Examiners' Report
Principal Examiner Feedback

Summer 2022

Pearson Edexcel International Advanced Level
In Law (YLA1)
Paper 1 Underlying Principles of Law and the English Legal System

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Summer 2022
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Introduction

This was the ninth paper in this 2015 new specification for IAL Law. Unusually this year, because of continuing covid problems, centres had been issued with advance notice of which topics from the syllabus to study and revise for the summer 2022 examination.
The 2015 style Paper 1 contains 5 questions of 20 marks each. There is no question choice on the paper, candidates are required to answer all questions. The format of the paper is that the first four questions consist of short to medium multi-part questions and the last question on the paper is a problem-solving question worth 20 marks.
The paper is worth 50% of the total IAL raw marks. The subject content for the paper is selected from the nature, purpose of and liability in Law, and the sources of English law, its enforcement and administration.
Candidates are again strongly advised to ensure that their handwriting is legible and remains so for the entire paper. It is appreciated that candidates are rushing to complete the paper in a limited time, but legibility is important. The handwriting on a number of scripts was extremely small, and very difficult to decipher.

Given the fact that centres had been advised on the topics that would appear on the paper, most candidates attempted all questions, although some candidates omitted to answer question 2b. This would appear to be because of lack of knowledge, rather than time issues, as most candidates managed to complete question 5, the question with 20 marks, at the end of the paper.

Candidates are advised to read the whole paper before starting, as there were instances of repetition of information, particularly in questions 1b and 1c and also in questions 3a and 3b.

The interpretation of questions and their command words still needs to be improved upon. Candidates must remember that each part of a question is marked in isolation, so if the correct information for part a of a question is put wrongly in the answer to part b of that question rather than in part a, no marks will be awarded for that information. That does not mean that candidates should put all they know on a topic down three times for sections a, b, and c of a question.

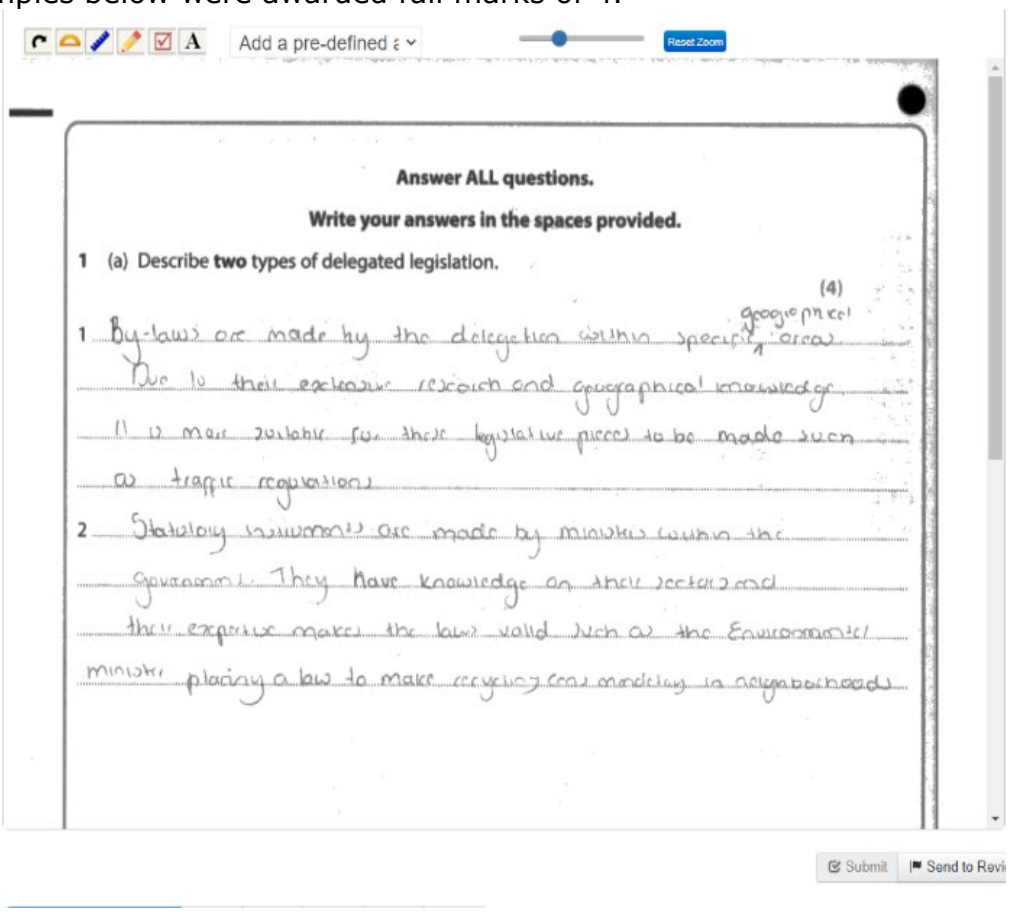
General issues

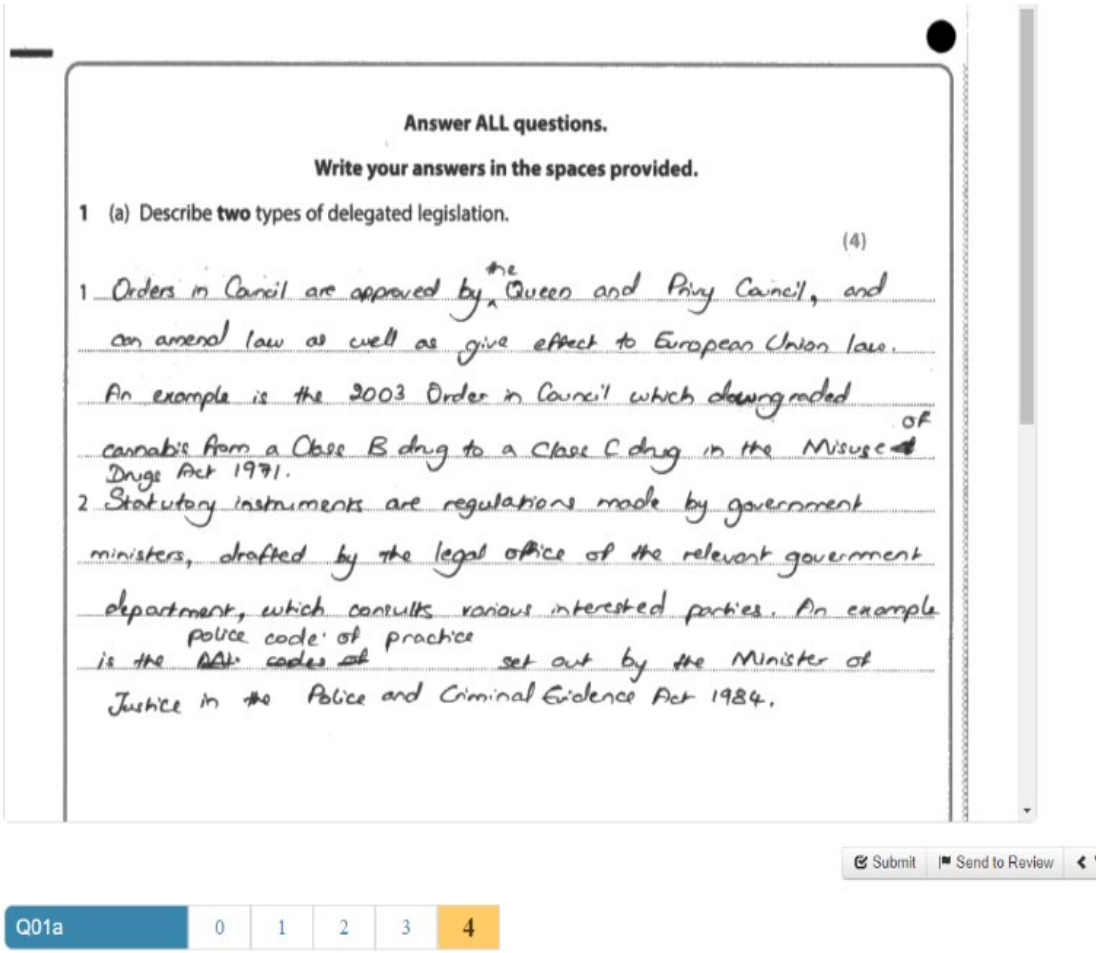
Questions carrying 2 or 4 marks are asking candidates for points- based answers which means they could receive a mark for every correct and accurate point made in answering the question. Space provided for answers should inform candidates of the length of the required response. Command words such as ‘State’, ‘Describe’ or ‘Explain’, gain marks for providing knowledge, description or explanation and providing examples for exemplification of specific legal concepts.
Questions worth 6, 10,12,14 or 20 marks are asking candidates to provide an explanation, assessment, analysis or evaluation of a given legal concept or issue using a combination of appropriate legal knowledge together with

an assessment of the issue. Candidates' answers are awarded a mark based on the level of response they display.
Questions asking for 'Analyse' require candidates to weigh up a legal issue with accurate knowledge supported by authorities or legal theories and to display developed reasoning and balance. Questions asking for 'Evaluation' additionally require a balanced and justified conclusion based on this reasoning.

Question 1a: (4 Marks)

This question is a points-based one where the candidate needs to describe two types of delegated legislation. Two marks were available for each type of delegated legislation selected. One for naming the type and describing it and the other for an example.
The examples below were awarded full marks of 4.





Answer ALL questions.

Write your answers in the spaces provided.

1 (a) Describe **two** types of delegated legislation.

(4)

1 Orders in Council are approved by the Queen and Privy Council, and can amend law as well as give effect to European Union law. An example is the 2003 Order in Council which downgraded cannabis from a Class B drug to a Class C drug in the Misuse of Drugs Act 1971.

2 Statutory instruments are regulations made by government ministers, drafted by the legal office of the relevant government department, which consults various interested parties. An example is the police code of practice set out by the Minister of Justice in the Police and Criminal Evidence Act 1984.

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Q01a | 0 | 1 | 2 | 3 | 4

Question 1b: (6 Marks)
This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptors.
The command word in this question was 'Analyse'. Candidates were required in their answer to analyse the **disadvantages** of Delegated Legislation.
For **level 1** candidates were only able to provide isolated elements of knowledge.
For **level 2** candidates provided elements of knowledge and understanding.
For **level 3** candidates demonstrated detailed understanding supported by relevant examples.
Candidates' answers often just repeated the types of delegated legislation from part a, perhaps adding in the third type. Others stated both the advantages and disadvantages of delegated legislation often just in a bullet list. Very few answers were detailed or actually analysed the disadvantages. Answers were usually very simplistic, so this question was not answered as well as anticipated.

The first example below was level 2, and the second and third were level 3.

Add a pre-defined a

Reset Zoom

(b) Analyse the **disadvantages** of delegated legislation.

(6)

One of the main disadvantages is that it undermines parliamentary sovereignty and the powers of parliament as ~~the~~ the main law making body. Further, delegated legislative process gives little control to the parliament. This is because the negative resolution procedure is used more often than not and if the Enabling Act does not require consultation, the maker of the delegated legislation will not consult. In addition to this delegated legislation has also been criticised to be undemocratic because unelected bodies are given powers to make law instead of the directly elected parliament. The making of delegated legislation also creates an increase in the volume of law as a large number is passed per year. This may make it hard to find and keep up with laws. Further, sub-delegation is also an issue because when government ministers further delegate to other officials in the department, the process becomes even more distanced from democratic process.

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Q01b	0	1	2	3	4	5	6

Add a pre-defined a

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(b) Analyse the **disadvantages** of delegated legislation.

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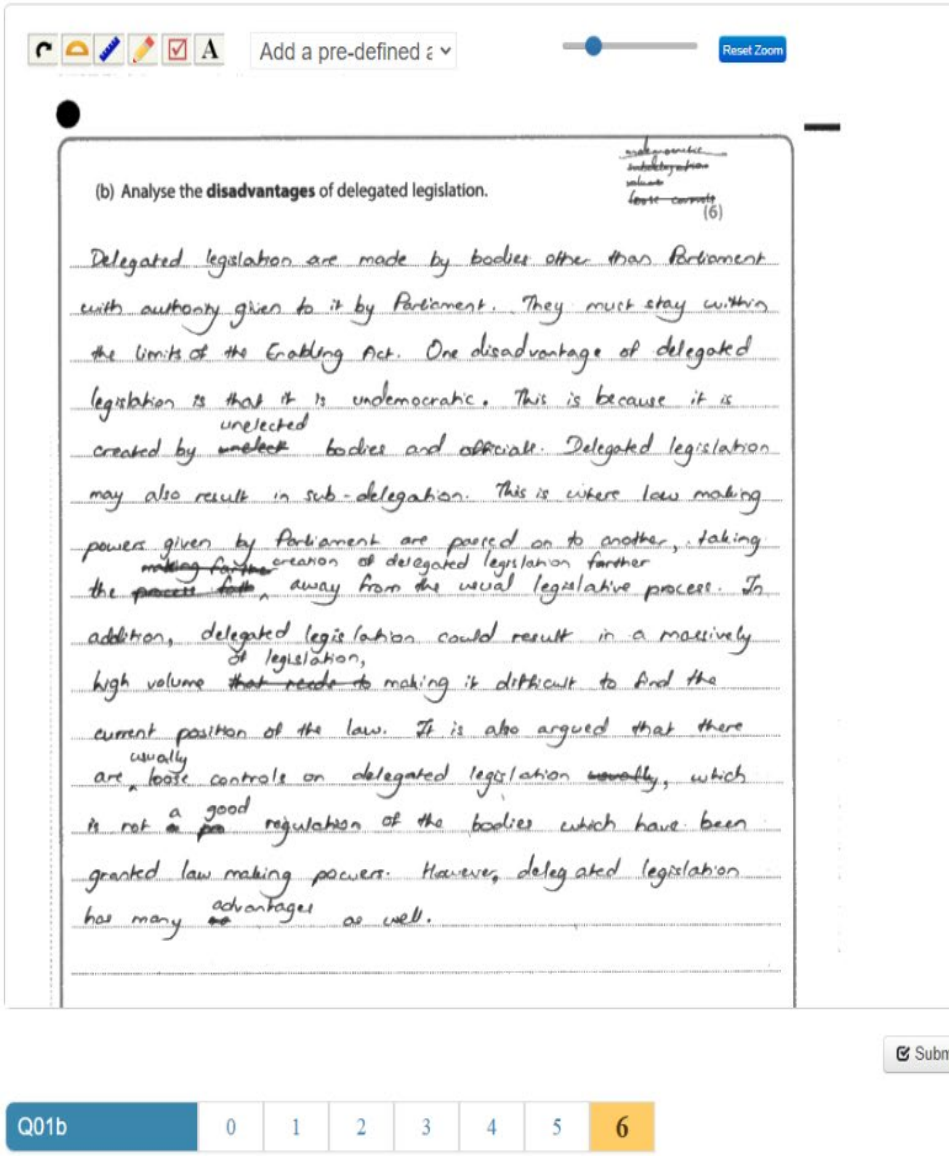
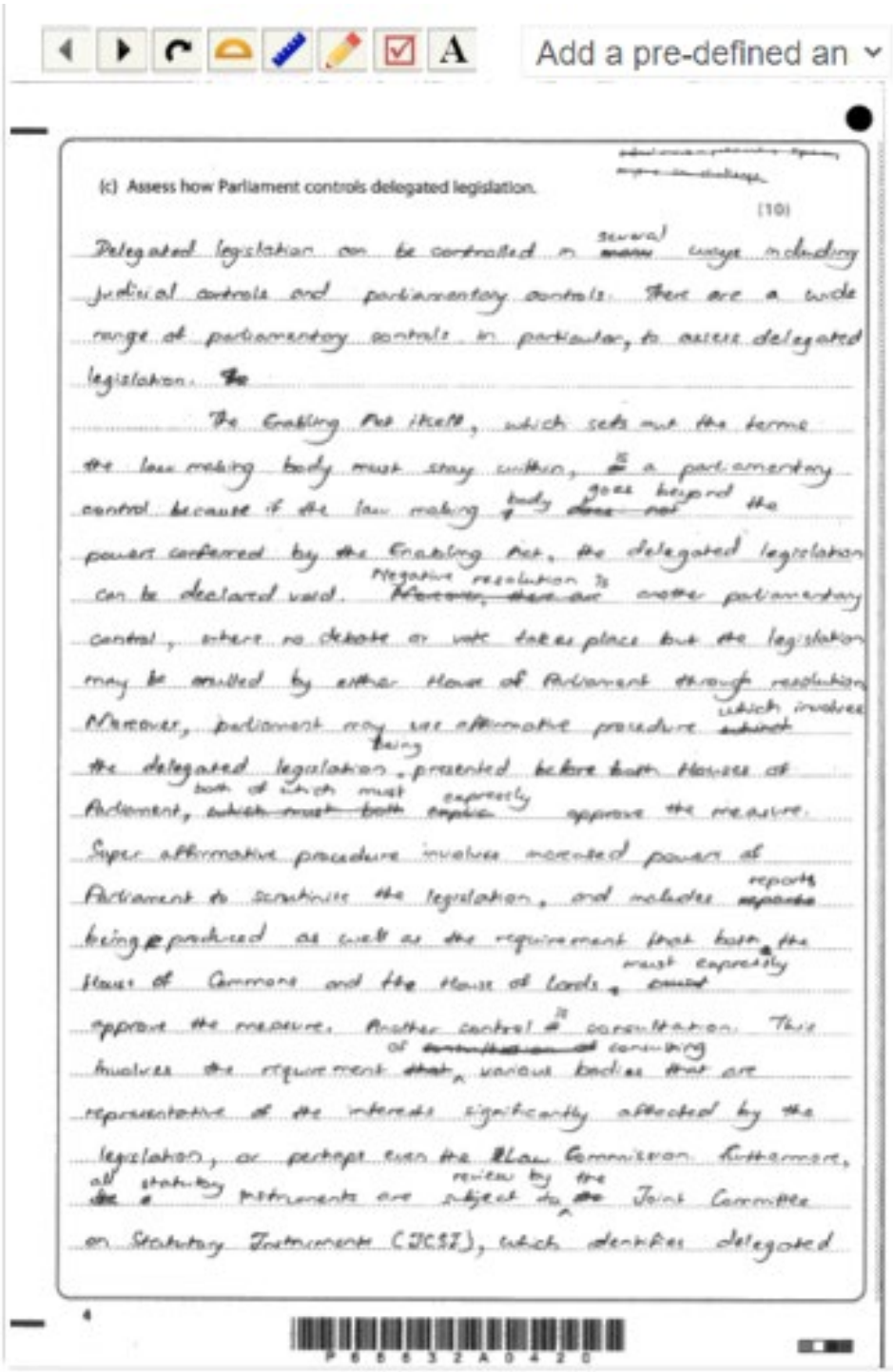


Question 1c: (10 Marks)

This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptors.
The command word in this question was 'Assess', which was looking for an extended answer, weighing up and balancing the advantages and disadvantages of how Parliament controls delegated legislation, with some illustrations and cases. All too often the responses revealed Candidates had not read the question, as the answers were often based on controls of the court, rather than Parliament. Again, often answers were just a brief numbered list and therefore contained no assessment. Some candidates did achieve high marks, but some failed to read the question properly and did not focus on Parliamentary controls.

Candidates must answer the question set and not turn it into the question they want to see or have prepared for.
For **level 1** candidates gave isolated elements of knowledge.
For **level 2** candidates demonstrated some understanding and began to make connections.
For **level 3** candidates demonstrated accurate understanding and attempts application using examples.
For **level 4** candidates demonstrated thorough and accurate understanding, logical chains of reasoning and good application.
The answer here was awarded marks at the bottom of the level 4 band.

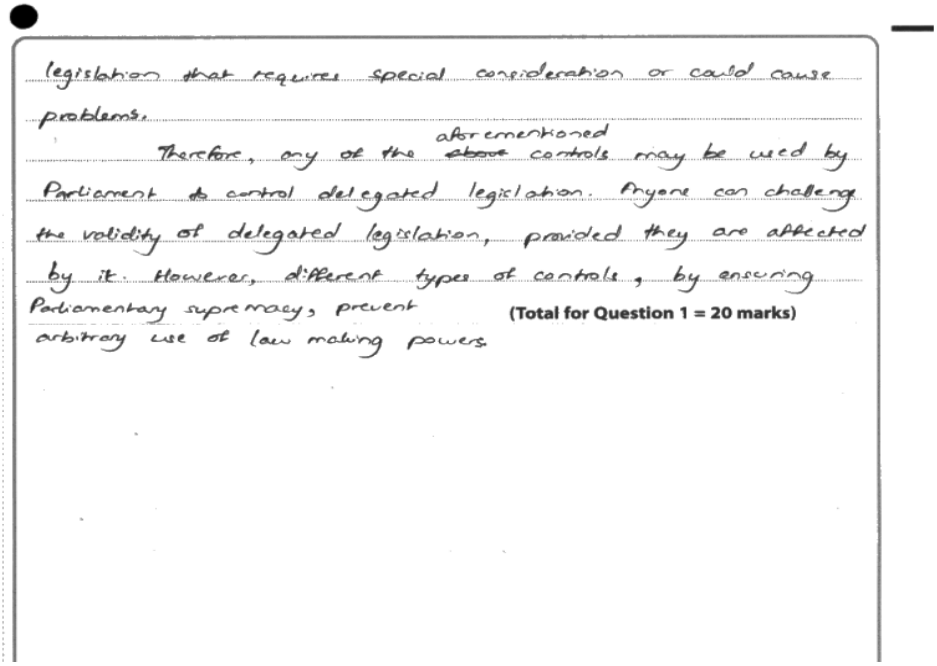


(c) Assess how Parliament controls delegated legislation. [10]

Delegated legislation can be controlled in several ways including judicial controls and parliamentary controls. There are a wide range of parliamentary controls in particular, to assess delegated legislation.

The Enabling Act itself, which sets out the terms the law making body must stay within, is a parliamentary control because if the law making body goes beyond the powers conferred by the Enabling Act, the delegated legislation can be declared void. Negative resolution is another parliamentary control, where no debate or vote takes place but the legislation may be annulled by either House of Parliament through resolution which involves Moreover, parliament may use affirmative procedure being the delegated legislation presented before both Houses of Parliament, both of which must expressly approve the measure. Super affirmative procedure involves increased powers of Parliament to scrutinise the legislation, and includes reports being produced as well as the requirement that both the House of Commons and the House of Lords must expressly approve the measure. Another control is consultation. This involves the requirement of consulting various bodies that are representative of the interests significantly affected by the legislation, or perhaps even the RLaw Commission. Furthermore, all statutory instruments are subject to review by the Joint Committee on Statutory Instruments (JCSI), which identifies delegated

Q01c 7



legislation that requires special consideration or could cause problems.

Therefore, any of the aforementioned controls may be used by Parliament to control delegated legislation. Anyone can challenge the validity of delegated legislation, provided they are affected by it. However, different types of controls, by ensuring Parliamentary supremacy, prevent arbitrary use of law making powers.

(Total for Question 1 = 20 marks)

Examiner tip
Try and use case law to enhance your mark. This will mean your answers will be more concise and focused and it would have improved this answer and the mark given.

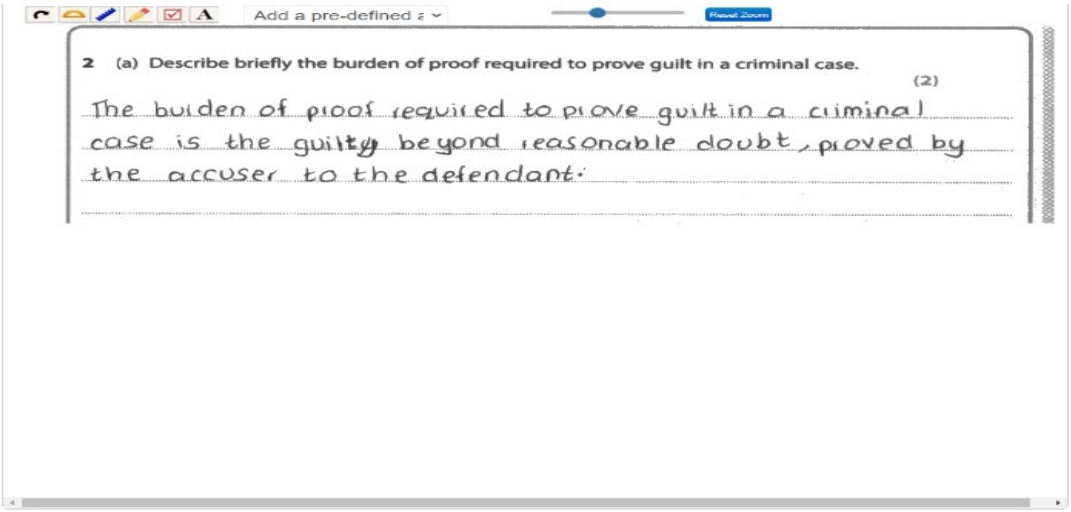
Question 2a: (2 Marks)

This question is a points-based one where the candidate needs to describe the burden of proof in a criminal case.

The command word is 'describe' which requires for one mark the correct naming of the burden of proof and then another one mark for an additional example / explanation such as who has the burden of proof.

This question was not answered as well as expected and a lot of candidates only gained 1 mark as they either missed out 'the prosecution' or 'beyond reasonable doubt'.

The first example below is an example of a good 2 mark response to this question, but the second and third examples both only scored 1 mark.



2 (a) Describe briefly the burden of proof required to prove guilt in a criminal case.

(2)

The buiden of proof required to prove guilt in a criminal case is the guilty beyond reasonable doubt, proved by the accuser to the defendant.

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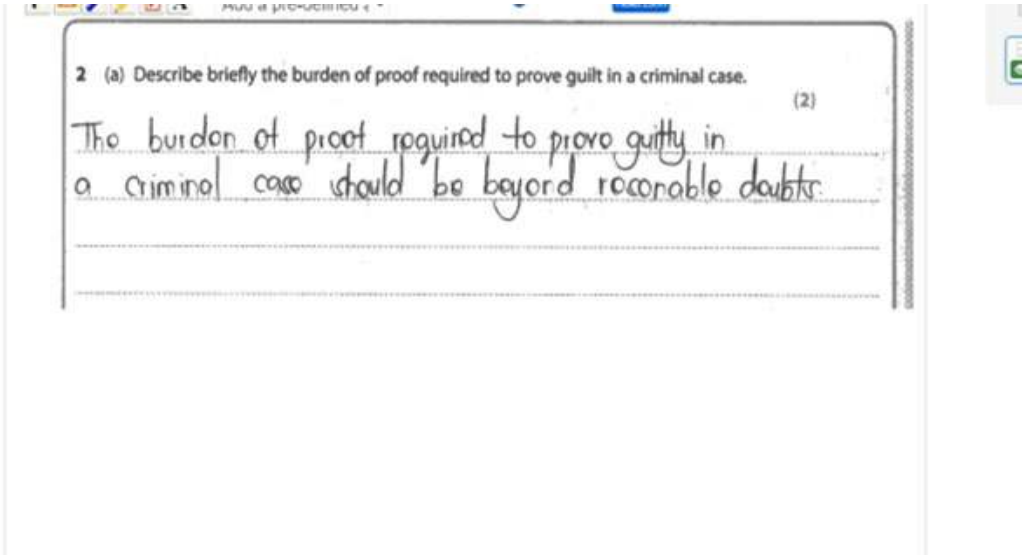
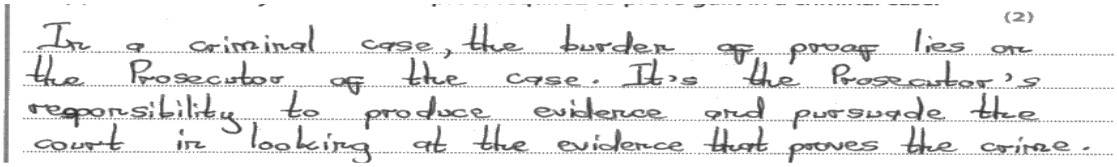


2 (a) Describe briefly the burden of proof required to prove guilt in a criminal case.

(2)

The burden of proof required to prove guilty in a criminal case should be beyond reasonable doubts.



(2)

In a criminal case, the burden of proof lies on the Prosecutor of the case. It's the Prosecutor's responsibility to produce evidence and pursuade the court in looking at the evidence that proves the crime.

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a | 0 | 1 | 2

Question 2b: (6 Marks)
This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptors.
The command word in this question was 'Explain'. Candidates were required in their answer to explain two criminal sanctions: Suspended prison sentence and Conditional discharge.
For **level 1** candidates were only able to provide isolated elements of knowledge.
For **level 2** candidates provided elements of knowledge and understanding.
For **level 3** candidates demonstrated detailed understanding supported by relevant examples.

The command word here is 'explain' which requires candidates to explain the meaning and effect of both sentences. This could be a definition of both together with an example of each to gain the full marks.
Candidates did not do well on this question, often providing muddled answers, or missing the question out altogether. The first example below was a level 3 answer, however the second example was so muddled it did not score any marks.

(b) Explain the following **two** criminal sanctions. **(6)**

Suspended prison sentence

This is usually used where a custodial sentence would have been applied however due to the circumstances a suspended sentence is more appropriate. The criminal is not imprisoned immediately, under the condition that they do not commit a crime over a particular period of time. In the event that they do commit a crime during that probation their initial sentence is ~~reviewed~~ acted upon plus the additional sentence for their current crime.

Conditional discharge

This occurs when a prisoner is released ~~on probation~~ under certain conditions. For example, they should not commit another crime over a certain period of time, or they should ~~not p~~ participate in a specific activity ~~for example~~ or see a specialist regularly. Their activity is usually monitored in order to ensure they are meeting the conditions.

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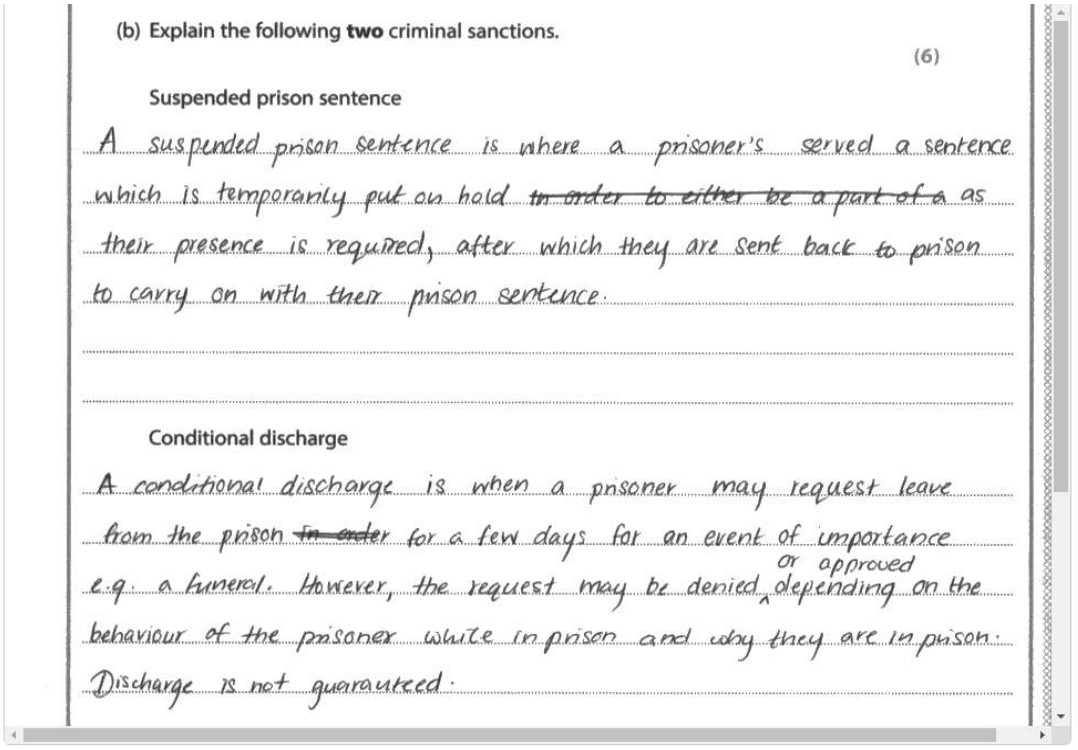

(b) Explain the following **two** criminal sanctions.

(6)

Suspended prison sentence

A suspended prison sentence is where a prisoner's served a sentence which is temporarily put on hold ~~in order to either be a part of a~~ as their presence is required, after which they are sent back to prison to carry on with their prison sentence.

Conditional discharge

A conditional discharge is when a prisoner may request leave from the prison ~~in order~~ for a few days for an event of importance e.g. a funeral. However, the request may be denied, or approved depending on the behaviour of the prisoner while in prison and why they are in prison. Discharge is not guaranteed.

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Q02b	0	1	2	3	4	5	6

Question 2c: (12 Marks)

This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptors. The command word in this question was 'Assess', which was looking for an extended answer, weighing up the impact the theories of retribution, deterrence and rehabilitation have on the sentencing of criminals, with some cases as illustrations.

All to often it was obvious that Candidates had not read the question properly and did not focus on the impact the theories have on sentencing, merely writing about the theories.

Candidates must answer the question set and not turn it into the question they want to see or have prepared for.

For **level 1** candidates gave isolated elements of knowledge.

For **level 2** candidates demonstrated some understanding and began to make connections.

For **level 3** candidates demonstrated accurate understanding and attempts application using examples.

For **level 4** candidates demonstrated thorough and accurate understanding, logical chains of reasoning and good application.

The first answer below was awarded marks at the top of level 2 band the second answer was awarded marks in the middle of band 3.

(c) Assess the impact the theories of retribution, deterrence and rehabilitation have on the sentencing of criminals.

(12)

The theories of punishment are exercised in criminal law, in pursuit of justice. Each theory of punishment exercises justice by through a particular aim, depending on the case. The theories of punishment include retribution, deterrence and rehabilitation. Each theory's aim determines the type of sentences given. Some sentences include: life imprisonment, community orders, custodial sentences and suspended sentences.

Retribution is solely based on revenge. The punishment given is directly proportionate to the crime committed. Tariffs are used to give appropriate sentences. For example a serial killer may receive a life imprisonment, while a first offender of speeding would be given a fine.

Deterrence is applied to discourage the criminal and ~~other~~ the public from committing crimes. ~~As a re~~ There is public deterrence which is for the public and individual deterrence, to deter the individual. With such an aim the sanctions of deterrence are often disproportionate to the crimes. The tariffs are not adhered to. For example a theif may be given 5 years jail time when the ~~value of~~ tariffs indicate a much reduced sentence.

Rehabilitation aims to improve the criminal and ~~make them a fit~~ reform them so that they can be re-introduced to the public and live a law abiding life. In order to acheive this criminals often recieve community orders and probation. With community orders they can get ~~medical~~ professional assistance with their reform for example if they are sentenced to 100 hours in a mental health institution.

Theories of punishment are used as guidelines for sentencing, ~~and~~

however many of them for example deterrence and rehabilitation, do not value the tariffs as they do not strictly adhere with them.

The theories of punishment violate the aims of sentencing and can result in judges making sentences that do not result in the best outcome of the individual or the public, that may have been achieved by simply following the tariffs.

Additionally there is no guarantee that the sentencing will achieve that particular aim of punishment. The relationship between the theory and the sentence may be too heavily emphasised so that its failure is reflected as a ~~prob~~ failure with the law, which would be incorrect.

(c) Assess the impact the theories of retribution, deterrence and rehabilitation have on the sentencing of criminals.

(12)

When courts are deciding on a sentence, they will look at the various aims of sentencing and decide what they are trying to achieve through that sentence.

Retribution is imposing a punishment because the offender deserves punishment. The sentence given will be in proportion to the offence committed. The main sanction that courts will use for retribution is fixed sentences, which categorise offences and determine an appropriate sentence. For example, someone who commits murder may be given a death penalty or life imprisonment whereas someone who commits minor theft may be given a community order. This makes retribution a fair and just principle of sentencing as offenders get the punishment they deserve, nothing less or nothing more. However, retribution does not take into account mitigating factors. Therefore an offender with genuine remorse or with no previous convictions may still get a sentence that an offender with criminal convictions would get. For example, if someone steals to feed their children because they're poor, they will still get a harsher sentence regardless of the fact that they were helpless. This means that offenders will be given a harsh sentence even if they do not truly deserve it.

Deterrence is imposing a punishment to prevent the offender from re-offending through fear of punishment and to prevent potential offenders from committing similar crimes. The main sentences for deterrence is custodial sentence, heavy fines or suspended sentence. Deterrence seeks to reduce crime by giving a harsher sentence. For example, someone who drinks and drives may be ordered to pay heavy fines or sent to prison. These consequences might make that offender too afraid to drink-drive again. Others might also be deterred from drink-driving. However, deterrence is the least fair principle of sentencing because the sentence given may be harsher than is deserved so that offenders are deterred from committing crime. This is in direct conflict with retribution, which means that when courts are deciding a sentence, they cannot aim for retribution and deterrence both.

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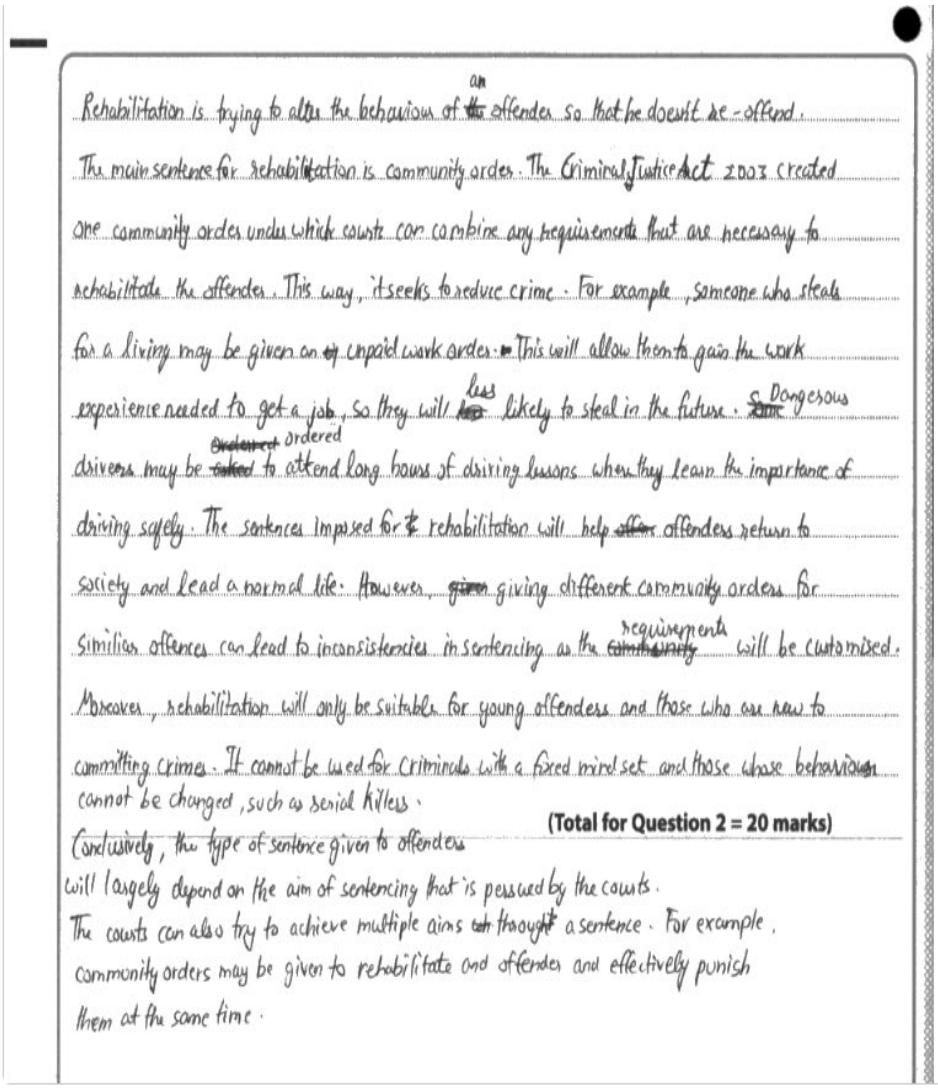

Rehabilitation is trying to alter the behaviour of ~~the~~ an offender so that he doesn't re-offend.
The main sentence for rehabilitation is community orders. The Criminal Justice Act 2003 created one community orders under which courts can combine any requirements that are necessary to rehabilitate the offender. This way, it seeks to reduce crime. For example, someone who steals for a living may be given an ~~un~~ unpaid work order. This will allow them to gain the work experience needed to get a job, so they will ~~be~~ less likely to steal in the future. ~~Some~~ Dangerous drivers may be ~~ordered~~ ordered to attend long hours of driving lessons when they learn the importance of driving safely. The sentences imposed for ~~the~~ rehabilitation will help ~~offen~~ offenders return to society and lead a normal life. However, ~~given~~ giving different community orders for similar offences can lead to inconsistencies in sentencing as the ~~community~~ requirements will be customised. Moreover, rehabilitation will only be suitable for young offenders and those who are new to committing crimes. It cannot be used for criminals with a fixed mind set and those whose behaviour cannot be changed, such as serial killers.

(Total for Question 2 = 20 marks)

Conclusively, the type of sentence given to offenders will largely depend on the aim of sentencing that is pursued by the courts. The courts can also try to achieve multiple aims ~~on~~ through a sentence. For example, community orders may be given to rehabilitate and offenders and effectively punish them at the same time.

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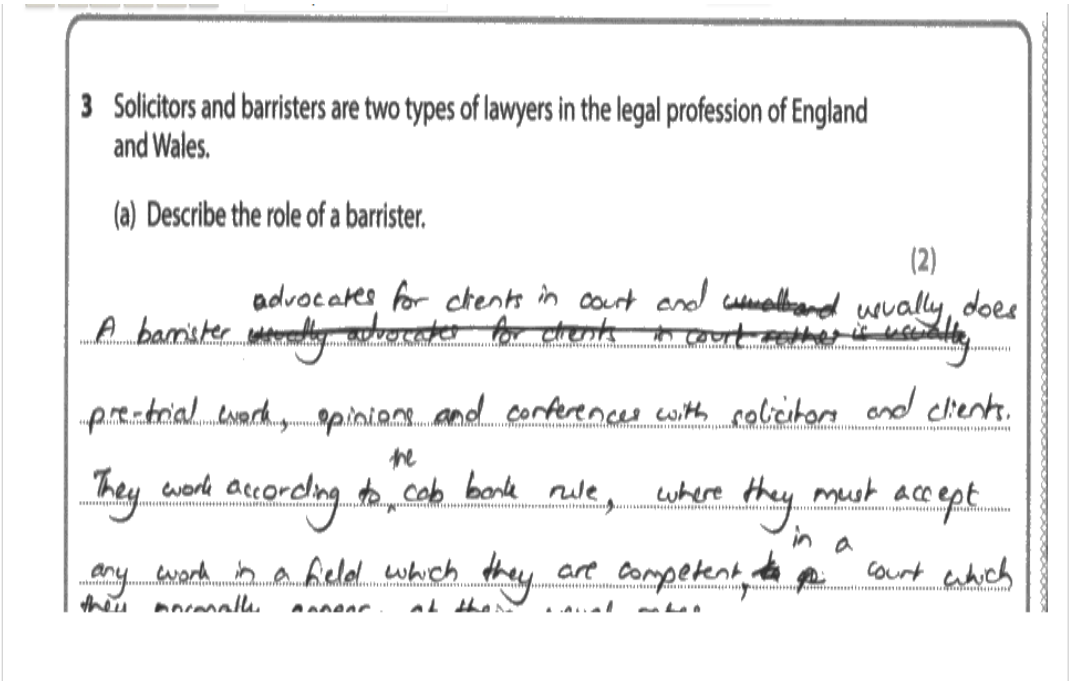
Q02c 8

Question 3a: (2 Marks)

This question is a points-based question.

The command word is 'describe' which requires for one mark the correct example of the role of a barrister and then another one mark for an additional example / explanation of the role.

Two good examples are shown below, which gained full marks.

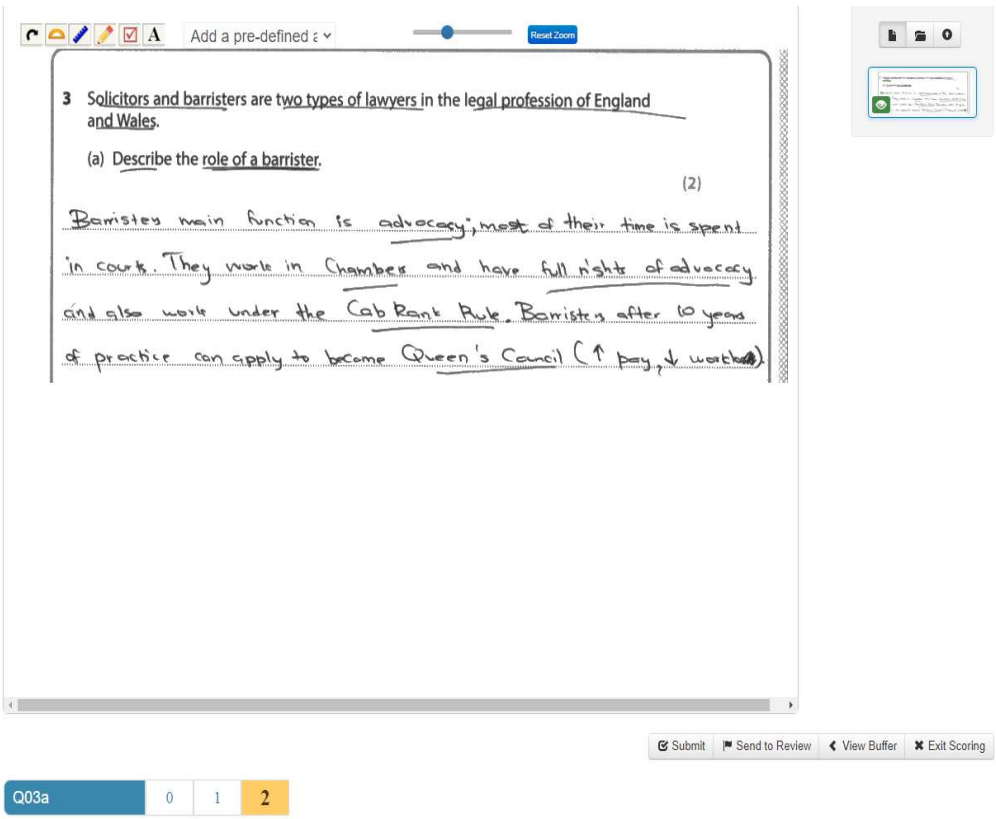


3 Solicitors and barristers are two types of lawyers in the legal profession of England and Wales.

(a) Describe the role of a barrister.

(2)

A barrister ~~usually advocates for clients in court rather is usually~~ advocates for clients in court and usually does pre-trial work, opinions and conferences with solicitors and clients. They work according to the cab bank rule, where they must accept any work in a field which they are competent in a court which



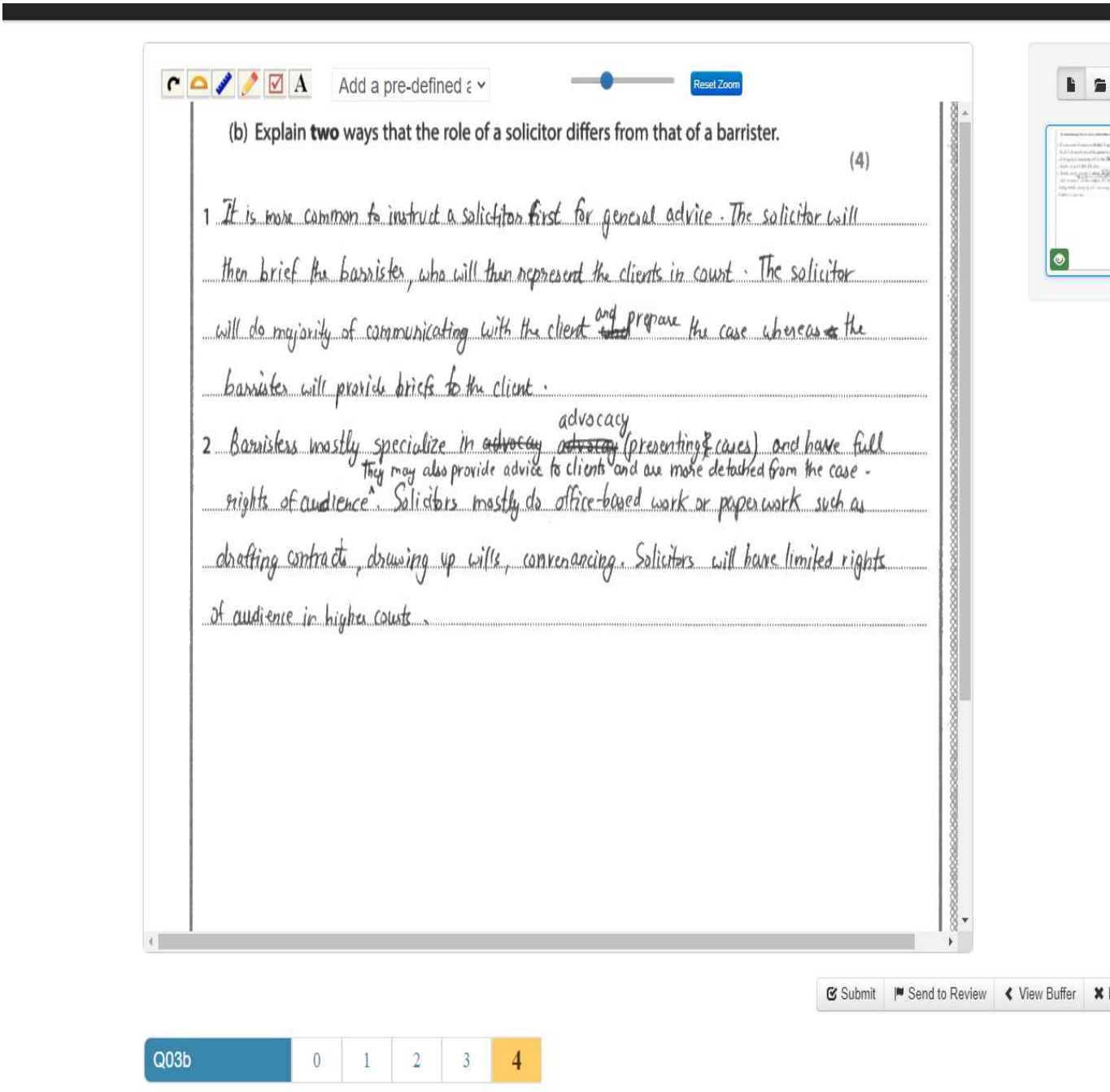
Question 3b: (4 Marks)

This question is a points-based question.

The command word is 'explain' and TWO ways had to be explained. Each way required for one mark, an explanation of the way that role of a solicitor differs from that of a barrister and then required an example / further detail

for the second mark. This then needed repeating for the second way, and to gain the further two marks.
Candidates did not do well on this question. There were a lot of confused and very vague answers.

Below is a good answer.



Question 3c: (14 Marks)
This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptions.
The command word in this question was 'Evaluate', which was looking for an extended answer with discussion, assessment, examples and a

conclusion on the advantages and disadvantages of having two separate legal professions.
Candidates were expected to provide some detail and knowledge about the roles of both professions before assessing both the advantages and disadvantages of keeping both, or merging, and then justifying their arguments in a conclusion.
The question was done badly. Knowledge was poor, answers were vague. There was little reference to recent reviews or current changes and proposals.
For **level 1** candidates demonstrated isolated elements of knowledge
For **level 2** candidates demonstrated some elements of understanding and began to apply their knowledge to the question.
For **level 3** candidates demonstrated accurate understanding of the question supported by relevant examples or authorities and attempted to balance reasoning and provide an assessment.
For **level 4** candidates demonstrated thorough and accurate understanding and an awareness of competing arguments of the strengths and weaknesses with balanced interpretations, reasoning and a sound assessment.
The answer below is an example of a middle of band 3 answer.

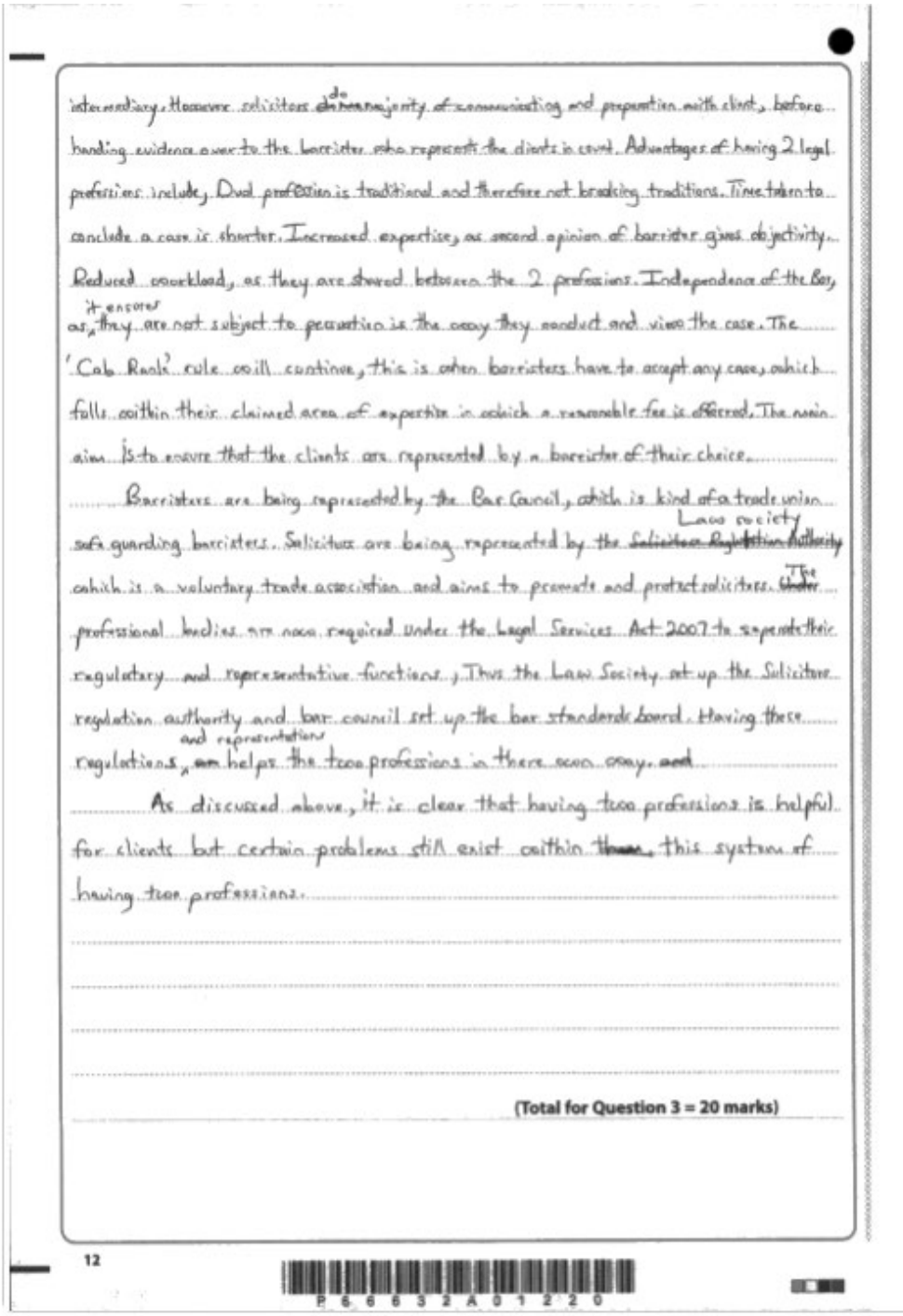
(c) Evaluate the advantages and disadvantages of having these two separate legal professions.

(14)

The British Legal system has two seperate branches, solicitors and barristers. They each have different trainings, such as, to qualify as a solicitor, they must take a one year conversion course leading to CPE. Then 2 year LPC and finally find a place in the firms (available on every high street ad online) this is a 2 year apprenticship. To qualify as a barrister, one year conversion course leading to CPE, then join an inns 1 year BPTC, applicant must find a place in chambers to secure his/her pupillage. This is a 1 year apprenticship. They must find a permanent place in chambers (tenancy). The seperate trainings given might be difficult for a person who is figuring out if they want to be a solicitor of barrister. Currently 130 000 are practicing solicitors and over 15 000 barristers in independent practice collection known as the Bar. ~~The~~ As there are less barristers compared to solicitors, there may be a problem as they would not have enough barristers to represent clients in court. The cost of having 2 professions is a problem, as it is unnecessarily expensive for the clients. As Michael Zander stated, justice is strained by the need of sufficient finances in the justice system. As the law society document had stated, there is a duplication of work between the 2 professions, however the Courts and Legals Services Act 1990 and Access to justice act 1999, put in place mechanics for equating rights of audience between barristers and solicitors, and duties began to be similar such as, solicitors are able to do advocacy in higher courts like barristers do. More time and more confusion to the clients as they have to deal with 2 people and would prefer to deal with one person from start to finish. If fused, there will be continuity but with two different professions this will be lost. ~~Documents may be lost~~ Having 2 profession will be less efficient, such as lost documents as other information is exchanged between both. As written above, there are the disadvantages of having two professions.

Traditionally, a client will contact a solicitor first, who then refers the case to a barrister, who represents the client in court. In 2004, the ban on direct access to barristers was abolished, now members of the public can contact a barrister without using a solicitor when

Q03c 8



intermediary. However, solicitors do the majority of communicating and preparation with client, before handing evidence over to the barrister who represents the client in court. Advantages of having 2 legal professions include, Dual profession is traditional and therefore not breaking traditions. Time taken to conclude a case is shorter. Increased expertise, as second opinion of barrister gives objectivity. Reduced workload, as they are shared between the 2 professions. Independence of the Bar, as they are not subject to pressure in the way they conduct and view the case, it ensures. The 'Cab Rank' rule will continue, this is when barristers have to accept any cases, which falls within their claimed area of expertise in which a reasonable fee is offered. The main aim is to ensure that the clients are represented by a barrister of their choice.

Barristers are being represented by the Bar Council, which is kind of a trade union safe guarding barristers. Solicitors are being represented by the ~~Solicitors Regulation Authority~~ Law society which is a voluntary trade association and aims to promote and protect solicitors. The professional bodies are now required under the Legal Services Act 2007 to separate their regulatory and representative functions, Thus the Law Society set up the Solicitors regulation authority and bar council set up the bar standards board. Having these regulations, and representations, are helps the two professions in there own way. and

As discussed above, it is clear that having two professions is helpful for clients but certain problems still exist within ~~those~~ this system of having two professions.

(Total for Question 3 = 20 marks)

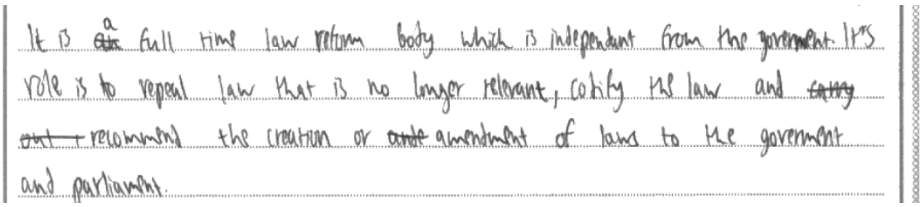
12

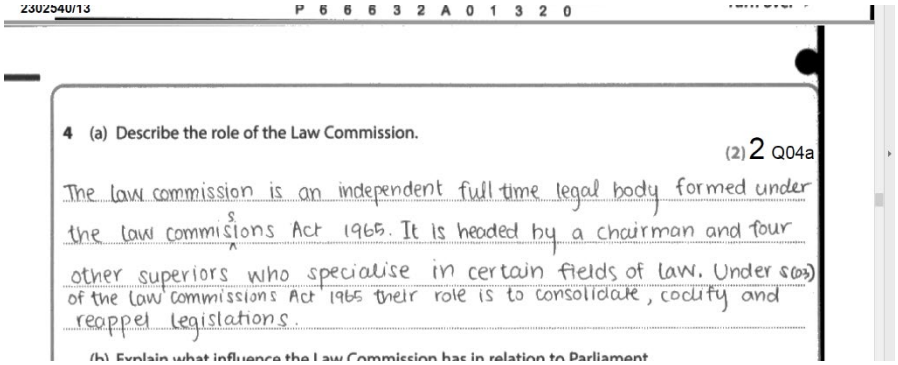
P 6 6 6 3 2 A 0 1 2 2 0

Q03c 8

Question 4a: (2 marks)
The command word is 'Describe' which requires candidates to show knowledge and describe what is meant by the role of the Law Commission.

This question is a points-based one where candidates were expected to provide a description of the role and then for the extra mark to provide an example.
The question was done well, with many answers scoring 2 marks.


It is a full time law reform body which is independent from the government. It's role is to repeal law that is no longer relevant, codify the law and ~~carry out~~ recommend the creation or ~~and~~ amendment of laws to the government and parliament.

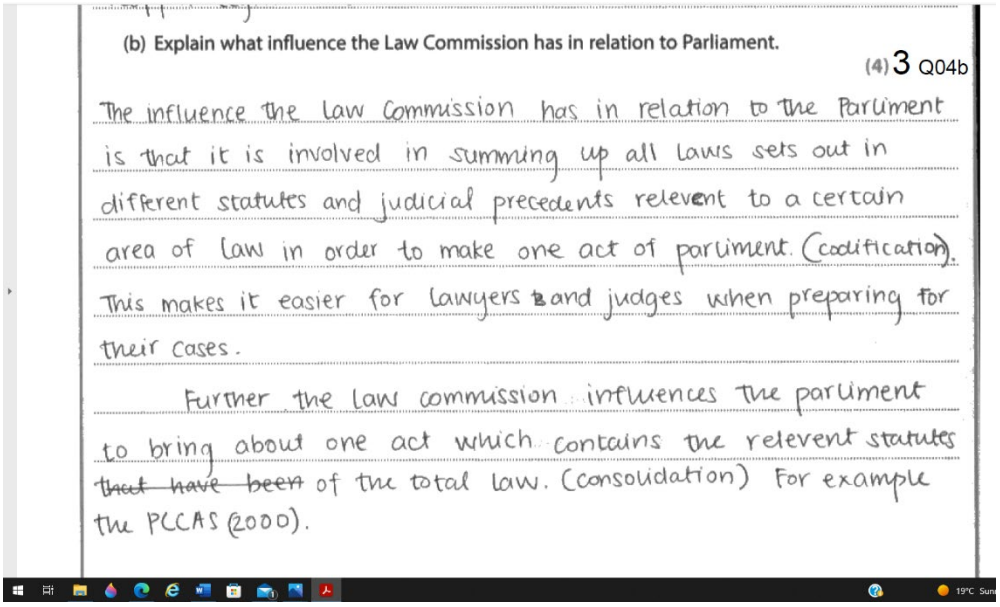


Question 4b: (4 marks)
This question is a points-based question.
The command word is 'explain' and there were two marks for providing points of influence/non-influence and two marks for examples/expansion of these points.

Responses were expected to include

- Commissioners have considerable legal expertise
- Reports are well informed and researched, based on considerable evidence
- Law Commission is independent and non-political
- Draft laws are presented with their report.
- Only a small percentage of reports are accepted and acted on by Parliament
- Lack of power – there is no obligation to consult the Law Commission before any new law is introduced
- Investigations can be lengthy
- Several areas of law are investigated at one time

Several candidates just repeated what they had written for question 4a. Below is one of the better examples.



(b) Explain what influence the Law Commission has in relation to Parliament.

(4) 3 Q04b

The influence the Law Commission has in relation to the Parliment is that it is involved in summing up all laws sets out in different statutes and judicial precedents relevent to a certain area of law in order to make one act of parliment. (codification). This makes it easier for lawyers and judges when preparing for their cases.

Further the Law commission influences the parliment to bring about one act which contains the relevent statutes ~~that have been~~ of the total law. (consolidation) For example the PCCAS (2000).

Question 4c: (14 marks)

This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptions.

The command word in this question was 'Evaluate', which was looking for an extended answer using examples. The question required a balanced assessment of the influence of the media and pressure groups on Parliamentary law making.

Many candidates provided good answers to this question and made use of examples and cases.

For **level 1** candidates demonstrated isolated elements of knowledge

For **level 2** candidates demonstrated some understanding and began to apply their knowledge appropriately to the question.

For **level 3** candidates demonstrated accurate understanding of the question supported by relevant examples.

For **level 4** candidates demonstrated thorough and accurate understanding exemplified with appropriate, well explained and applied authorities.

The example below scored middle of band 3.

Add a pre-defined an

(c) Evaluate the influence of the media and pressure groups on Parliamentary law making.

(14)

Media includes the TV, newspapers, internet, radio, etc.

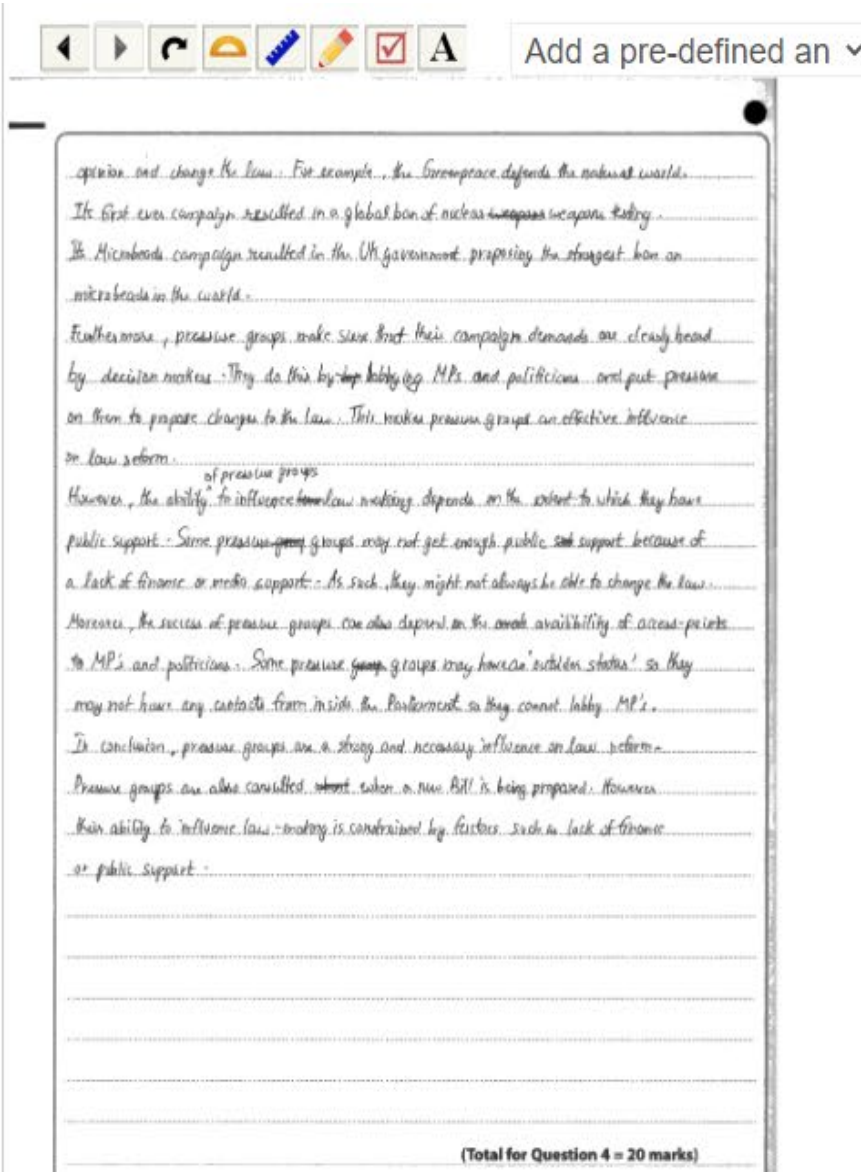
The media plays a key role in bringing important matters to the attention of the public [through reporting and …]. This can raise public concern or even outrage them, which can pressure on the Parliament and the government to change the law. One example is the Snowdrop Campaign – the media had reported on the incidents where the killers used legally-held handguns to shoot innocent people. This raised public concern and led to the creation of the Snowdrop Campaign, which eventually resulted in the ban of privately-held handguns (this was handguns were surrendered to the police). Sometimes, the media itself can campaign for changes to the law. Since political parties need the media on their side to enhance their chances at an election, they will usually listen to the media.

However, media reform is said to be a 'knee-jerk' reaction. For example, the media caused panic when they reported that dog attacks were a national problem. This led to the government passing the Dangerous Dogs Act [very quickly], which was not well-drafted. This shows that media influence will not always lead to law being reformed in a proper and organised manner. Moreover, the media can be very manipulative. They can misrepresent facts to attract readers and listeners. Also, since most of the media organisations are privately-owned, the media can act in its own interest.

In conclusion, the media can influence law making to a great extent, like in the Snowdrop Campaign and Dangerous Dogs Act. However their role should be limited to prevent knee-jerk reactions.

Pressure groups are groups with a particular interest that can campaign for law reform. Pressure groups are a strong influence on Parliamentary law making. They can gain immense support from the public [illegible] can put pressure on the Parliament until they [illegible] to public…

Q04c | 8



Examiner tip
Try to focus on the question with your answer and identify the key issues required to enhance your mark. This will mean your answers will be more concise and focused.

Question 5: (20 marks)

This question was marked using a levels-of-response based mark scheme. The candidates' answers were assessed in their entirety and allocated a level based on where this best fitted the level descriptions. This is the question candidates need to spend some time on, due to the fact that there are no subsections to the question and therefore the total question marks of 20 are based around a single answer.

The command word in this question was 'Evaluate', which was looking for an extended answer. Candidates were expected to evaluate using examples

whether the arguments for the abolition of the jury in England and Wales are more persuasive than those for its continued use. Candidates were expected to illustrate their answers and use relevant case examples and justify an argument and their conclusion.

Most candidates managed their time well to complete this last question on the paper, and candidates found it a topic that they knew at least something about. So, although the really good answers were few and far between, most candidates managed to get marks in at least band 2 or band 3. Some learners wasted time on a detailed description on the process of being chosen as a juror, while some spent most of their answer talking about magistrates, rather than focusing on the question asked.

For **level 1** candidates demonstrated isolated elements of knowledge relating to law and morality

For **level 2** candidates demonstrated some understanding and began to apply their knowledge appropriately to the question.

For **level 3** candidates demonstrated accurate understanding of the question supported by relevant examples.

For **level 4** candidates demonstrated thorough and accurate understanding exemplified with appropriate, well-explained and applied examples to reach a justified conclusion on the topic.

The example below was a very good top band answer.

5 Evaluate whether the arguments for the abolition of the **jury** in England and Wales are more persuasive than those for its continued use.

(20) Q05

A Jury is a group of citizens selected at random from the electoral register to sit in court hearings and give verdicts based on evidence heard, whether a defendant is guilty; for criminal trials or liable, for civil cases. There are 12 Jurors that sit in ~~civil~~ criminal cases and there can never be ~~more than~~ less than 9. Civil cases consist of 12 Jurors as well in the Crown Court, 8 in the County Court and as per the decision in the Defamation Act 2013, judges may decide whether other cases may have a jury present or not.

Eligability of jurors as per the Criminal Justice Act 2003 is based on the following. They must be between 18 to 75 years of age, be registered to vote on the government electoral register, be an ordinary citizen in the UK for 5 years since their 13th birthday, not be mentally disordered or disqualified due to reasons such as pas criminal records.

A Jury is selected by the Jury central Summoning Bureau. computers are used to generate a random list of potential jurors and summons are then sent out to these jurors, requesting them to be present at jury service. Jury vetting may happen in this instance where jurors are checked

• in order to ensure that they do not hold any extremist views. this may be extremely necessary, especially in cases ~~if~~ that involve terrorism or national security. they are then taken into court in order to enter an oath by a court official. jurors will not know what case they will serve on until they are sworne in, this is done to ensure that they do not make any prejudgements about the case which could lead to bias.

Juries may make majority ~~w~~ verdicts of 10:2 or 11:1. If there are ~~less than~~ only 9 jurors present a ~~unan~~ unanimous verdict must be made. the majority verdict is able to prevent the chance of a juror being bribed by either side which could cause unjust decisions to be made.

A jury may be challenged by either side based on the following. for cause; where the parties of the case are able to identify that particular jurors have a privilege of peerage ie: the ~~pers~~ parties of the case are known to them personally, disqualification or ineligibility, To the array; where the whole jury is challenged due to an argument that it has been selected in a biased or unrepresentative manner as per the Juries Act 1974. And finally, the may be challenged on stand-by.

It could be argued that a jury being present in cases may not ~~be~~ really be necessary in the legal system of England and Wales and there are several reasons in favor of this argument. Firstly, the competence of the jurors selected may be questionable. Is it made sure that all jurors have common sense, a reasonable level of education and the capacity of knowledge necessary to comprehend court proceedings?. Court proceedings may be complex and technical, especially when the case involves commercial disputes. It is highly probable that the average man may not understand the terms used in court which may lead them to feel confused and unsure of the facts of the case. The Roskill committee published a report which stated that, more often than not, jurors consider their own confusion of the case as reasonable doubt which leads them to aquit defenda-nts based on confusion and not actually based on evidence heard. This could lead guilty and liable defendants to be aquitted and thus, threaten the safety of society. Certain jurors may also have absurd beliefs and practices which may not be fit for the jury room and have no place in the determination of justice, for example, ~~that~~ there was a particular juror who set up an Ouija board in attempt to connect with the

continuation
(Total for Question 5 = 20 marks) Q05_Total

TOTAL FOR PAPER = 100 MARKS

ADDITIONAL ANSWER SHEET

ASL1

Candidate name: Keyaana de mel

Centre number: 9 7 7 1 3

Candidate number: 2 0 6 5

Paper reference: ~~WA~~ 4LA1 01

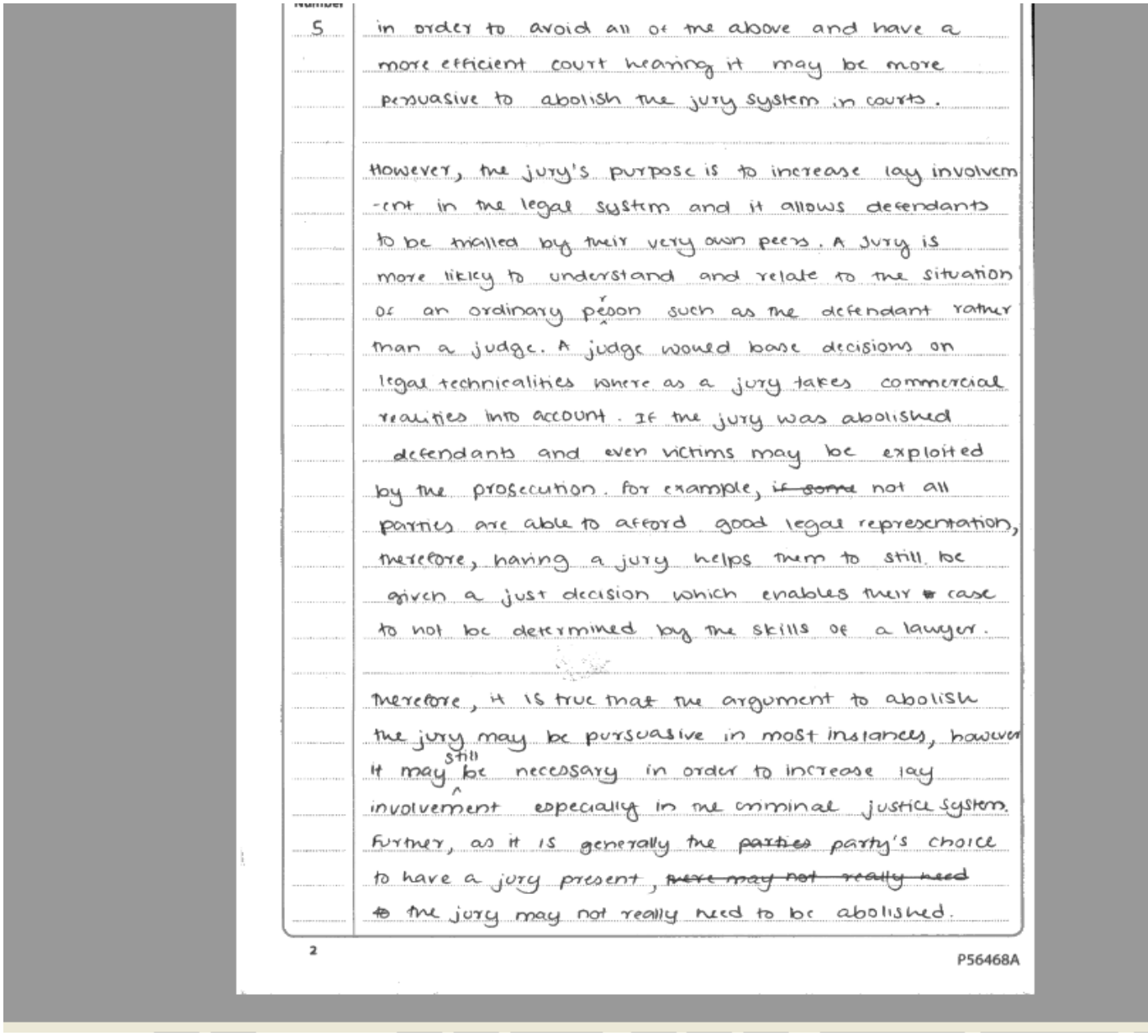
Question number: 5

Sheet number: 1

Question Number 5

decreased spirit. there is also a problem of bias regardless of all the processes of checking involved. this could result in unfair decisions being made. for example, if the person on trial is a renowned public figure, there is a chance that there may be a juror present who does not agree with their ways or dislikes them for no real reason. further, a person on trial may not have a right to request a jury that is representative of his/her race or ethnicity which make them feel intimedated or ~~the~~ unrepresented as a person belonging to his background may understand his situation more deeply than others. Jurors are also obligated to attend jury service and are faced with penalties such as large fines if they do not attend^, or are unfit due to consumption of drugs. this may create a sense of obligation which could lead jurors ~~to~~ being unhappy about having to sit in and hear trials when they could rather be at work or with their families or have previous obligations to attend. thus, this may lead to inefficient ~~and~~ decisions being made as jurors may not ^take the case seriously. therefore,

Turn over ▶



Number 5

in order to avoid all of the above and have a more efficient court hearing it may be more persuasive to abolish the jury system in courts.

however, the jury's purpose is to increase lay involvement in the legal system and it allows defendants to be trialled by their very own peers. A jury is more likely to understand and relate to the situation of an ordinary person such as the defendant rather than a judge. A judge would base decisions on legal technicalities where as a jury takes commercial realities into account. If the jury was abolished defendants and even victims may be exploited by the prosecution. for example, ~~if some~~ not all parties are able to afford good legal representation, therefore, having a jury helps them to still be given a just decision which enables their case to not be determined by the skills of a lawyer.

therefore, it is true that the argument to abolish the jury may be pursuasive in most instances, however it may still be necessary in order to increase lay involvement especially in the criminal justice system. further, as it is generally the ~~parties~~ party's choice to have a jury present, ~~there may not really need~~ the jury may not really need to be abolished.

2

P56468A

Paper Summary

Based on their performance on this paper, candidates are offered the following advice:

- Read the questions and pay careful attention to what the command words are asking you to do. This will mean your answers will be more focused.
- Look at the marks allocated to the question and spend only the appropriate amount of time on the question based on the marks.
- In a question with several parts, read all the parts and decide what information to put in each part before starting part a.
- Use examples to illustrate definitions or points made in the short answer questions and additionally relevant case law and legislation to illustrate longer answers.
- Provide balanced answers when asked to provide advantages and disadvantages.

- Provide a conclusion for ‘evaluate’ questions.
- Make sure your writing is legible and not too small.

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