

**A-level
LAW
7162/1**

Paper 1

Mark scheme

June 2024

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.

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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 Which **one** of the following statements about the offence of murder is **true**? [1 mark]

Marks for this question: AO1 = 1

D The defendant must have intended death or serious injury.

02 Which **one** of the following statements about the defence of duress is **false**? [1 mark]

Marks for this question: AO1 = 1

B The defence of duress is available if the defendant acted due to a serious threat to their reputation.

03 Which **one** of the following statements about a trial in the criminal courts is **true**? [1 mark]

Marks for this question: AO1 = 1

B The defendant will be asked to plead guilty or not guilty.

04 In relation to the Bar Standards Board (BSB), which **one** of the following statements is **false**? [1 mark]

Marks for this question: AO1 = 1

A The BSB can disbar a barrister who has breached the code of conduct.

05 Which **one** of the following **best** describes the operation of the golden rule of statutory interpretation? [1 mark]

Marks for this question: AO1 = 1

D The courts may choose to modify the meaning of a word in a statute to avoid an absurd outcome.

06 Explain **three** of the roles of magistrates in a criminal case.

[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

Answer could include any three from:

- deal to conclusion with all summary offences and many triable either-way offences.
- deal with preliminary work. For example: Early Administrative Hearings and bail applications
- where D pleads guilty or is found guilty decide a sentence, or for triable either-way offences, can commit for sentence to the Crown Court
- deal with the initial hearing of an indictable only offence and transfer the case to Crown Court for trial
- may sit in the Youth Court and hear charges against young offenders
- sitting on appeals in the Crown Court.

Credit any other relevant point(s).

Note: Answers which do not explain three roles cannot achieve marks higher than band 2.

07	Suggest why, in law, Alicia probably did not commit the actus reus of an attempted robbery.	[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 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 legal rules and principles.
0	Nothing worthy of credit.

Indicative content

AO1

- Identification of the actus reus under the Criminal Attempts Act 1981 s1(1) as ‘an act more than merely preparatory to the commission of the offence’.
- Some brief expansion into an explanation of an approach or approaches to defining ‘more than merely preparatory’.
- Use of appropriate supporting case law, although not required, may include: **Attorney-General’s Reference (No. 1 of 1992) (1993)**, **R v Gullefer**, **R v Geddes**, **R v Campbell**, **R v Jones**.

AO2

- Application to suggest that Alicia’s conduct is not more than merely preparatory.
- Application to suggest why the facts of the scenario show mere preparation only. Such application may suggest that although Alicia arrived at the bank, her failure to enter the bank/demand money shows that she did not move from the planning phase to implementation.
- Application to conclude that Alicia probably did not commit the actus reus of attempted robbery.

Credit any other relevant point(s).

08	Advise Bert on whether he could successfully plead the defence of diminished responsibility.	[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 specific defence to murder of diminished responsibility.
- Reference to appropriate supporting case and statutory authority, for example, **s2 Homicide Act 1957, s52 Coroners and Justice Act 2009, Byrne, Lloyd, Golds** etc.

AO2

- Application to suggest that Bert had an abnormality of mental functioning due to the belief that he could see wild animals.
- Application to suggest that Bert's history of hallucinations, if proven with medical evidence, would indicate a (specified or unspecified) recognised medical condition.
- Application to suggest that the hallucinations had substantially impaired Bert's ability to understand the nature of his conduct and/or his ability to form a rational judgement as he believed that he was killing an animal when in fact he killed his wife.
- Application to suggest that there is a sufficient causal connection between the hallucinations and the conduct.
- Application to conclude that Bert is likely to succeed with the defence and so his conviction would be one of voluntary manslaughter. (Credit alternative conclusion).

AO3

- Analysis and evaluation of the requirement for an 'abnormality of mental functioning'.
- Analysis and evaluation of the requirement to prove a substantial impairment.
- Analysis and evaluation of the requirement for a causal link between the abnormality and the killing.

Credit any other relevant point(s).

09	In the context of criminal law, examine the principles of correspondence and maximum certainty. Discuss the extent to which the crime of murder satisfies the principle of correspondence. [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.
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Distribution of marks for substantive and non-substantive law:

Substantive	Non-substantive	Total marks
5	10	15

Indicative content**AO1**

- Identification and explanation of the meaning of maximum certainty; the law should be as certain as possible.
- Identification and explanation of the meaning of correspondence; where the actus reus and mens rea should correspond, the offender's liability should not exceed the harm encompassed by his mens rea.
- Outline explanation of the extent to which the offence of murder complies with the principle of correspondence.

AO3

- Analysis and evaluation of the principles of correspondence and maximum certainty as reflected in society; possible link to moral stigma and appropriate punishments.
- Analysis and evaluation of the significance of maximum certainty and correspondence within the drafting of a law. For example, it is argued if it is not known what elements constitute a crime, then it is not fair that D should be convicted of it.
- Analysis of correspondence in relation to murder may include discussion of the fact the AR and MR of murder do not fully correspond. For the offence to correspond D would only be guilty if they had intent to kill.

Credit any other relevant point(s).

ICG's

- 1.Principles of correspondence and maximum certainty
- 2.Correspondence and murder

10	Consider the criminal liability of Dean for the death of Ezra and for his actions with regard to the bracelet.	[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 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 unlawful act of manslaughter (unlawful and dangerous act which results in death) arising from an assault (intentionally or recklessly causing another to apprehend immediate unlawful violence).
- Identification and outline explanation of the offences of theft (appropriation, property, belonging to another, dishonesty, and the intention to permanently deprive) and robbery (theft plus use/threat of force in order to steal).
- Identification and outline explanation of the defence of voluntary intoxication, including the distinction between specific and basic intent offences.
- Reference to supporting authority (**Theft Act 1968 s1 and s8**), cases, for example **Lamb, Blaue, Newbury and Jones, R v Robinson, Vinall, Lockley, Beard, Majewski**.

AO2

- Application to suggest that Dean committed an assault against Ezra as he threatened to 'hurt him' if money was not returned immediately. Argue that as Ezra showed no indication of returning the money the threat caused him to panic and try to get away, suggesting that he feared an immediate attack.
- Application to suggest that a reasonable person is likely to consider Dean's threatening behaviour dangerous as a victim suffering injury whilst attempting to escape a threat is a reasonably foreseeable consequence
- Application of the rules of causation to suggest that Ezra would not have panicked and tripped if it was not for Dean threatening him. Further development to explore how Ezra's response of turning 'hastily' and tripping is unlikely to break the chain of causation as his actions are likely to be considered reasonable and foreseeable based on his fear of harm. Further application to conclude that Ezra suffering a 'rare' allergic reaction cannot be used to escape liability and so Dean is likely to be seen as the cause of Ezra's death.
- Application to suggest that Dean had the mens rea for the assault as he intended to scare Ezra so he would return the money that was owed to him. Credit alternative argument to suggest that Dean running towards Ezra and the threat to 'hurt him' could be considered to be at least reckless.
- Application to suggest that the actus reus for theft was complete when Dean took the bracelet, knowing it to be Ezra's.
- Consideration of mens rea elements to suggest that Dean was not dishonest as he may believe he has a right in law to take the bracelet as he was owed money and the bracelet would cover Ezra's debt. Credit alternative argument to suggest that if s2(1)(a) is unsuccessful a reasonable person may/not consider Dean's conduct in taking a gold bracelet dishonest.
- Further application to argue that Dean had intention as he decided to 'keep' the bracelet to cover the debt owed and showed no indication of returning it.
- Application of arguments above to suggest that for the purpose of robbery there may have been a completed theft. Credit alternative argument that concludes that if Dean was not dishonest then there was no completed theft and so no robbery.
- Further application to suggest that Dean's threat to 'hurt' Ezra if the money was not returned 'immediately' may satisfy the requirement that there was a threat of force, developed further to

consider whether or not the threat of force was used in order to steal. Credit reasoned conclusion either way.

- Application to suggest that as Dean was voluntarily intoxicated at the time, he may not be liable for the theft/robbery if the effects of 'several pints of beer' removed his ability to form mens rea. However, the defence will fail in relation to unlawful act manslaughter as becoming voluntarily intoxicated will satisfy a reckless mens rea.

AO3

- Analysis and evaluation of unlawful act manslaughter actus reus: unlawful and dangerous act (assault).
- Analysis and evaluation of causation; victim's own act and the thin skull rule.
- Analysis and evaluation of mens rea for assault: intention and/or subjective recklessness.
- Analysis and evaluation of the actus reus and mens rea elements for theft: dishonesty s2(1) and intention to permanently deprive.
- Analysis and evaluation of the actus reus and mens rea elements for robbery.
- Analysis and evaluation of the availability of voluntary intoxication in relation to basic (unlawful act manslaughter) and specific intent offences (theft/robbery).

Credit any other relevant point(s).

ICG's

1. Unlawful act manslaughter
2. Theft and robbery
3. Intoxication

11 Consider the criminal liability of Frankie in relation to the attack on Gary **and** of Gary in relation to the injuries to Indira.

Assess the ways in which Gary may obtain legal advice about his case before trial.

[30 marks]

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 offence of battery. Credit given to alternative under s47.
- Identification and outline explanation of the elements of the defence of self-defence.
- Identification and outline explanation of the offences of s18/s20 Wounding and/or GBH.
- Reference to appropriate supporting authority, eg **JCC v Eisenhower**, **R v Brown and Stratton**, **R v Williams (Gladstone)** / **s76 CJA 2008**, **R v Latimer**.
- Brief explanation of sources of legal advice available before trial. For example, own solicitor, 24-hour duty solicitor at police station, duty solicitor at Magistrates Court (first appearance only) Barristers via direct access and the internet or advice helplines.

AO2

- Application of the elements of battery suggesting the actus reus was satisfied as the punch was an 'unlawful' application of force.
- Application of the tests of self-defence. In particular, the subjective element of the tests and the fact Frankie had an honest but mistaken belief that Gary was going to attack Harvey.
- Application of the elements of the actus reus of wounding to suggest the gash to the face broke both layers of skin.
- Application of the transferred malice rule indicating the malice (mens rea) was transferred from Frankie to Indira when Gary swung the spade at Frankie and missed.

- Application of the elements of GBH as a scar is nothing less than serious harm.
- Application of mens rea of s18/s20 with discussion as to whether Gary intended serious harm or some harm. It could be argued that as Gary deliberately swung a spade at Frankie then he did intend serious harm or at least serious harm was a virtual certainty.
- Application of causation and discussion as to whether there was a break in the chain of causation in relation to the GBH by Indira's own act as she did not go and seek medical attention straight away.

AO3

- Analysis and evaluation of the rules on self-defence, with particular reference to honest mistake in the need to use force. Credit analysis and evaluation of other aspects of the defence.
- Analysis and evaluation of the mens rea of wounding and GBH, in particular the s18/s20 distinction.
- Analysis and evaluation of causation in relation to the offence of GBH.
- Further analysis of cases referred to in AO1 and, for example, **R v Jordan**, **R v Smith**, **R v Mohan**, **R v Piff**, **Moriarty v Brooks**, **R v Brown and Stratton**, **R v Mitchell**.
- Analysis and evaluation of the types of advice available within criminal cases, probably concluding that advice from a solicitor is most favourable.

Credit any other relevant point(s).

ICG's

1. Battery and self defence
2. s18/s20
3. Legal advice

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