Section A: Law making

Parliamentary Law making

Question 01

Students were required to outline the meaning and purpose of Green and White Papers and the doctrine of Parliamentary supremacy (also known as sovereignty).

For the meaning of Green Papers, they are issued by government departments to gain views about proposed legislation from a variety of interested bodies and the general public. They are initial consultation documents whose responses may be, but do not have to be, acted on by the government.

White Papers set out government’s preferred approach to a future piece of legislation. Their purpose is not for consultation, but the views of interested parties may be expressed and taken into account when legislation is finally presented to parliament.

For an outline of Parliamentary supremacy answers needed to cover both legal supremacy – that parliamentary law is the highest form of law which must be applied by judges and political supremacy which is that one parliament cannot bind its successors.

Most students had some idea of the purpose of Green and White Papers, but answers often lacked precision and especially examples. Weaker answers equated them with the actual legislative process itself and referred to them as draft bills. Few answers mentioned the main purpose of Green Papers as consultative.

Answers on Parliamentary supremacy were generally stronger, though the emphasis was often on political rather than legal supremacy. Some answers concentrated on limitations, though this was not specifically the focus of the question. Few answers stated explicitly that legal supremacy meant that Acts of Parliament were the highest form of law and had to be applied by judges.

Question 02

This question required a description of the legislative process in Parliament, including the role of the Crown.

It was expected to cover the process in the House of Commons, the House of Lords, the constitutional role of the Crown in Parliament and the effect of the Royal Assent.

Credit was also given for any of the following:

- the introduction of a bill by Minister (for government bill) or promoter (for private members’ bill)
- role of the House of Lords as a revising chamber
- a description of the ping-pong procedure in conjunction with House of Commons until final agreement has been reached on wording of all clauses
• the effect of the Parliament Acts.

This question was generally well answered, with most students being able to describe in some
detail the process in both Commons and Lords and to make some reference to the role of the
Crown. Some answers concentrated on the process of the Commons to the exclusion of the Lords
and others gave much greater detail on green and white papers than was shown in question 1.
This could not be credited as it is strictly not part of the legislative process in parliament.

Question 03

This question required a brief discussion of advantages and disadvantages of the legislative
process:

Points that could have been made for advantages were:
• that it is democratic
• there is thorough discussion and scrutiny of proposals
• law can be made after a detailed inquiry or Law Commission report
• law can give effect to election manifesto commitments
• it is an open process
• there is the possibility of amendment(s) being made to original proposal or draft
• there is supremacy of Parliamentary law over other forms of law-making.

Points that could have been made for disadvantages were
• there may be delay in dealing with issues
• the law may be affected by political influences rather than genuine debate such as whipping
  or guillotines on discussion
• there may be non-democratic issues affecting the proposals, particularly the involvement of
  the House of Lords
• various matters relating to the laws themselves - such as that laws are written in complex
  language rarely understood by the man in the street, there is often piecemeal development
  of laws, there is often a need to read more than one document to understand what the law
  is
• there may have to be a compromise in the process between Commons and Lords to ensure
  law is passed.

Most answers identified relevant advantages and disadvantages. Stronger answers developed the
points into discussion, though often there was a lack of any supporting evidence. Weaker answers
tended to identify several points with little or any discussion.
Delegated Legislation

Question 04

This question required a brief explanation of statutory instruments and by-laws as forms of delegated legislation.

For statutory instruments, answers could have covered the fact that they are laws made by government ministers having delegated powers under the authority of primary legislation called enabling Acts. Examples of both enabling Act and of statutory instruments were expected.

For by-laws, answers could have covered how they are made – under delegated powers given by Local Government Act 1972 or other relevant statutes - and approved by government ministers. Examples of forms of by-laws made by local authorities and by other bodies (such as transport providers) were expected.

There were many confident answers seen about Statutory Instruments with accurate detail, listing multiple uses with appropriate examples. Many answers made at least some reference to enabling Acts in general or, more pleasing, citing specific statutes. Weaker answers were confused about the distinction between Statutory Instruments and Orders in Council and referred to SIs being used to transfer responsibilities between departments or in emergencies. By-laws were often dealt with comprehensively with many students being able to cite examples of both local authority use and use by companies or other organisations. However, as has been commented a number of times previously, it is disappointing to see many references to the now long repealed Dogs (Fouling of Land) Act. Weaker responses tended to be more generalised, lacking specific examples and in some cases referring to Acts as examples of by-laws.

Question 05

This question required an explanation of judicial controls on delegated legislation. Material that could have been covered included:

- judicial review on grounds of procedural ultra vires such as seen in the case of Agricultural Training Board v Aylesbury Mushrooms Ltd
- judicial review on grounds of substantive ultra vires seen in the case of Commissioners of Custom and Excise v Cure and Deely Ltd
- on the grounds of unreasonableness as set out in the Wednesbury case; a more recent example was the case of R (on the application of Rogers) v Swindon NHS Primary Care Trust
- on the grounds that it is in conflict with EU law or with the ECHR; a case example is Vinter and others v UK.

There were many well prepared answers to this question and nearly all students were able to refer to some relevant case examples illustrating aspects of ultra vires.

The best answers were those that showed clearly how the facts of the case illustrated the principle. Some answers dealing with substantive ultra vires were confused about where the powers were
being exceeded and referred to the body in question going beyond the powers in the delegated legislation rather than going beyond the limits or powers set in the enabling legislation.

**Question 06**

This question required a discussion of why Parliament delegates law-making powers. There are a number of reasons such as:

- that Parliament is not in session when an emergency arises and Orders in Council can be used to deal with the emergency
- the need for detail to fill in the outline of primary legislation such as the amount of the annual minimum wage
- the need for specialist rules
- the need to set starting dates for primary legislation by commencement orders
- to update rules such as the amount of a fine or the annual increase in the minimum wage
- to deal with local issues by way of by-laws – popular examples here were dog fouling and alcohol consumption in the street
- to deal with specific needs of public authorities such as the imposition of penalty fares or to stop smoking made by transport providers
- that time in Parliament is saved by delegating the detail.

There were many good answers to this question, with most students recognising that, in essence, what was required was a reworking of the advantages of delegated legislation as reasons for Parliament delegating. Many students discussed three or four reasons and made reference to appropriate examples to illustrate their discussion. However not all advantages lent themselves so effectively to be considered as reasons for delegating. For example, some answers made reference to delegated legislation being democratic because some makers of it are elected or to the fact that scrutiny of it is effective. While these might be considered advantages they are not really reasons why Parliament would choose to delegate and centres should perhaps encourage students to discuss the more obvious reasons for delegating as set out above

**Statutory Interpretation**

**Question 07**

Students were required to describe the literal rule of statutory interpretation. This required a description of the rule followed by case illustration. The rule requires judges to give words in an Act their ordinary, natural (Oxford English) dictionary meaning from the time the Act was passed. This dictionary meaning is given even if it results in an absurdity. Illustrative cases to show the application of the rule included Whiteley v Chappel, Cheeseman v DPP, Fisher v Bell, and LNER v Berrman.
Most students were able to attempt some kind of definition of the literal rule and illustrate it at least one case example. What stopped many answers being awarded the higher marks was a failure to explain how the case illustrated the rule. A useful test to apply is to read what has been written and then ask the question whether the answer gives an idea what the rule actually says and how the case outcome demonstrates the application of the rule.

Question 08

Students were required to describe the golden rule of statutory interpretation. As with the previous question, this required a description of the rule followed by case illustration. Description of the rule would have covered the fact that the judge follows the literal rule unless that is at variance with the intention of the legislature or would lead to an absurd result. There are then two approaches used with this rule:

- the narrow approach where the word is capable of more than one meaning. In this case the judge selects a meaning to avoid an absurdity. An example of this is *R v Allen*

- alternatively, the broad approach. This is where the word has one meaning but if the decision would result in an absurdity or repugnance, the meaning of the word is altered to avoid the absurdity or repugnance. Examples here could be *Re Sigsworth* or *Adler v George*.

Similar comments apply to this question, although generally, the cases were linked more effectively to the rule than was the case with Q.7. Perhaps this was because it is easier to understand and explain that the application of the rule prevented an absurd/repugnant outcome than it is to explain how the case illustrated the application of the plain, ordinary, 'literal' meaning of words. Perhaps also the very complexity of the narrow and broad approaches meant that students learned them more carefully and were able, as a result, to explain them effectively and apply them to relevant cases. One particular issue that affected a number of students was that the facts and/or principle of *Re Sigsworth* was frequently confused with *ex parte Smith* (a purposive approach case), or on occasions *R v White* (causation).

Question 09

This question required a brief discussion of advantages and disadvantages of the golden rule that had been described in the previous answer. Points for advantages could have included:

- that fewer absurd and unjust results would be made if the rule was used
- that there could be an assumption that Parliament would not have wanted to pass laws that produced absurd or regnant decisions, thereby justifying use of the rule
- it is democratic as judges are applying the will of Parliament. There is an alternative argument that as the court, by using the rule, is not following the stated will of Parliament, it is undemocratic.
Points for disadvantages could have included:

- that it depends on individual judges to decide what is an unintended, absurd or repugnant result. One interesting comment seen here to support this point was that Lord Parker was the same judge hearing the cases of *Fisher v Bell* and *Adler v George*. In the first case he used the literal rule and in the second the golden rule.

- That, as set out previously, it gives too much power to judges and therefore it can be considered undemocratic.

- It is inadequate as suggested by Michael Zander who described the rule as a ‘feeble parachute’.

Although there were many good answers to this question, there were also many that lacked precision and offered fairly general comments that could equally have applied to the mischief rule or the purposive approach. Many students argued for example, that the rule would prevent unfair outcomes like that in *Berriman*, whereas, in reality, because the rule applied only when there was manifest absurdity, it would probably not apply to cases like *Berriman*.

**Judicial Precedent**

**Question 10**

In this question students were required to outline the main features of judicial precedent. These are considered to be:

- A hierarchy of courts – the outline of this could have dealt with either the civil court structure and/or the criminal court structure covering especially which courts bind which others and/or which courts are bound by which others.

- The key distinctions between the *Ratio decidendi* of a decision (the legal reason) and the *obiter dicta* (other things said by the way) with some illustration of each. Credit was also given for reference to the binding (or persuasive) parts of the decision and their respective effects (for binding precedent, the decision must be followed by other judges (depending on status) as opposed to obiter being persuasive and which may be followed by other judges.

- The system of law reporting – reference here could be made to the need for reporting, the content of law reports, that they are written by authorised barristers and subsequently authorised by the judge giving the judgement and example of different sources of reports, such as the All England Law Reports series and newspapers such as The Times.

Well prepared students had little difficulty in achieving high marks on this question, though for many, there was a problem in selecting and restricting the amount they wrote. There were many thorough accounts of hierarchy, *ratio / obiter* and law reports with supporting cases which probably took much longer than 10 minutes to write. It is always difficult persuading well prepared students to write less, but it should be noted that the question required only an outline rather than a detailed survey. It was noticeable that a number of weaker answers either failed to deal with the court hierarchy, or dealt with it very superficially.
Question 11

In this question students were required to outline two ways in which judges can avoid binding precedent.

Ways of avoiding precedent that could be outlined were any of the following:

- Judges in the Supreme Court only using the 1966 Practice Direction when it is right to do so. Case example(s) of this method include Herrington, Hoare v A, Anderton v Ryan/Shivpuri, R v G & R/MPC v Caldwell, Howe and Lynch.
- The Court of Appeal having the power to overrule any precedent itself in civil cases using rules in Young v Bristol Aeroplane; alternatively in criminal cases using R v Young to avoid injustice to defendant. Case example(s) of this method were encouraged.
- The ability of judges of all levels to distinguish a previous decision. Common example(s) outlined were Balfour and Merritt and Brown and Wilson.
- The ability of the higher appeal courts to overrule a decision of a lower court. This method could of course be linked to the powers of the Supreme Court using the 1966 Practice Direction and/or powers of Court of Appeal. Common example(s) outlined were Herrington, R v G & R which overruled MPC v Caldwell, DPP v Howe which overruled DPP for NI v Lynch, and Pepper (Inspector of Taxes) v Hart which overruled Davis v Johnson.
- The ability of higher appeal judges to disapprove a previous decision. Common examples used to illustrate were Cheshire in which the decision of Jordan was disapproved.

Centres are reminded that reversing is not within the specification so no credit could be given to answers that outlined this procedure.

Most students were able to refer to two ways in which judges could avoid following precedent and to identify relevant case illustrations. Most answers identified overruling and distinguishing and gave some explanation of how they worked. Weaker answers tended to refer generally to ‘judges’ generally rather than explaining in which courts overruling and distinguishing could operate. This was also evident when dealing with the 1966 Practice Direction as a number of students thought this could be used by judges of every level.

Although students could have achieved ‘Sound’ by outlining the use of the Practice Direction by the Supreme Court or the use by the Court of Appeal of its powers under Young v Bristol Aeroplane Company, many included either or both in a general description of overruling and achieved high marks as a result.

Question 12

In this question students were required to briefly discuss advantages and disadvantages of judicial precedent.

Points for advantages could include:
• The flexibility of the system to deal with new situations as they arise, or to update out-of-date rules as in **R v R** and/or **Herrington**

• That judges are dealing with real, as opposed to theoretical, cases

• The decisions, through the use of law reports provide detailed rules for later cases

• The result can be said to be a just outcome, as judges are impartial and are basing their decisions on legal rules

• Decisions are authoritative – especially in decisions of Supreme Court and Court of Appeal due to the numbers of judges involved and the experience of the judges

• Certainty – that a definite decision is made in a case, which can then be passed on for later cases

• As a result of the certainty the system is time saving as lawyers can advise their clients in similar cases of the potential outcome and whether the case is worth taking to court.

Points for disadvantages could include:

• the undemocratic nature of this form of law making, as the role of a judge can be said to be applying law passed by Parliament, rather than making law

• in order to make precedent, there is the need for a case to come to court, especially the higher courts, which may be a lottery based on the lawyer’s advice and funding

• in some cases, each judge hearing the appeal may give a different reason for their decision; this may result in difficulties for later judges or lawyers who have to identify the ratio to follow

• the sheer number of precedents made and the difficulty of finding an authoritative law report

• rigidity – that bad decisions of the higher courts may be difficult to change

• uncertainty – especially for situations where there is no precedent, the parties in the case will not be able to accurately predict the outcome until a final decision is made

• the retrospective nature of decision as in **R v R** – when the assault was committed Mr R was not committing a crime.

There were many good answers to this question balancing points on both sides. There is an expectation in this topic that answers would refer to cases to support their points. A failure to do so often resulted, in what were otherwise, well-argued responses failing to achieve the highest marks.
Section B: The Legal System

The Civil Courts and other forms of dispute resolution

Question 13

In this question students were required to outline negotiation and mediation as forms of alternative dispute resolution.

For negotiation the outline could have included:

- who carries out the negotiation – the parties themselves, their lawyers or unqualified representatives
- possible forms of negotiation such as face to face, using telephone, email or conference calls
- examples of the types of dispute dealt with using this method
- the process – continued talking or contact until a resolution is either made or fails
- that a successful outcome could be an agreement which is enforceable if the parties formally agree. However there is no obligation on the parties to reach an agreement.

For mediation the outline could have included:

- that the process can arise through agreement between the parties or, as in family breakdown, a statutory requirement
- the mediator will usually be qualified in mediation and possibly in the area of the dispute
- examples of the types of dispute settled using this method; often the West Kent mediation service dealing with neighbour disputes was mentioned
- the process – the mediator passes messages between the parties, who may be in separate rooms, until they reach an agreement between themselves
- a successful outcome is an agreement which may be enforceable if the parties formally agree.

There were many good responses, but rather fewer excellent ones. The main reason for this was an emphasis in many answers on process to the exclusion of the other aspects mentioned in the Mark Scheme. Students should note that more is required than simply how negotiation and mediation work. Reference was needed to things like the kind of disputes and especially possible outcomes.

Question 14

Students were required to explain the work of tribunals as a form of alternative dispute resolution. This could have included:
• the panel – often a legally qualified judge and two lay members comprise the panel (generally some or all of them having some background in the area of the dispute)
• how tribunals can come about – often there will be a statutory requirement to use the system such as in the field of employment disputes
• the types of cases dealt with such as employment, rent, land; alternatively domestic tribunals will often deal with disciplinary issues within a certain field
• the recently established tier structure
• the nature of the hearing – that it will usually be a formal hearing with strict, rules of evidence in place, though representation can be by a lawyer or a lay representative; at the end of the hearing, reasons will usually be given for the decision
• the potential outcome is an award which is enforceable, and
• there may be the possibility of an appeal to appeal tribunal and then to the courts, both on a point of law.

Generally this question was not answered well. Clearly many students find tribunals complex and less easy to explain than the other forms of ADR. Many answers were focussed rather narrowly on process, especially the tier system. Many answers did not refer to the use of domestic tribunals

Question 15

In this question students were required to briefly discuss advantages and disadvantages of alternative dispute resolution in general, though specific reference to a form of ADR could have effectively supported a point.

For advantages points that could have been made were:

• that often ADR is a quicker form of dispute resolution in comparison with court-based resolution
• generally it is much less formal in comparison with court-based resolution
• that often the process is in the control of the parties
• usually the decision maker has expertise, either in the subject of the dispute or the method of dispute resolution
• generally there is less need for legal representation as compared to the courts
• a final award is usually legally enforceable
• generally there is a lower cost compared to using courts
• often methods of ADR are held in private which may be to the advantage of one or both of the parties
• as the process is less confrontational the relationship between the parties will often be maintained.

For disadvantages points that could have been made were:
• a lack of state funding and therefore either or both of the parties may not be able to afford legal representation – this could be particularly evident in tribunals
• as a result of the lack of funding there is a possible imbalance between the parties – one able to afford lawyers, the other not
• the availability and success of the process could be dependent on agreement between the parties – this is especially the case for mediation and for negotiation
• there may be cost and/or availability issues of specialists – especially for arbitrator and mediator. For tribunal cases large increases of fees have recently been introduced
• except for tribunals, there are limited appeal rights
• most forms of ADR are not bound by strict rules of evidence so it may be impossible to predict the outcome of a case
• because of the lack of legal involvement, some forms of ADR are not appropriate for use where a complex issue of law is involved.

Most students were able to choose points for advantages and disadvantages from across the range. The strongest answers were able to support their points with reference to a specific form of ADR the advantage or disadvantage being applied.

The Criminal Courts and lay people

Question 16

In this question students were required to describe how jurors qualify and are selected for jury service. This comprises three parts:

• Qualification – this is to do with age limits, being on the electoral register and residence requirements. Centres could note that the upper age for jury qualification will in the future be increased from 70 to 75. Although the law allowing this has passed through Parliament, at the time of writing no commencement date has been set. Whichever of these ages was referred to was credited.

• Reasons for not qualifying – this includes disqualification, deferral, and other good reasons for not serving; it also included reasons for discharge, such as knowing one of the parties in case, or being a victim of a similar crime

• Selection – this includes the initial (random) selection by JCSB, further selections in jury waiting room and in court room, swearing in, vetting, and challenges.

It was not essential to cover every part of the three points in order to achieve a ‘sound’. This question was answered well by many students and it was encouraging to see thorough and detailed descriptions. There were many well-balanced answers with coverage of all the parts. Some students concentrated on aspects such as vetting and challenging, without describing qualification or reasons for not qualifying and as such could only receive limited credit.
Question 17

Students were required to explain the work of lay magistrates in a criminal case. Material covering work in other areas such as family work could not be credited. Credit was awarded for coverage of:

- deciding initial bail or custody issues and grant or extension of Legal Representation orders. Centres should note that granting of Certificates is now administrative work and is not done in court.
- at the trial of summary or either way offences where they hear evidence, decide guilt or innocence and decide the sentence; carrying out this role they will take the advice on their powers and the law of their legal adviser, though the final decision rests with the magistrates
- where they send more serious (indictable and EWO) cases to the Crown Court for trial or the new process of committing EWO guilty pleas only for sentence
- where they can sit on appeals only in the Crown Court; they can by request issue search or arrest warrants and extensions of custody; finally with specialist training they can sit on a specialist panel in the Youth Court.

As with the previous question, it was not essential to cover every part of every point in order to achieve a ‘sound’. Answers to this question tended to either cover a wide range of functions in the form of a list of fairly briefly made points or to focus just on the work of magistrates in trying cases and sentencing. It was easier to achieve higher marks by coverage of a range rather than focusing on one type of work, but the best answers were those that covered the range and offered some detail on one or two aspects as well. Many answers tended to gloss over the role in trials which, surely, is their most important, and visible, role. In particular many answers failed to mention the verdict and sentencing if the verdict is guilty.

Question 18

In this question, students were required to discuss advantages of using lay persons (juries and lay magistrates) in the criminal courts. It was disappointing to find many answers referring to advantages and disadvantages when the latter could receive no credit.

Points that could be made for advantages could have been:

- well established tradition of trial by peers
- it is open justice carried on in court rooms to which the public have access
- there is public confidence in the use of lay persons
- the limited number of appeals from decisions of lay magistrates or the decisions of juries; this compares to the number of appeals against the judge’s legal directions
- the cost compared to using professionals
- the reduction of professional involvement in decision making
• local knowledge, particularly of lay magistrates
• shared decision making.

There were many very good responses to this question. Students could have placed their emphasis either on lay magistrates or on juries, but they did need to have at least one point that applied to the other. A few students referred throughout to lay people in general and, not distinguishing between juries and magistrates; these responses did not score as highly. The strongest answers were able to support their points with some examples or evidence.

In these last two topics there were insufficient answers seen to be able to make comments.

The Legal Profession and other sources of advice, and funding

Question 19

In this question students were required to describe the work of barristers. This could be divided into:

• Work out of court - when they can give specialist advice to solicitors and clients or draft contracts and specialist documents or advise solicitors and clients, in conference, on the merits of the case or a possible appeal

• Advocacy work in court where they have rights of audience in all courts, are paid either privately or via no win no fee arrangements or, in mostly criminal cases, by Legal Representation

• Their general working arrangements – they tend to specialise in limited areas of law; they receive their work by referral through solicitors especially in criminal litigation; in contrast Bar Direct does allow direct access in certain areas

• They are self-employed, working from chambers, though some barristers are employed by firms of solicitors or in legal departments of companies, local authorities, government departments or agencies such as the CPS.

Question 20

Students were told that Sarah is charged with a serious criminal offence. They were then required to briefly explain where she could obtain legal advice and representation and to outline how such advice and representation can be paid for. This required coverage of two parts:

A brief explanation of where Sarah can get legal advice and representation; this includes 24-hour duty solicitor at police station, duty solicitor at Magistrates Court on first appearance only, representation at Magistrates and/or Crown Courts by solicitor or solicitor advocate or by solicitor and barrister. There is always the ability for a defendant to find their own lawyer by recommendation, from previous use or by contacting them by telephone or via the internet.
The second part was an outline of how legal advice and representation could be paid for. This could be via private finance, using the free 24-hour duty solicitor scheme at police station, using the free duty solicitor scheme at Magistrates Court though this is subject to limits on the type of case; alternatively by being granted a Legal Representation Order for Magistrates and Crown Court hearings; with some reference to the qualifying tests – the means and in the interests of justice.

Question 21

In this question students were required to discuss disadvantages of the methods of obtaining advice and representation in criminal cases. Again this was in two parts:

Firstly, a discussion of disadvantages of obtaining advice in criminal cases. This could have included points such as:

- that, in theory, 24 hour/7 day week cover is available for police station advice though, in practice, this cover is patchy across the country and may only be available by telephone
- there may be quality issues relating to advice given at a police station because of who it is given by
- the high cost of private funding.

Secondly, a discussion of disadvantages related to representation. This could have included points such as:

- the limitations on duty solicitors in Magistrates Court – they are available for first appearance only and the scheme does not extend to minor motoring and non-imprisonable offences;
- there may be financial constraints on Criminal Legal Representation orders, such as low financial limits and the defendant’s family income being taken into account;
- possible high financial contributions if representation is granted;
- the narrow tests for interests of justice tests as they are assessed on money rather than justice;
- the high costs of private funding because of dual fees – both solicitors and barristers may need to be instructed.

The Judiciary

Question 22

In this question students were required to describe how judges are selected and appointed for judicial office. This required coverage of two parts:

- The selection – this covered eligibility, the post being advertised, the candidate making an application, some pre-appointment testing, consideration of applications by the Judicial
• Appointments Commission (JAC); it could also cover the possibility of promotion to higher level office
• Appointment - for inferior judges, appointment is by Minister of Justice and Lord Chancellor after recommendation by JAC; for superior judges, appointment is by the Queen, after recommendation by JAC.

Question 23

This question required a description of the work of a judge in a Crown Court criminal trial.

This could have covered:
• dealing with pre-trial hearings such as plea, directions, venue and questions of bail or custody
• running the trial such as overseeing the swearing in of the jury, keeping order during the trial, ruling on questions of law and keeping a note of the evidence given
• jury matters such as directing the jury on relevant law and evidence, directing the jury on the burden and standard of proof, answering any questions from the jury during their deliberations, and deciding whether to accept a unanimous or majority verdict
• passing a sentence following a guilty verdict or a guilty plea.

Question 24

This question required a discussion of why there is a principle of judicial independence. Points that could have been made for this were:
• the theory of separation of powers and democratic implications of that theory
• there is the need for judges to avoid being influenced by either the executive or the legislature
• there is the need to maintain public confidence in the judiciary
• that judges uphold the Rule of Law
• any decision making will be free of pressure from parties to the case or outside influences
• judges should be able to hear and decide judicial review matters and cases involving the Government.
Mark Ranges and Award of Grades

Grade boundaries and cumulative percentage grades are available on the Results Statistics page of the AQA Website.

Converting Marks into UMS marks

Convert raw marks into Uniform Mark Scale (UMS) marks by using the link below.

UMS conversion calculator