

GCE

Law

H018/01: The legal system and criminal law

AS Level

Mark Scheme for June 2025

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It is also responsible for developing new specifications to meet national requirements and the needs of students and teachers. OCR is a not-for-profit organisation; any surplus made is invested back into the establishment to help towards the development of qualifications and support, which keep pace with the changing needs of today's society.

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.

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**PREPARATION FOR MARKING
RM ASSESSOR**

1. Make sure that you have accessed and completed the relevant training packages for on-screen marking: *RM Assessor Online Training: OCR Essential Guide to Marking*.
2. Make sure that you have read and understood the mark scheme and the question paper for this unit. These are available in RM Assessor
3. Log-in to RM Assessor and mark the **required number** of practice responses (“scripts”) and the **required number** of standardisation responses.

MARKING

1. Mark strictly to the mark scheme.
2. Marks awarded must relate directly to the marking criteria.
3. The schedule of dates is very important. It is essential that you meet the RM Assessor 50% and 100% (traditional 40% Batch 1 and 100% Batch 2) deadlines. If you experience problems, you must contact your Team Leader (Supervisor) without delay.
4. If you are in any doubt about applying the mark scheme, consult your Team Leader by telephone or the RM Assessor messaging system, or by email.
5. **Crossed Out Responses**

Where a candidate has crossed out a response and provided a clear alternative then the crossed out response is not marked. Where no alternative response has been provided, examiners may give candidates the benefit of the doubt and mark the crossed out response where legible.

Rubric Error Responses – Optional Questions

Where candidates have a choice of question across a whole paper or a whole section and have provided more answers than required, then all responses are marked and the highest mark allowable within the rubric is given. Enter a mark for each question answered into RM assessor, which will select the highest mark from those awarded. *(The underlying assumption is that the candidate has penalised themselves by attempting more questions than necessary in the time allowed.)*

Multiple Choice Question Responses

When a multiple choice question has only a single, correct response and a candidate provides two responses (even if one of these responses is correct), then no mark should be awarded (as it is not possible to determine which was the first response selected by the candidate).

When a question requires candidates to select more than one option/multiple options, then local marking arrangements need to ensure consistency of approach.

Contradictory Responses

When a candidate provides contradictory responses, then no mark should be awarded, even if one of the answers is correct.

Short Answer Questions (requiring only a list by way of a response, usually worth only **one mark per response**)

Where candidates are required to provide a set number of short answer responses then only the set number of responses should be marked. The response space should be marked from left to right on each line and then line by line until the required number of responses have been considered. The remaining responses should not then be marked. Examiners will have to apply judgement as to whether a 'second response' on a line is a development of the 'first response', rather than a separate, discrete response. *(The underlying assumption is that the candidate is attempting to hedge their bets and therefore getting undue benefit rather than engaging with the question and giving the most relevant/correct responses.)*

Short Answer Questions (requiring a more developed response, worth **two or more marks**)

If the candidates are required to provide a description of, say, three items or factors and four items or factors are provided, then mark on a similar basis – that is downwards (as it is unlikely in this situation that a candidate will provide more than one response in each section of the response space.)

Longer Answer Questions (requiring a developed response)

Where candidates have provided two (or more) responses to a medium or high tariff question which only required a single (developed) response and not crossed out the first response, then only the first response should be marked. Examiners will need to apply professional judgement as to whether the second (or a subsequent) response is a 'new start' or simply a poorly expressed continuation of the first response.

6. Always check the pages (and additional objects if present) at the end of the response in case any answers have been continued there. If the candidate has continued an answer there, then add a tick to confirm that the work has been seen.
7. There is a NR (**No Response**) option. Award NR (No Response): - if there is nothing written at all in the answer space
 - OR if there is a comment which does not in any way relate to the question (e.g., 'can't do', 'don't know')
 - OR if there is a mark (e.g., a dash, a question mark) which is not an attempt at the question.













Note: Award 0 marks – for an attempt that earns no credit (including copying out the question).

8. The RM Assessor **comments box** is used by your team leader to explain the marking of the practice responses. Please refer to these comments when checking your practice responses. **Do not use the comments box for any other reason.**

If you have any questions or comments for your team leader, use the phone, the RM Assessor messaging system, or e-mail.

9. *Assistant Examiners will send a brief report on the performance of candidates to their Team Leader (Supervisor) via email by the end of the marking period. The report should contain notes on particular strengths displayed as well as common errors or weaknesses. Constructive criticism of the question paper/mark scheme is also appreciated.*

10. Annotations

Annotation	Meaning
	Blank Page – this annotation must be used on all blank pages within an answer booklet or on each additional page where there is no candidate response.
	Worthy of credit
	Incorrect or unclear
	Nothing to be credited
	Repeated content
	Applied point
	Developed point
	Developed point extended
	Relevant case, statute or legal authority
	Evaluation point
	Not answering question
	No Response

Highlighter

Statement or reasoning is inaccurate

11. Subject Specific Marking Instructions

Introduction

Your first task as an Examiner is to become thoroughly familiar with the material on which the examination depends. You should ensure that you have copies of these materials:

- the specification, especially the assessment objectives
- the question paper and its rubrics
- the mark scheme.

You should ensure also that you are familiar with the administrative procedures related to the marking process. These are set out in the OCR booklet **Instructions for Examiners**. If you are examining for the first time, please read carefully **Appendix 5 Introduction to Script Marking: Notes for New Examiners**. Please ask for help or guidance whenever you need it. Your first point of contact is your Team Leader.

Information and instructions for Examiners

The co-ordination scripts provide you with examples of the standard of each band. The marks awarded for these scripts will have been agreed by the Team Leaders and will be discussed fully at the Examiners' Co-ordination Meeting.

The specific task-related indicative content for each question will help you to understand how the band descriptors may be applied. However, this indicative content **does not** constitute the mark scheme: it is material that candidates might use, grouped according to each assessment objective tested by the question. It is hoped that candidates will respond to questions in a variety of ways. Rigid demands for 'what must be a good answer' would lead to a distorted assessment. Candidates' answers must be relevant to the question. Beware of prepared answers that do not show the candidate's thought and which have not been adapted to the thrust of the question. Beware also of answers where candidates attempt to reproduce interpretations and concepts that they have been taught but have only partially understood.

Using the Mark Scheme

Please study this Mark Scheme carefully. The Mark Scheme is an integral part of the process that begins with the setting of the question paper and ends with the awarding of grades. Question papers and Mark Schemes are developed in association with each other so that issues of differentiation and positive achievement can be addressed from the very start.

This Mark Scheme is a working document; it is not exhaustive; it does not provide 'correct' answers. The Mark Scheme can only provide 'best guesses' about how the question will work out, and it is subject to revision after we have looked at a wide range of scripts.

The Examiners' Standardisation Meeting will ensure that the Mark Scheme covers the range of candidates' responses to the questions, and that all Examiners understand and apply the Mark Scheme in the same way. The Mark Scheme will be discussed and amended at the meeting, and administrative

procedures will be confirmed. Co-ordination scripts will be issued at the meeting to exemplify aspects of candidates' responses and achievements; the co-ordination scripts then become part of this Mark Scheme.

Before the Standardisation Meeting, you should read and mark in pencil a number of scripts, in order to gain an impression of the range of responses and achievement that may be expected.

Please read carefully all the scripts in your allocation and make every effort to look positively for achievement throughout the ability range. Always be prepared to use the full range of marks.

Assessment Objectives

Three Assessment Objectives are being assessed across the questions: **AO1**: Demonstrate knowledge and understanding of the English legal system and legal rules and principles, **AO2**: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology, **AO3**: Analyse and evaluate legal rules, principles and concepts.

For **AO2**, there are two elements to the assessment objective:

- Apply legal rules and principles to given scenarios
- Present a legal argument using appropriate legal terminology

These two elements should have equal weighting and be awarded jointly according to the guidance given in the level descriptors and indicative content. For example, to achieve level 4, an answer should include excellent application of legal rules and principles and excellent presentation of legal argument. Further guidance will be given in the standardisation meeting when there is an uneven performance across the elements.

Levels of Response

Questions in this paper are marked using a levels of response grid. When using this grid, examiners must use a best-fit approach. Where there are both strengths and weaknesses in a particular response, particularly imbalanced responses in terms of the assessment objectives, examiners must carefully consider which level is the best fit for the performance. Note that candidates can achieve different levels in each assessment objective, for example a Level 3 for AO1, and a Level 2 for AO2.

To use these grids:

Determine the level: start at the highest level and work down until you reach the level that matches the answer.

Determine the mark within the level: consider the following:

Descriptor	Award mark
On the borderline of this level and the one below	At the bottom level
Just enough achievement on balance for this level	Above bottom and either below middle or at middle of level (depending on number of marks available)
Meets the criteria but with some slight inconsistency	Above middle and either below top of level or at middle of level (depending on number of marks available)

Consistently meets the criteria for this level

At top of level

SECTION A

Answer	Marks	Guidance
<p>1 Describe the role of a barrister.</p> <p>Answers may include:</p> <ul style="list-style-type: none"> ● Majority of barristers practising at the Bar are self-employed. ● They usually work from a set of Chambers sharing administrative expenses. ● Self-employed barristers are instructed by solicitors. ● Barristers owe a duty to their client and the court. ● Barristers may be employed and work in a range of different places, for example: <ul style="list-style-type: none"> ○ Crown Prosecution Service ○ Civil Service ○ Local government ○ Business. ● Advocacy is a key area of work. ● They can undertake a wide range of different roles, for example: <ul style="list-style-type: none"> ○ Public access work ○ Writing opinions ○ Giving advice ○ Holding case conferences. ● Many barristers specialise in particular fields of law. <p>Credit any other relevant point(s).</p>	<p>8 AO1</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> ● Excellent knowledge and understanding of the English legal system, rules and principles. ● The response is accurate, fully developed and detailed. There will be excellent citation of fully relevant statutes and case law, where appropriate to the question. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> ● Good knowledge and understanding of the English legal system, rules and principles. ● The response is detailed, but not fully developed in places. There will be good citation of mostly relevant statutes and case law, where appropriate to the question. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> ● Basic knowledge and understanding of the English legal system, rules and principles. ● The response may lack detail in places and is partially developed. There will be some citation of statutes and case law, where appropriate to the question. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> ● Limited knowledge and understanding of the English legal system, rules and principles. ● The response will have minimal detail. Citation of statutes and case law, where appropriate to the question, will be limited. <p>Level 0 (0 marks) No response or no response worthy of credit.</p>

			<ul style="list-style-type: none">• Levels are assessed based on the completeness of the response with an excellent description demonstrating a range of roles of a barrister• Lists with no explanation will demonstrate no more than basic knowledge
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Answer	Marks	Guidance
<p>2 Describe the routes of an appeal available to the defence from the Crown Court.</p> <p>Answers may include:</p> <p>Appeals from the Crown Court to the Court of Appeal (Criminal Division) - Criminal Appeals Act 1995</p> <ul style="list-style-type: none"> ● Defendant may appeal against conviction and/or sentence. ● Appeal can only be on the grounds that the conviction is unsafe. ● Unsafe includes where the defendant has been denied a fair trial. ● If appealing on the basis of new evidence, the evidence: <ul style="list-style-type: none"> ○ must be capable of belief and afford a ground for an appeal ○ must have been admissible at the trial and reason given as to why it was not produced. ● Leave to appeal required. ● Application for leave must be made within 28 days. ● The Court may order a retrial or quash the conviction. ● Sentence may be reduced upon appeal but not increased. <p>Appeal to the UKSC</p> <ul style="list-style-type: none"> ● Leave to appeal required from either the Court of Appeal or the Supreme Court. ● Appeal must be certified as involving a point of law of public importance. ● Appeal can only be made against conviction. <p>Credit any other relevant point(s).</p>	<p>8 AO1</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> ● Excellent knowledge and understanding of the English legal system, rules and principles. ● The response is accurate, fully developed and detailed. There will be excellent citation of fully relevant statutes and case law, where appropriate to the question. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> ● Good knowledge and understanding of the English legal system, rules and principles. ● The response is detailed, but not fully developed in places. There will be good citation of mostly relevant statutes and case law, where appropriate to the question. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> ● Basic knowledge and understanding of the English legal system, rules and principles. ● The response may lack detail in places and is partially developed. There will be some citation of statutes and case law, where appropriate to the question. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> ● Limited knowledge and understanding of the English legal system, rules and principles. ● The response will have minimal detail. Citation of statutes and case law, where appropriate to the question, will be limited. <p>Level 0 (0 marks) No response or no response worthy of credit.</p>

			<ul style="list-style-type: none">• Levels are assessed based on the completeness of the response with an excellent description demonstrating detailed understanding of the courts.• Lists with no explanation will demonstrate no more than basic knowledge.
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Answer	Marks	Guidance
<p>3 Explain how it is decided whether a civil case will be funded by the government.</p> <p>Answers may include:</p> <p>Government funding in civil cases is limited to a small number of issues, for example:</p> <ul style="list-style-type: none"> ● Mental health and capacity cases ● Special educational needs ● Asylum ● Immigration ● Discrimination ● Housing. <p>Subject to Merits and Means test:</p> <ul style="list-style-type: none"> ● Merits Test include, for example: <ul style="list-style-type: none"> ○ Likely costs involved ○ Available for resources ○ Appropriateness of applying resources to the case ○ Availability of other resources eg ADR ○ The prospect of success. ● Means Test: <ul style="list-style-type: none"> ○ Disposable Income - income less tax, national insurance, housing and childcare costs ○ Disposable capital - assets including savings, stocks and shared, valuable items. Maximum limit £8,000. <p>Legal Aid Agency free face to face assistance in limited circumstances, for example:</p> <ul style="list-style-type: none"> ● Contracted Law Firms ● Citizens Advice. <p>Credit any other relevant point(s).</p>	<p>8 AO1</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> ● Excellent knowledge and understanding of the English legal system, rules and principles. ● The response is accurate, fully developed and detailed. There will be excellent citation of fully relevant statutes and case law, where appropriate to the question. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> ● Good knowledge and understanding of the English legal system, rules and principles. ● The response is detailed, but not fully developed in places. There will be good citation of mostly relevant statutes and case law, where appropriate to the question. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> ● Basic knowledge and understanding of the English legal system, rules and principles. ● The response may lack detail in places and is partially developed. There will be some citation of statutes and case law, where appropriate to the question. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> ● Limited knowledge and understanding of the English legal system, rules and principles. ● The response will have minimal detail. Citation of statutes and case law, where appropriate to the question will be limited. <p>Level 0 (0 marks)</p> <p>No response or no response worthy of credit.</p> <ul style="list-style-type: none"> ● Levels are accessed based on the completeness of the response with an excellent explanation demonstrating a range of reasons that determine government funding

			<p>for civil cases</p> <ul style="list-style-type: none">• Lists with no explanation will demonstrate no more than basic knowledge
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Answer	Marks	Guidance
<p>4 Discuss the disadvantages of using juries in criminal trials.</p> <p>Candidates may develop the following points. Marks will be awarded on the basis of the quality of analysis and evaluation, given in the levels of response criteria in the guidance column.</p> <ul style="list-style-type: none"> ● Secrecy. Juries are not required to give a reason for their decision and due to the secrecy of the jury room, nobody knows how the decision was reached or whether they understood the case. ● Lack of understanding. Juries are not legal experts and trials can be quite complex, particularly fraud trials. Juries often do not fully understand the judge’s directions. ● Cost. Jury trials are time consuming and as a result more expensive than when a judge is sitting alone ● Time consuming trials: Very few jurors have legal knowledge and as a result everything needs to be explained in clear and understandable terms. ● Jury tampering (nobbling). Jury tampering challenges the right to a fair trial as jury members may be influenced to come to a certain verdict through threats or bribes. ● Media influence. It is very difficult for jury members to avoid reading or hearing about high profile cases. ● Perverse decisions/jury equity. Juries are at liberty to follow their consciences and find a party not guilty when all the evidence suggests otherwise. They are not required to follow precedents/statutes. This allows the guilty to go unpunished in certain situations. ● Excusals. There are too many people requesting to be excused and requests being granted. This limits the representative nature of the jury. <p>Credit any other relevant point(s).</p>	<p>8 AO3 1b</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> ● Excellent analysis and evaluation of a wide range of legal concepts. ● The response is wide ranging and has a well sustained focus on the question. ● The key points are fully discussed and fully developed. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> ● Good analysis and evaluation of a range of legal concepts. ● The response has a mainly consistent focus on the question. ● Most of the key points are well discussed and well developed. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> ● Basic analysis and evaluation of legal concepts. ● The response is partially focused on the question. ● Some of the key points are discussed and partially developed. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> ● Limited analysis of legal concepts. ● The response has limited focus on the question. ● Discussion of any key points is minimal. <p>Level 0 (0 marks)</p> <ul style="list-style-type: none"> ● No response or no response worthy of credit.

			<ul style="list-style-type: none">• Excellent analysis will require at least one well-developed point among a range of relevant evaluative points• Good analysis will require at least one developed point.
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SECTION B

Answer	Marks	Guidance
<p>5 Explain the different sources of criminal law.</p> <p>Answers may include:</p> <ul style="list-style-type: none"> • Mixture of court judgements and legislation. • The common law. Judges create law that is not in statute, nor later enacted by statute. • Murder, for example, is a common law offence. • Statutory law is created by Parliament. • GBH, for example, is a statutory offence under the OAPA 1861. • Even where the offence is statutory, the court's judgements interpret the meaning, for example ABH. • Delegated legislation. Law can be created by subordinate bodies under powers delegated by Parliament. For example, bylaws or regulations. • The ECHR and the Human Rights Act ensure criminal law complies with human rights • International law. Treaties can influence domestic criminal law. • Lawyers influence criminal law when they carry out research either electronically via the internet or in law reports/statute books. <p>Credit any other relevant point(s).</p>	<p>8 AO1</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Excellent knowledge and understanding of the English legal system, rules and principles. • The response is accurate, fully developed and detailed. There will be excellent citation of fully relevant statutes and case law, where appropriate to the question. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Good knowledge and understanding of the English legal system, rules and principles. • The response is detailed, but not fully developed in places. There will be good citation of mostly relevant statutes and case law, where appropriate to the question. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Basic knowledge and understanding of the English legal system, rules and principles. • The response may lack detail in places and is partially developed. There will be some reference to statutes and case law, where appropriate to the question. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Limited knowledge and understanding of the English legal system, rules and principles. • The response will have minimal detail. Citation of statutes and case law, where appropriate to the question, is limited. <p>Level 0 (0 marks) No response or no response worthy of credit.</p> <ul style="list-style-type: none"> • Levels are accessed based on the completeness of the response with an excellent explanation demonstrating a

			<p>range of sources of criminal law.</p> <ul style="list-style-type: none">• Lists with no explanation will demonstrate no more than basic knowledge
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	Answer	Marks	Guidance
6	<p>Advise how the law relating to non-fatal offences against the person will apply to Sam.</p> <p>Answers may include:</p> <p>Sam: In the case of Sam shouting at Jack</p> <ul style="list-style-type: none"> • Identify assault under s39 CJA 1988. • Shouting a potential threat could put Jack in fear of immediate and unlawful personal violence/force. • There may be a condition attached to the threat as Sam shouts, “if you don’t...” • Jack sits down immediately so could apprehend unlawful violence. • Sam appears to have intention or at least subjective recklessness. <p>In the case of Sam dislocating Jack’s shoulder</p> <ul style="list-style-type: none"> • Identify s20 OAPA 1861. • Dislocated or displaced bones may constitute GBH making a charge of s18 or s20 possible. • Sam acts unlawfully in inflicting the injury. • Sam acts recklessly/intentionally in slamming on the breaks so s.20 applies. • It is unlikely she intended the level of harm that caused the dislocation of Jack’s shoulder. • Nevertheless, she would have been aware of the risk of some harm occurring which is enough for s20. <p>OR</p> <ul style="list-style-type: none"> • Identify s47 OAPA 1861. 	<p>8 AO2 1a/1b</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Excellent application of legal rules to a given scenario. • Excellent presentation of a legal argument which is accurate, fully developed and detailed. Fully appropriate legal terminology is used. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Good application of legal rules to a given scenario. • Good presentation of a legal argument which is detailed but not fully developed in places. Appropriate legal terminology is used. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Basic application of legal rules to a given scenario. • Basic presentation of a legal argument which may lack detail in places and is partially developed. Some appropriate legal terminology is used. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Limited application of legal rules to a given scenario. • Limited presentation of a legal argument which has minimal detail and is unstructured and/or unclear. Minimal legal terminology is used. <p>Level 0 (0 marks) No response or no response worthy of credit.</p> <ul style="list-style-type: none"> • Credit is only available for application of the law and not for definitions of offences. • Excellent application requires a link to the correct offence and correct outcomes for the scenario.

	<ul style="list-style-type: none">• Dislocated or displaced bones may constitute ABH making a charge of s47 possible.• Jack may suffer interference with his health or comfort from a dislocated shoulder.• Slamming on the brakes indirectly inflicts battery/unlawful force.• Sam acts recklessly/intentionally in slamming on the breaks so s.47 applies.• It is unlikely she intended the level of harm caused to dislocate Jack's shoulder. <p>Credit any other relevant point(s).</p>		
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Answer	Marks	Guidance
<p>7 Advise how the law relating to non-fatal offences against the person will apply to Charlie.</p> <p>Answers may include:</p> <p>Charlie: In the case of Charlie fracturing Dev’s wrist.</p> <ul style="list-style-type: none"> • Identify s47 OAPA 1861. • A battery occurs when Charlie pushes Dev. • Dev’s fractured wrist as a result of the fall, interferes with his health and comfort. • Charlie acts recklessly/intentionally in pushing Dev. • It is unlikely she intended the level of harm caused when Dev fractured his wrist. <p>In the case of Dev’s broken leg.</p> <ul style="list-style-type: none"> • Identify s18 OAPA 1861. • Broken bones usually constitute GBH making a charge of s18 or s20 possible. • Charlie acts maliciously and intentionally as she runs over Dev, so s18 applies. • Running a person over with a car will cause serious injury, showing intention to cause GBH. <p>Credit any other relevant point(s).</p>	<p>8 AO2 1a/1b</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Excellent application of legal rules to a given scenario. • Excellent presentation of a legal argument which is accurate, fully developed and detailed. Fully appropriate legal terminology is used. <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Good application of legal rules to a given scenario. • Good presentation of a legal argument which is detailed but not fully developed in places. Appropriate legal terminology is used. <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Basic application of legal rules to a given scenario. • Basic presentation of a legal argument which may lack detail in places and is partially developed. Some appropriate legal terminology is used. <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Limited application of legal rules to a given scenario. • Limited presentation of a legal argument which has minimal detail and is unstructured and/or unclear. Minimal legal terminology is used. <p>Level 0 (0 marks)</p> <ul style="list-style-type: none"> • No response or no response worthy of credit. <ul style="list-style-type: none"> • Credit is only available for application of the law and not for definitions of offences. • Excellent application requires a link to the correct offence and correct outcomes for the scenario.

Answer	Marks	Guidance
<p>8* Discuss the problems with s47 Offences Against the Person Act 1861, and the extent to which reform of the law would make it fair.</p> <p>Candidates may develop the following points. Marks will be awarded on the basis of the quality of analysis and evaluation, given in the levels of response criteria in the guidance column.</p> <ul style="list-style-type: none"> • The OAPA 1861 was created at a time when there was little understanding of mental health issues, so the statute only refers to ‘bodily’ harm. • No statutory definition of the meaning of ABH and the reliance on a common law definition allows a wide interpretation. • There is heavy reliance on case law development for definitions. Cases have determined that ‘bodily’ harm can include mental health injury (Chan Fook). • There are problems because of the link to assault and battery – when does a battery become ABH? • <i>Mens rea</i> is complex – the required mens rea is for an assault or battery rather than the ABH. This could be unjust. • S47 could be in breach of the correspondence principle as D could be guilty without intending or being reckless as to causing any harm. • As S47 does not require the D to intend or be aware there is risk of injury, it could be unjust to have a maximum sentence of five years. • The sentence of five years could be unjust in comparison to the six months given for assault and battery. Likewise, the sentence is the same as that given for S20 where the injuries could be much more significant. 	<p>8 AO3 1b</p>	<p>Use Levels of Response criteria</p> <p>Level 4 (7–8 marks)</p> <ul style="list-style-type: none"> • Excellent analysis and evaluation of a wide range of legal rules and principles. • The response is wide ranging and has a well sustained focus on the question. • The key points are fully discussed and fully developed to reach a valid conclusion. <p><i>There is a well-developed line of reasoning which is clear and logically structured. The information presented is relevant and substantiated.</i></p> <p>Level 3 (5–6 marks)</p> <ul style="list-style-type: none"> • Good analysis and evaluation of a range of legal rules and principles. • The response has a mainly consistent focus on the question. • Most of the key points are well discussed and well developed to reach a valid conclusion. <p><i>There is a line of reasoning presented with some structure. The information presented is in the most-part relevant and supported by some evidence.</i></p> <p>Level 2 (3–4 marks)</p> <ul style="list-style-type: none"> • Basic analysis and evaluation of legal rules and principles. • The response is partially focused on the question. • Some of the key points are discussed and partially developed to reach a basic conclusion. <p><i>The information has some relevance and is presented with a basic structure. The information is supported by basic evidence.</i></p> <p>Level 1 (1–2 marks)</p> <ul style="list-style-type: none"> • Limited analysis of legal rules and/or principles. • The response has limited focus on the question.

<ul style="list-style-type: none">• The Law Commission plans to codify and update the law have not been implemented but re-drawing the definitions and sentences would make the law easier to understand.• A new definition could better reflect modern understanding of issues connected to both physical and mental health.• Better definitions of offences and sentencing would give the criminal justice system greater credibility as it would provide greater justice. <p>Credit any other relevant point(s).</p>	<ul style="list-style-type: none">• Discussion of any key points is minimal. <i>The information is limited and communicated in an unstructured way. The information is supported by limited evidence and the relationship to the evidence may not be clear.</i> <p>Level 0 (0 marks) No response or no response worthy of credit.</p> <ul style="list-style-type: none">• Excellent analysis will require at least one well-developed point among a range of relevant evaluative points• Good analysis will require at least one developed point.
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