



A-level LAW 7162/1

Paper 1

Mark scheme

June 2026

Version: 1.0 Final

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 Examiner.

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.

No student should be disadvantaged on the basis of their gender identity and/or how they refer to the gender identity of others in their exam responses.

A consistent use of 'they/them' as a singular and pronouns beyond 'she/her' or 'he/him' will be credited in exam responses in line with existing mark scheme criteria.

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

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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.

01 Select the **true** statement about the offence of unlawful and malicious wounding or inflicting grievous bodily harm under s20 of the Offences Against the Person Act 1861. [1 mark]

Marks for this question: AO1 = 1

D Wounding requires a break in the continuity of the skin.

02 Select the **true** statement about the defence of voluntary intoxication. [1 mark]

Marks for this question: AO1 = 1

B Voluntary intoxication can be a defence to murder.

03 Which of the following statements about the role of a judge in a Crown Court trial is **false**? [1 mark]

Marks for this question: AO1 = 1

C The judge decides the verdict at the end of the trial.

04 Select the **true** statement about statutory interpretation. [1 mark]

Marks for this question: AO1 = 1

A The golden rule has both a broad (wide) and a narrow approach.

05 In relation to judicial precedent, select the **false** statement about obiter dicta. [1 mark]

Marks for this question: AO1 = 1

D Obiter dicta must be followed by judges in lower courts in future cases.

06 Explain **three** roles of a jury in a criminal trial.

[5 marks]

Marks for this question: AO1 = 5

	Levels of response mark scheme 5 marks – AO1 only
Mark range	Description
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.

Indicative content

Explanation of any **three** from the following, concerning the role of the jury:

- determining the facts on the evidence presented in court: no resort to outside information
- determining guilt or innocence, including unanimous and majority verdicts
- preserving secrecy of deliberations
- general function as symbol of public involvement in justice, trial by peers, freedom from arbitrary action by the State ('the lamp that shows that freedom lives')
- try all criminal cases in the Crown Court (either-way or indictable)
- listen to opening and closing statements of lawyers
- determine the credibility of witnesses and evidence, eg CCTV footage
- listen to directions on law and the summing up of the evidence by the judge
- take an oath or affirmation
- undertake relevant pre-trial training, eg watching video
- selecting a jury foreperson.

Credit any other relevant point(s).

Note: Answers which explain two roles: maximum 4 marks

Answers which explain one role: maximum 2 marks

07	Suggest why, in law, Alice does not satisfy the mens rea of attempted murder.	[5 marks]
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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 relevant 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 the relevant legal rules and principles.
0	Nothing worthy of credit.

Indicative content

AO1

- Identification of the mens rea for an attempt to commit an offence as being an intention to commit the full offence.
- Identification of the mens rea of attempted murder as being an intention to kill.

AO2

- Application to the facts to suggest that Alice cannot have formed any intention relating to Ben since she was totally unaware of his presence in the house.
- Application to the facts to suggest that, consequently, Alice could not have formed an intention to kill Ben.
- Application to conclude that Alice does not have the mens rea for attempted murder.

Note: Though reference to cases is not required, explanation and/or application, including a possible reference to the distinction between direct and oblique intention, may emerge through, or be enhanced by, reference to appropriate supporting case law, for example: **R v Mohan**, **R v Whybrow**, **R v Walker and Hayles**, **R v Woollin**.

Credit any other relevant point(s).

08	Assume that Carlos would be guilty of an offence of grievous bodily harm with intent in relation to the incident with Darla, unless he could successfully plead the defence of insanity. Advise Carlos on whether he could successfully plead the defence of insanity. [10 marks]
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Marks for this question: AO1 = 3, AO2 = 4 and AO3 = 3

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

Indicative content

AO1

- Identification and outline explanation of the defence of insanity (defect of reason, disease of the mind, nature and quality, wrong).
- Appropriate supporting authority may include: **M’Naghten, R v Clarke, R v Hennessy, Criminal Procedure (Insanity and Unfitness to Plead) Act 1991.**

AO2

- Application to suggest that Carlos had impaired powers of reasoning (defect of reason) when he mistakenly believed that his neighbour was being controlled, possibly linked to the hallucinations.
- Application to suggest that the diabetes and failure to take insulin would be an internal factor affecting his mind, and reasoning (disease of the mind). Further developed by recognising that he believed that aliens were controlling Darla.
- Application to suggest that Carlos would argue that he did not know that what he was doing was legally wrong because the hallucination caused him to believe that he was at risk of serious violence from Darla, to which striking her with a spade was a reasonably proportionate response in self-defence.
- Credit an application to suggest that, because of the hallucination, Carlos may not have known the nature and quality of his act, when striking Darla.
- Application to suggest that there is evidence which would support a successful plea of the defence of insanity. Credit can be given to reasoned alternative.

AO3

- Evaluation and analysis of the elements of the defence. Particular development of the issues relating to knowledge of conduct to be legally (not morally) wrong (**R v Windle**, **R v Johnson**).
- Evaluation and analysis of the effect of the defence if successful.

Credit any other relevant point(s).

09	Examine the meaning and importance of 'fault' in criminal law. Discuss the extent to which liability for non-fatal offences is based on fault. [15 marks]
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Marks for this question: AO1 = 5 and AO3 = 10

	Levels of response mark scheme 15 marks – AO1 (5) and AO3 (10)
Mark range	Description
13–15 Band 5	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. Excellent analysis and evaluation of legal rules and principles; concepts and issues. Excellent drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
10–12 Band 4	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. Good analysis and evaluation of legal rules and principles; concepts and issues. Good drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
7–9 Band 3	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. Satisfactory analysis and evaluation of legal rules and principles; concepts and issues. Some drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. A chain of reasoning starts to develop which leads to a partially justified conclusion.
4–6 Band 2	Knowledge is limited and demonstrates a limited understanding of the Nature of Law and legal rules and principles. Limited selection and use of relevant legal authority. Limited analysis and evaluation of legal rules and principles; concepts and issues. Limited drawing together of knowledge and understanding of substantive and non-substantive law from across the course of study. Some reasoning is attempted which leads to a limited conclusion.
1–3 Band 1	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. Minimal analysis and evaluation of legal concepts and issues. No chain of reasoning is attempted.
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 the meaning and importance of fault in criminal law in terms, for instance, of concepts such as blameworthiness and wrongdoing.
- Identification and brief explanation of fault as a way of measuring legal responsibility and assigning punishment.
- Identification of possible bases of fault and its absence in criminal law: voluntariness of conduct, intention, recklessness, strict liability.
- Identification and brief explanation of relevant actus reus and mens rea elements of non-fatal offences.

AO3

- Analysis of the link between fault and criminal responsibility.
- Analysis of the notion of a hierarchy of fault within a criminal law context. Possible discussion of levels of responsibility based on conduct, for example: voluntariness and mens rea; murder/manslaughter; strict liability offences.
- Analysis of blameworthiness possibly illustrated through mens rea and the levels of blameworthiness attached to it and the availability of defences and types of sentence.
- Analysis and evaluation of the elements of representative non-fatal offences such as assault/battery, abh and wounding/gbh, focusing, perhaps, on causation issues and levels of harm related to intended or foreseen consequences (correspondence).

Credit any other relevant points or examples.

ICGs

- 1) Fault
- 2) Non-fatal offences

10	Consider the criminal liability of Gus for the injuries suffered by Emma, and of Emma for the manslaughter of Faisal.	[30 marks]
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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	Knowledge is excellent and demonstrates an excellent understanding of relevant legal rules and principles. Excellent selection and use of appropriate legal authority. 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. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
19–24 Band 4	Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good selection and use of appropriate legal authority. 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. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
13–18 Band 3	Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory selection and use of appropriate legal authority. 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. A chain of reasoning starts to develop which leads to a partially justified conclusion.
7–12 Band 2	Knowledge is limited and demonstrates a limited understanding of relevant legal rules and principles. Limited selection and use of appropriate legal authority. 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. Some reasoning is attempted which leads to a limited conclusion.
1–6 Band 1	Knowledge is minimal and demonstrates minimal understanding of relevant legal rules and principles. Minimal selection and use of legal authority. 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. A fragmented legal argument is attempted. No chain of reasoning is attempted.
0	Nothing worthy of credit.

Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total marks
30	0	30

Indicative content

AO1

- Identification and outline explanation of the actus reus and mens rea for assault (battery) occasioning actual bodily harm.
- Identification and outline explanation of the availability of self-defence.
- Identification and outline explanation of the actus reus and mens rea for assault.
- Identification and outline explanation of the actus reus and mens rea for unlawful act manslaughter and the rules on causation.
- Appropriate supporting case law and statutory authority may include: **Lamb, Dawson, Watson, Church, DPP v Newbury and Jones, Wood, Chan Fook, Martin, Gladstone Williams, Clegg, Criminal Justice and Immigration Act 2008.**

AO2

- Application to suggest that Gus committed a direct battery against Emma when he snatched the club and pushed her away. Development to suggest that this battery caused Emma to fall and sprain her wrist, this would amount to ABH. Gus had intention for the battery as indicated by the word 'forcibly'.
- Application to suggest that self-defence may be available to Gus if he believed that force was necessary to prevent himself or Faisal from being hurt. The most likely conclusion is that the force used was necessary and proportionate. Credit alternative application.
- Application to the facts to suggest that Emma committed the actus reus of an unlawful act through an assault against Faisal when she shouted and hit the door. This caused him to hide, fearing an attack (apprehend, immediate unlawful force or violence).
- Application to suggest that the unlawful act may have been objectively dangerous as using a weapon to hit objects is likely to cause fear, though this would not be enough in itself without the connection with the heart condition (though there is a possibility that Emma was, or should have been, aware of his heart condition at the time, and so the conduct may possibly be seen as causing a risk of some harm).
- Application of causation to suggest that Emma was the cause of Faisal's death and his heart condition cannot be used to escape liability (thin skull rule). Credit alternative argument to suggest that Gus' conduct may be seen as an intervening act as attempting to revive Faisal delayed his attendance at hospital (though this is unlikely to break the chain of causation if death cannot be attributed to any of the 'life-saving' acts performed by Gus – simply delaying expert medical treatment would not do so).
- Application to suggest that Emma had intention for the assault.
- Application to include that the elements of unlawful act manslaughter can probably be established, though there are some significant doubts.

AO3

- Evaluation and analysis of the actus reus and mens rea for a s47 offence.
 - Evaluation and analysis of the law on self-defence/prevention of crime.
 - Evaluation and analysis of the objective test for dangerousness (**Church**), developed to conclude if conduct was objectively dangerous.
 - Evaluation and analysis of causation; act of a third party and thin skill rule (**Blaue**).
- Credit any other relevant point(s).

ICGs

- 1) ABH s47 and Self-defence
- 2) Unlawful act manslaughter

11	Consider the criminal liability of Ivan in relation to the property offences involving the car and the petrol, and the criminal liability of Ivan for the injury to Khalid. Assess the options available for obtaining legal advice and representation in any investigation and prosecution in cases such as Ivan's. [30 marks]
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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	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. 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. There is excellent analysis and evaluation of legal concepts and issues. Excellent drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.
19–24 Band 4	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. 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. There is good analysis and evaluation of legal concepts and issues. Good drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study. A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.
13–18 Band 3	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. 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. 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. A chain of reasoning starts to develop which leads to a partially justified conclusion.

7–12 Band 2	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. 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. There is limited analysis and evaluation of legal concepts and issues. 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.
1–6 Band 1	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. 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. There is minimal analysis and evaluation of legal concepts and issues. 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.
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 offences of theft and robbery.
- Identification and outline explanation of GBH s20.
- Identification and outline explanation of the defence of duress of circumstances.
- Reference to supporting statutory authority (Theft Act 1968 s1 and s8, Offences Against the Person Act 1861 s20).
- Reference to supporting case authority, eg **Ivey v Genting Casino**, **R v Barton and Booth**, **R v Dawson and James**, **R v Lockley**, **R v Brown and Stratton**, **R v Willer**, **R v Graham**, **R v Hasan**.
- Brief explanation of sources of legal advice/representation available for example: own solicitor, 24-hour duty solicitor at police station, duty solicitor at Magistrates Court (first appearance only), solicitor advocate/barrister and the Internet/advice helplines.

AO2

- Application of the actus reus of theft to conclude that there was an appropriation of property (the car and the petrol) belonging to another (Khalid).
- Application of the dishonesty mens rea requirement to conclude that Ivan would be regarded as dishonest despite the s2(1)(b) provision '... in the belief that the owner would consent' as Khalid clearly did not consent when he ran towards the car. Credit possible alternative that Khalid might have consented had he known the circumstances.
- Application of the mens rea requirement; intention to permanently deprive to conclude that in relation to the car there was no intention to permanently deprive as the car could easily be found and Khalid (probably) knew where Ivan was taking Jill. However, there was an intention to permanently deprive Khalid of the petrol. Ivan would presumably attempt to argue both lack of dishonesty on the general objective test (standards of ordinary decent people) and duress of circumstances.
- Application of the actus reus and mens rea of robbery to conclude that the force used (banging the door into Khalid) in order to steal satisfies both the actus reus requirement; for the force to be used "immediately before or at the time of the stealing" and mens rea requirement of robbery. (**R v Lockley**). Credit alternative argument which suggests that the actus reus of the theft was complete prior to the application of force by Ivan on Khalid.
- Application of the elements of GBH s20 to conclude that in terms of the actus reus, a bad break of several ribs counts as serious harm and Ivan had the mens rea as he intended to cause some harm or at least foresaw a risk of some harm by deliberately slamming the door into Khalid.
- Application to the defence of duress of circumstances to conclude that the defence would be available. In terms of the subjective test this is satisfied as Ivan believed Jill's life was in danger because she was having a seizure and coughing up blood. In terms of the objective test a reasonable person may well have done the same in that situation. Credit alternative application of the objective test.

AO3

- Analysis and evaluation of the actus reus and mens rea elements for theft, particular discussion relating to intention to permanently deprive.
- Analysis and evaluation of the actus reus and mens rea elements for robbery, particular discussion of the use of force in order to steal.
- Analysis and evaluation of the elements of grievous bodily harm.
- Analysis and evaluation of the availability of the defence of duress of circumstances.
- Use of supporting case authority to evaluate the analysis above. Use of cases in above and perhaps for example, **Velumyl**, **Dawson and James**, **R v Hale**, **R v Saunders**, **R v Willer**.
- Analysis and evaluation of the types of advice available in criminal cases, probably suggesting that advice from a solicitor is most favourable.
- Analysis and evaluation of the types of representation available in criminal cases, possibly suggesting that an experienced barrister may offer the best representation in court.

Credit any other relevant point(s).

ICGs

- 1) Theft and Robbery
- 2) GBH s20 and Duress of circumstances
- 3) Legal advice and representation

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
Total	75	25	100
Total %	75	25	100