1230 1962 1278">1</td> </tr> </tbody> </table>	AO2 marks	AO3 marks	10-12	4	7-9	3	4-6	2	1-3	1
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2*	<p>Potential answers may include:</p> <p>Assessment Objective 1 (Demonstrate knowledge and understanding)</p> <p>Explain section 47, assault occasioning actual bodily harm Explain that actual bodily harm means ‘any hurt or injury calculated to interfere with health or comfort’ - <i>Miller</i> and also as ‘not so trivial as to be wholly insignificant’ - <i>Chan-Fook</i> and that the <i>actus reus</i> includes direct and indirect means Explain that it can also include psychiatric injury - <i>Ireland</i> and even a momentary loss of consciousness <i>R(T) v DPP</i> Explain that the <i>mens rea</i> is either intention or recklessness Explain that recklessness is subjective recklessness <i>Parmenter, Savage, Cunningham</i> Explain section 20 ‘Whosoever shall unlawfully and maliciously wound or inflict any grievous bodily harm upon any other person, either with or without any weapon or instrument, shall be guilty’ – includes wounding and GBH (identified in <i>DPP v Smith</i> as serious harm); this applies to section 18 also; inflict has been held to include indirect means; <i>Smith, Eisenhower, Bollom, Burstow, Dica, Golding</i> Explain the <i>mens rea</i> – the Act uses the word ‘maliciously’ meaning intention or recklessness (<i>Cunningham</i>) and there must be foresight of some harm but not necessarily serious harm - <i>Grimshaw, Parmenter</i> Explain section 18 – ‘Whosoever shall unlawfully and maliciously by any means whatsoever wound or cause any grievous bodily harm to any person with intent to do some grievous bodily harm to some person or with intent to resist or prevent the lawful apprehension or detainer of any person shall be guilty’ Explain that for the <i>actus reus</i> ‘cause’ clearly includes direct and indirect means Explain that the <i>mens rea</i> is: intending to cause GBH or to resist or prevent lawful apprehension or intentionally or recklessly wounding with an intent to cause GBH or to resist or prevent lawful apprehension; <i>Morrison</i> Explain that in section 18 there is a requirement of ulterior intent, so there are actually two aspects to the <i>mens rea</i>: malice (meaning intent or</p>	16	<table border="1" data-bbox="1473 284 1845 564"> <thead> <tr> <th>AO1 Level</th> <th>AO1 marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>14-16</td> </tr> <tr> <td>4</td> <td>11-13</td> </tr> <tr> <td>3</td> <td>8-10</td> </tr> <tr> <td>2</td> <td>5-7</td> </tr> <tr> <td>1</td> <td>1-4</td> </tr> </tbody> </table> <p>NB No AO1 credit can be given for common law assault which is not covered in the command, although AO2 marks may be available if used as information as part of a wider comment.</p> <p>Level 5 Responses are unlikely to achieve level 5 without wide ranging, accurate detailed knowledge with a clear and confident understanding of relevant concepts and principles of the law in this area. This would include wide ranging, developed explanations and wide ranging, developed definitions of this area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 5 without including 8 relevant cases of which 6 are developed. Responses are likely to use material both from within the pre-release materials and from beyond the pre-release materials which have a specific link to the area of law. Candidates will not satisfy the level 5 descriptor without clear, full definitions of all offences and cases</p>	AO1 Level	AO1 marks	5	14-16	4	11-13	3	8-10	2	5-7	1	1-4
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	<p>recklessness) and the intent either to cause grievous bodily harm, or to resist or prevent arrest. Explain that intent has the same meaning as in murder, so it is specific intent measured by desire of consequences or foresight of consequences according to established tests</p> <p>Credit any other relevant point of knowledge and understanding.</p>		<p>illustrating all three offences.</p> <p>Level 4 Responses are unlikely to achieve level 4 without good, well-developed knowledge with a clear understanding of the relevant concepts and principles of the law in this area. This would include good explanations and good definitions of this area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 4 without including 6 relevant cases, 4 of which will be developed.</p> <p>Level 3 Responses are unlikely to achieve level 3 without adequate knowledge showing reasonable understanding of the relevant concepts and principles of the law in this area. This would include adequate explanations and adequate definitions of this area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 3 without including 4 relevant cases, 2 of which will be developed.</p> <p>Level 2 Responses are unlikely to achieve level 2 without limited knowledge showing general understanding of the relevant concepts and principles of the law in this area. This would include limited explanations and limited definitions of this area of law. Responses are unlikely to achieve level 2 without two relevant cases, neither of which are required to be developed.</p> <p>Level 1 Responses are unlikely to achieve level 1</p>

Question		Answer	Marks	Guidance												
				without very limited knowledge of the basic concepts and principles of the law in this area. This would include very limited explanations and very limited definitions of this area of law. Responses are not required to discuss any cases.												
2*		<p>Assessment Objective 2 (Analysis, evaluation and application)</p> <p>Discuss the fact that there is no definition of ‘actual bodily harm’ in the Act for section 47 but it clearly involves something less than serious harm. Discuss the fact that the offence in section 47 carries the same maximum sentence as for section 20 even though the two are supposed to represent different levels of seriousness</p> <p>Discuss the ‘best-fit’ adaptation of section 47 to more modern situations and opinions: sexually-transmitted disease, silent phone calls <i>etc</i></p> <p>Discuss the fact that in theory a ‘hierarchy’ of offences exists but there are a number of complications to this particularly with section 18 and section 20:</p> <ul style="list-style-type: none"> the language used makes it difficult to distinguish the <i>actus reus</i> of the different wounding offences – unlawful and malicious occurs in both it is hard to say what an effective hierarchy of offences should be based on, the seriousness of the harm caused or the seriousness of the harm intended appropriateness for modern offences and defendants <i>e.g.</i> stalking, transmission of sexual diseases and psychiatric harm there are two ways of committing both offences, wounding and GBH section 18 differs from section 20 in requiring an ulterior intent the word malice is applied to both offences but with a different meaning than that given to murder and has a different application in either offence 	14	<table border="1"> <thead> <tr> <th>AO2 Level</th> <th>AO2 marks</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>13-14</td> </tr> <tr> <td>4</td> <td>10-12</td> </tr> <tr> <td>3</td> <td>7-9</td> </tr> <tr> <td>2</td> <td>4-6</td> </tr> <tr> <td>1</td> <td>1-3</td> </tr> </tbody> </table> <p>Level 5 Responses are unlikely to achieve Level 5 without sophisticated analytical evaluation of the relevant areas of law, being very focused on the quote and providing a logical conclusion with some synoptic content.</p> <p>Level 4 Responses are unlikely to achieve Level 4 without good analytical evaluation of the relevant areas of law and good focus on the quote.</p> <p>Level 3 Responses are unlikely to achieve Level 3 without adequate analytical evaluation of the relevant areas of law and some focus on the quote.</p>	AO2 Level	AO2 marks	5	13-14	4	10-12	3	7-9	2	4-6	1	1-3
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	<ul style="list-style-type: none"> • the word used for the active part of each offence of GBH differs between the two offences, cause in section 18, inflict in section 20 and there has been debate over whether they mean different things or apply in different ways • the <i>mens rea</i> has proved equally problematic - ‘maliciously’ is generally accepted as meaning reckless in section 20 but in <i>Mowatt</i> it was held that the defendant must foresee some harm e.g. some battery, but not necessarily the harm inflicted • the requirement of the ulterior intent and the fact that section 18 can occur in a combination of ways also throws up a number of apparent inconsistencies • where the defendant causes GBH with intent to cause GBH the word malicious has been held to be superfluous and it is impossible to recklessly intend <i>Mowatt</i> • but if the defendant is charged with malicious wounding with intent to cause GBH then it is possible for the defendant to be reckless as to the wounding while having intent to commit the GBH • if the defendant is charged with causing GBH with intent to resist arrest then malicious is clearly not superfluous since otherwise the defendant would be guilty without any foresight of harm <p>Discuss any relevant proposals on reform of NFOAP, e.g. the Law Commission’s 2015 Report. Discuss any other relevant analytical comment Reach any sensible conclusion.</p>		<p>Level 2 Responses are unlikely to achieve Level 2 without at least some limited analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote.</p> <p>Level 1 Responses are unlikely to achieve Level 1 without at least some very limited analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote.</p>										
	<p>Assessment Objective 3 (Communication and presentation)</p> <p>Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</p>	4	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">AO1 + AO2 marks</th> <th style="text-align: center;">AO3 marks</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">24-30</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">17-23</td> <td style="text-align: center;">3</td> </tr> <tr> <td style="text-align: center;">9-16</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">1-8</td> <td style="text-align: center;">1</td> </tr> </tbody> </table>	AO1 + AO2 marks	AO3 marks	24-30	4	17-23	3	9-16	2	1-8	1
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3	<p>Potential answers may include:</p> <p>Assessment Objective 1 – Knowledge and understanding</p> <p>Explain assault occasioning actual bodily harm – section 47 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • <i>actus reus</i> - assault leading to harm which interferes with health or comfort – <i>Miller, Smith, Chan Fook, Ireland</i> • <i>mens rea</i> - intention or subjective recklessness - only needed for initial unlawful act <i>Roberts, Savage</i> <p>Explain unlawful and malicious wounding or inflicting grievous bodily harm – section 20 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • <i>actus reus</i> - infliction of a wound which breaks all layers of skin or really serious harm – <i>Smith, Eisenhower, Bollom, Burstow, Dica, Golding</i> • <i>mens rea</i> - needed for initial unlawful act and must be foresight of some harm but not necessarily serious harm - <i>Grimshaw, Parmenter</i> <p>Explain unlawful and malicious wounding or causing grievous bodily harm with intent – section 18 Offences Against the Person Act 1861:</p> <ul style="list-style-type: none"> • <i>actus reus</i> is causing harm as for section 20 • <i>mens rea</i> - intention for initial unlawful act and serious harm caused, also intention to avoid arrest - <i>Morrison</i> 	10	<table border="1" data-bbox="1328 292 1798 504"> <thead> <tr> <th>Level</th> <th>AO1</th> <th>AO2</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9-10</td> <td>17-20</td> </tr> <tr> <td>4</td> <td>7-8</td> <td>13-16</td> </tr> <tr> <td>3</td> <td>5-6</td> <td>9-12</td> </tr> <tr> <td>2</td> <td>3-4</td> <td>5-8</td> </tr> <tr> <td>1</td> <td>1-2</td> <td>1-4</td> </tr> </tbody> </table> <p>Marks should be awarded (per scenario) as follows:</p> <table border="1" data-bbox="1328 587 1816 868"> <thead> <tr> <th>Level</th> <th>(a), (b) or (c)</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>9-10</td> </tr> <tr> <td>4</td> <td>7-8</td> </tr> <tr> <td>3</td> <td>5-6</td> </tr> <tr> <td>2</td> <td>3-4</td> </tr> <tr> <td>1</td> <td>1-2</td> </tr> </tbody> </table> <p>A maximum of 3 marks can be allocated for AO1 for each part question.</p> <ul style="list-style-type: none"> • Max 3 marks for the Critical Point (C) • Max 6 marks for Applied Points (1-4) • Max 1 mark for a logical conclusion/assessment of the most likely outcome in terms of liability (CON) <p>In order to reach level 5, responses must include a discussion of the Critical Point, a relevant case and a logical conclusion.</p>	Level	AO1	AO2	5	9-10	17-20	4	7-8	13-16	3	5-6	9-12	2	3-4	5-8	1	1-2	1-4	Level	(a), (b) or (c)	5	9-10	4	7-8	3	5-6	2	3-4	1	1-2
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Question	Answer	Marks	Guidance
	<p>Assessment Objective 2 (Analysis, evaluation and application)</p> <p>In the case of (a):</p> <p>1 Identify that the most appropriate offence here is inflicting grievous bodily harm. This would be charged under s.20 of the Offences against the Person Act 1861. The Crown Prosecution Service's Charging Standards suggest a charge under s.20 where there has been 'displaced (severed) limbs...or injuries which cause substantial loss of blood'</p> <p>2 Identify that grievous bodily harm means 'really serious harm' and that this does not have to be life-threatening - <i>Smith</i>. As Chris causes the injury here to Steve by cutting off his hand using a sword this would be seen as 'really serious harm' satisfying the <i>actus reus</i> of s.20</p> <p>3 Identify that the alternate offence of malicious wounding under s.20 could be charged here - <i>Eisenhower</i>. As Chris causes the injury here to Steve by cutting off of his hand using a sword this would be seen as an extreme cut or break in the continuity of the whole skin (and indeed the entire hand) satisfying the <i>actus reus</i> of s.20</p> <p>4 Identify that under s.20 Chris can intend to cause Steve some harm. <i>Mohan</i>. It is likely that it was not Chris' decision or true desire to cut off his good friend Steve's hand during the fight as he was tired and unlikely to have formed the <i>mens rea</i> of intent to do so</p> <p>C Identify that under s.20 Chris can be subjectively reckless as to whether Steve suffers some harm - <i>Cunningham</i>. As Chris was tired and chose to use his real sword it is possible he was reckless as he should have foreseen a risk of some harm as he was tired and using his real sword and therefore</p>	20	

Question	Answer	Marks	Guidance
	<p>not alert enough to practise with a dangerous weapon but nevertheless continued to take the risk and injury was consequently caused by cutting off Steve's hand</p> <p>CON Reach any sensible conclusion on the facts.</p> <p>In the case of (b):</p> <p>1 Identify that the most appropriate offence here is assault occasioning actual bodily harm. This would be charged under s.47 of the Offences Against the Person Act 1861. The Crown Prosecution Service's Charging Standards suggest a charge under s.47 where 'injuries exceed those that can be suitably reflected by Common Assault – namely where the injuries are serious (psychiatric)...'</p> <p>C Identify that the actus reus of s.47 requires a technical assault or battery which occasions actual bodily harm meaning any hurt or injury calculated to interfere with the health or comfort of the victim. <i>Donovan/Miller</i>. The phone calls from Lee have caused Edith to lose consciousness which would be considered more than simply fear, distress or panic and satisfy the <i>actus reus</i> of s.47 <i>R (T) v DPP</i></p> <p>2 Identify the alternate offence of assault under s.39 Criminal Justice Act 1988. <i>Ireland</i>. As Lee has made the silent phone calls to Edith through which the impact has been to cause her to be frightened and as this fear dominates her emotions Edith may fear immediate personal force and satisfy the <i>actus reus</i> of s.39</p> <p>3 Identify that under either s.39 assault or s.47, to satisfy the <i>mens rea</i>, Lee can intend Edith to fear unlawful force. <i>Fagan, Savage</i>. In making the silent phone calls it is likely he had the true desire to frighten his grandmother Edith and his decision</p>		

Question	Answer	Marks	Guidance
	<p>to cause fear (and apprehend immediate application of force) in her has succeeded</p> <p>4 Identify that under either s.39 assault or s.47, to satisfy the <i>mens rea</i>, Lee can be subjectively reckless as to whether Edith fears unlawful force - <i>Cunningham</i>. It is likely that with Lee, a teenager, in making silent phone calls to his elderly grandmother - that there was a risk she would be fearful of violence, nevertheless continued to take that risk and as a result an elderly person is injured by fainting and losing consciousness for three minutes</p> <p>CON Reach any sensible conclusion.</p> <p>In the case of (c):</p> <p>1 Identify that the most appropriate offence here is battery. This would be charged under s.39 Criminal Justice Act 1988. The Crown Prosecution Service's Charging Standards suggest that s.39 is an appropriate charge where there is 'no injury or injuries which are not serious occur'</p> <p>2 Identify that the <i>actus reus</i> of battery requires the application of unlawful force to Tanya – <i>Venna</i>. Here, as his elbow rests against Tanya's face whilst he holds on to the handrail, this constitutes unlawful application of force</p> <p>C Identify that the <i>actus reus</i> of a battery can be committed through a continuing act - <i>Fagan</i>. When Adil rested his elbow on Tanya's face this act would constitute an unintentional battery which at that precise moment would not be criminal because of the lack of apparent <i>mens rea</i> but became criminal when he refused to remove his elbow until they arrived at the next train station</p> <p>3 Identify that for a battery to satisfy the <i>mens rea</i>, Adil can</p>		

Question	Answer	Marks	Guidance
	<p>intend to apply unlawful force to Tanya - <i>Venna</i>. For his failure to remove his elbow and to allow it to remain in Tanya's face it is likely that he has subsequently formed the intent to apply unlawful force and has formed the <i>mens rea</i> which can be superimposed upon the <i>actus reus</i></p> <p>4 Identify that for battery to satisfy the <i>mens rea</i>, Adil can be subjectively reckless as to whether he applies unlawful force - <i>Cunningham</i>. Having had Tanya ask him to remove his elbow it is still possible that Adil can see the risk of applying unlawful force but nevertheless continued to take that risk in applying the unlawful force in leaving his elbow in Tanya's face and 'injury' was caused by leaving a non-serious red mark which disappears after a short time</p> <p>CON Reach any sensible conclusion.</p>		

APPENDIX 1

There are five levels of assessment of AOs 1 and 2 in the A2 units. The first four levels are very similar to the four levels for AS units. The addition of a fifth level reflects the expectation of higher achievement by candidates at the end of a two-year course of study. There are four levels of assessment of AO3 in the A2 units. The requirements and number of levels differ between AS and A2 units to reflect the expectation of higher achievement by candidates at the end of a two-year course of study.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (includes QWC)
5	Wide ranging, accurate, detailed knowledge with a clear and confident understanding of relevant concepts and principles. Where appropriate candidates will be able to elaborate with wide citation of relevant statutes and case-law.	Ability to identify correctly the relevant and important points of criticism showing good understanding of current debate and proposals for reform or identify all of the relevant points of law in issue. A high level of ability to develop arguments or apply points of law accurately and pertinently to a given factual situation, and reach a cogent, logical and well-informed conclusion.	
4	Good, well-developed knowledge with a clear understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate by good citation to relevant statutes and case-law.	Ability to identify and analyse issues central to the question showing some understanding of current debate and proposals for reform or identify most of the relevant points of law in issue. Ability to develop clear arguments or apply points of law clearly to a given factual situation and reach a sensible and informed conclusion.	An accomplished presentation of logical and coherent arguments and communicates relevant material in a very clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
3	Adequate knowledge showing reasonable understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate with some citation of relevant statutes and case-law.	Ability to analyse most of the more obvious points central to the question or identify the main points of law in issue. Ability to develop arguments or apply points of law mechanically to a given factual situation, and reach a conclusion.	A good ability to present logical and coherent arguments and communicates relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
2	Limited knowledge showing general understanding of the relevant concepts and principles. There will be some elaboration of the principles, and where appropriate with limited reference to relevant statutes and case-law.	Ability to explain some of the more obvious points central to the question or identify some of the points of law in issue. A limited ability to produce arguments based on their material or limited ability to apply points of law to a given factual situation but without a clear focus or conclusion.	An adequate ability to present logical and coherent arguments and communicates relevant material in a reasonably clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
1	Very limited knowledge of the basic concepts and principles. There will be limited points of detail, but accurate citation of relevant statutes and case-law will not be expected.	Ability to explain at least one of the simpler points central to the question or identify at least one of the points of law in issue. The approach may be uncritical and/or unselective.	A limited attempt to present logical and coherent arguments and communicates relevant material in a limited manner using some appropriate legal terminology. Reward grammar, spelling and punctuation.

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