

**A-level  
LAW  
7162/1**

Paper 1

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**Mark scheme**

June 2023

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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.

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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 can be used as evidence for the defence of diminished responsibility under s2 of the Homicide Act 1957?

[1 mark]

**Marks for this question: AO1 = 1**

**D** The defendant's mental functioning was substantially impaired.

**02** Which **one** of the following statements about offences of strict liability is **true**?

[1 mark]

**Marks for this question: AO1 = 1**

**A** A person may be liable even though they took all reasonable care.

**03** Which **one** of the following statements about the role of magistrates is **false**?

[1 mark]

**Marks for this question: AO1 = 1**

**C** Magistrates can try indictable only offences.

**04** Which **one** of the following is the **best** reason for State funding (legal aid) being granted for a trial in a criminal case?

[1 mark]

**Marks for this question: AO1 = 1**

**D** The defendant's trial will involve consideration of a substantial point of law.

**05** Which **one** of the following is an example of an aggravating factor in sentencing?

[1 mark]

**Marks for this question: AO1 = 1**

**D** The defendant used a weapon during the offence.

<b>06</b>	Explain <b>two</b> aspects of the role of the judge in a criminal case.	<b>[5 marks]</b>
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**Marks for this question: AO1 = 5**

<b>Levels of response mark scheme 5 marks – AO1 only</b>	
<b>Mark range</b>	<b>Description</b>
<b>4–5</b> <b>Band 3</b>	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.
<b>2–3</b> <b>Band 2</b>	Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system. Where appropriate a satisfactory example of a case to illustrate reasons.
<b>1</b> <b>Band 1</b>	Knowledge is limited and demonstrates a limited understanding of the English legal system. Where appropriate a limited example of a case to illustrate reasons.
<b>0</b>	Nothing worthy of credit.

**Indicative content**

Explanation of any two from the following, concerning the role of the judge:

- conducting a pre-trial preparation hearing: determining any pre-trial issues, e.g. fixing a trial date, granting of bail etc
- controlling the conduct of the trial: opportunity for each side to present its case fully; rulings on the admissibility of evidence
- determining the interpretation and application of law: giving directions on law to the jury in a Crown Court trial
- summing-up the evidence in the case in a Crown Court trial
- sentencing in consequence of a conviction or guilty plea.

Credit any other relevant point(s).

If only one aspect is dealt with max band 2.

<b>07</b>	Suggest why Bina does not satisfy the required actus reus for the offence of battery against Caleb.	<b>[5 marks]</b>
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**Marks for this question: AO1 = 2 and AO2 = 3**

<b>Levels of response mark scheme 5 marks – AO1 (2) and AO2 (3)</b>	
<b>Mark range</b>	<b>Description</b>
<b>4–5</b> <b>Band 3</b>	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.
<b>2–3</b> <b>Band 2</b>	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.
<b>1</b> <b>Band 1</b>	Knowledge is limited and demonstrates a limited understanding of legal rules and principles.
<b>0</b>	Nothing worthy of credit.

**Indicative content**

**AO1**

- Identification and outline explanation of the actus reus which requires the application of unlawful force to another.
- Identification and outline explanation of the requirement that the act be performed voluntarily. Credit alternative discussion of the defence of automatism.
- Appropriate supporting case law may include: **Hill v Baxter**, **Broome v Perkins**.

**AO2**

- Application to suggest that Bina’s contact with Caleb, when she fell against him, may amount to the application of unlawful force to another.
- Application to suggest that because of the initial push, Bina had no control over her conduct.
- Application to conclude that the actus reus is not satisfied as it was carried out involuntarily.

Credit any other relevant point(s).

<b>08</b>	Advise Dan of his criminal liability in relation to the theft of the plants <b>and</b> the extra £10.	<b>[10 marks]</b>
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**Marks for this question: AO1 = 3, AO2 = 4 and AO3 = 3**

<b>Levels of response mark scheme 10 marks – AO1 (3), AO2 (4) and AO3 (3)</b>	
<b>Mark range</b>	<b>Description</b>
<b>7–10</b>  <b>Band 3</b>	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.
<b>3–6</b>  <b>Band 2</b>	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.
<b>1–2</b>  <b>Band 1</b>	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.
<b>0</b>	Nothing worthy of credit.

**Indicative content**

**AO1**

- Identification and outline explanation of the actus reus of the offence of theft; appropriation, property, belonging to another.
- Identification and outline explanation of the mens rea of the offence of theft; dishonest, intention to permanently deprive.
- Appropriate supporting case law and statutory authority may include – **R v Morris, R v Gomez, Ivey v Genting Casino Ltd, Barton and Booth v R, Attorney-General’s Reference (No 1), R v Robinson, Theft Act 1968.**

**AO2**

- Application to suggest that there is an appropriation when Dan moves and replants the plants in his own garden. A further appropriation occurred when Dan took the additional £10.
- Application to suggest that the additional £10 and the plants, when severed from the land, would amount to property.
- Application to suggest that the additional £10 and the plants still belong to Emma regardless of her instruction to place the plants in her rubbish bin.
- Application to suggest that Dan was dishonest when he removed the plants as he did this without permission and when he was 'left alone' in the garden. Credit alternative argument to suggest that Dan may feel Emma would have allowed him to take the plants as she intended to throw them away.
- Application to suggest that Dan may argue against dishonesty in relation to the additional £10 as he believed he was entitled to the money although it is likely that ordinary, reasonable people would see his conduct as dishonest.
- Application to suggest that there may be intention to permanently deprive Emma of the plants, by replanting them on his own land, and the money by removing it from the bag.

**AO3**

- Analysis and evaluation of the property rules under s4(1) and s4(2)(b) of the Theft Act 1968, with reference to plants in a domestic rather than wild setting and the issue of land that cannot be stolen unless the defendant appropriates anything forming part of the land by severing it.
- Analysis and evaluation of the provisions that a person will not be dishonest under s2(1). Further development to include the objective test from **Barton and Booth**.
- Analysis and evaluation considering the intention to permanently deprive rules in theft.

Credit any other relevant point(s).



<b>09</b>	Examine the meaning of ‘justice’ and discuss the extent to which the law on non-fatal offences may achieve justice.	<b>[15 marks]</b>
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**Marks for this question: AO1 = 5 and AO3 = 10**

<b>Levels of response mark scheme 15 marks – AO1 (5) and AO3 (10)</b>	
<b>Mark range</b>	<b>Description</b>
<b>13–15</b>  <b>Band 5</b>	<p>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.</p> <p>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.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
<b>10–12</b>  <b>Band 4</b>	<p>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.</p> <p>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.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
<b>7–9</b>  <b>Band 3</b>	<p>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.</p> <p>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.</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
<b>4–6</b>  <b>Band 2</b>	<p>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.</p> <p>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.</p>
<b>1–3</b>  <b>Band 1</b>	<p>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.</p> <p>Minimal analysis and evaluation of legal concepts and issues.</p> <p>No chain of reasoning is attempted.</p>
<b>0</b>	Nothing worthy of credit.

**Distribution of marks for substantive and non-substantive law:**

Substantive	Non-substantive	Total marks
5	10	15

**Indicative content****AO1**

- Identification and brief description of the different possible meanings of 'justice', for example, justice in terms of basic fairness or equality of treatment.
- Identification and brief explanation of the rules of natural justice.
- Identification of different theories of justice, e.g. distributive justice, utilitarianism and social justice.
- Identification and brief explanation of the philosophies behind the theories and the thinkers who have explained them, e.g. Aristotle, Marx, Bentham, Rawls etc.
- Identification and brief explanation of the relevant non-fatal offences being considered.

**AO3**

- Analysis of the importance of philosophical theories of justice and how they have been embedded within the criminal justice system.
- Analysis of procedural justice and/or substantive justice
- Analysis of common law and/or statutory non-fatal offences in the context of whether justice is achieved, e.g. analysis of s47 and s20 offences where there is constructive liability; analysis of whether s47 and s20 offences should carry the same maximum sentence; analysis of justice for s18 where intent must be satisfied and D could get a life sentence; the issue of multiple offences under single sections of the relevant legislation.
- Use of supporting case authority to evaluate the analysis above, for example:  
**R v Chan-Fook, T v DPP, R v Ireland, R v Burstow, R v Mowatt, R v Savage**

Credit any other relevant point(s).

**ICGs**

1. Justice
2. Non-fatal offences

<b>10</b>	Consider the criminal liability of Gabe for the death of Felix <b>and</b> of Gabe for the murder of Harriet <b>and</b> her unborn child.	<b>[30 marks]</b>
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**Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10**

<b>Levels of response mark scheme 30 marks AO1 (10), AO2 (10) and AO3 (10)</b>	
<b>Mark range</b>	<b>Description</b>
<b>25–30</b>  <b>Band 5</b>	<p>Knowledge is excellent and demonstrates an excellent understanding of relevant legal rules and principles. Excellent selection and use of appropriate legal authority.</p> <p>There is excellent analysis and evaluation of legal rules and principles leading to excellent application of the correct rules and principles to the scenario.</p> <p>An excellent legal argument is presented using appropriate terminology.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
<b>19–24</b>  <b>Band 4</b>	<p>Knowledge is good and demonstrates a good understanding of relevant legal rules and principles. Good selection and use of appropriate legal authority.</p> <p>There is good analysis and evaluation of legal rules and principles leading to good application of the correct rules and principles to the scenario.</p> <p>A good legal argument is presented using appropriate terminology.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
<b>13–18</b>  <b>Band 3</b>	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles. Satisfactory selection and use of appropriate legal authority.</p> <p>There is satisfactory analysis and evaluation of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario.</p> <p>A satisfactory legal argument is presented using some appropriate terminology. A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
<b>7–12</b>  <b>Band 2</b>	<p>Knowledge is limited and demonstrates a limited understanding of relevant legal rules and principles. Limited selection and use of appropriate legal authority.</p> <p>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.</p> <p>A limited legal argument is presented using little appropriate terminology.</p> <p>Some reasoning is attempted which leads to a limited conclusion.</p>
<b>1–6</b>  <b>Band 1</b>	<p>Knowledge is minimal and demonstrates minimal understanding of legal rules and principles. Minimal selection and use of legal authority.</p> <p>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.</p> <p>A fragmented legal argument is attempted.</p> <p>No chain of reasoning is attempted.</p>
<b>0</b>	Nothing worthy of credit.

**Distribution of marks for substantive and non-substantive law:**

Substantive	Non-substantive	Total marks
30	0	30

**Indicative content****AO1**

- Identification and outline explanation of the elements of the offence of involuntary manslaughter, as gross negligence manslaughter, including causation issues. Credit can be given to alternative explanation of unlawful act manslaughter.
- Identification and outline explanation of the elements of the offence of murder.
- Identification and outline explanation of the elements of the defence of loss of control (Coroners and Justice Act 2009 s54): loss of self-control (note considered desire for revenge); qualifying trigger; a person of D's sex and age, with a normal degree of tolerance and self-restraint and in the circumstances of D, might have reacted in the same or in a similar way to D (the objective test).
- Appropriate supporting case law may include: **R v Adomako**, **R v Wacker**, **R v Misra and Srivastava**, **Mohan**, **R v Jewell**, **R v Baillie**.

**AO2**

- Application to suggest that despite the illegal activity (trying to avoid the police) Gabe still owed a duty of care to Felix as he is the driver of the car, developed to suggest that he breached his duty by not checking on him during a three-hour car journey in hot conditions.
- Application to suggest that keeping a person in the boot of a car, may create an obvious risk of death due to the cramped conditions and lack of proper ventilation for three hours. Credit alternative well-reasoned argument.
- Application to suggest that Gabe's failure to check on Felix caused his death and that the underlying heart condition cannot be used to avoid liability (thin skull rule).
- Application of the test for gross negligence to suggest that Gabe's failure was so exceptionally bad in all the circumstances as to justify a conviction. Credit alternative to suggest that failing to check on an adult for three hours may not be exceptionally bad.
- Application to suggest that Gabe caused the death of Harriet by hitting her at speed with a car, developed to suggest that there is direct intention to kill or at the least cause serious harm as he accelerated towards her. There is a prima facie case of murder.
- Application to suggest that the unborn baby will not be classed as a human being and so the actus reus for murder in this instance is not satisfied.
- Application of the loss of self-control requirement to conclude that Gabe lost self-control when he saw Harriet filming and heard her mocking him.
- Application of the anger trigger requirement to argue that the 'things said and done', which included the laughter, filming and mocking comments, may have constituted circumstances of an extremely grave character, and caused D to have a justifiable sense of being seriously wronged.
- Application of the rules on the objective test to argue that Gabe's short-temper must be excluded from consideration but that all the other circumstances must be taken into account, with a conclusion that the requirement may/may not be satisfied.
- Application to conclude that a person of Gabe's age and gender may have acted in the same way and so the defence will succeed. Credit alternative to suggest the opposite.

**AO3**

- Analysis and evaluation of the rules relating to duty of care within gross negligence manslaughter, developed to consider voluntary assumption of duty and parties to an illegal act **R v Wacker**.

- Analysis and evaluation of the rules stating that the breach of duty must cause the death, developed to consider causation in relation to the thin skull rule **R v Blaue**.
- Analysis and evaluation to argue whether the breach is so exceptionally bad in all the circumstances that it amounts to a crime, not just civil law negligence.
- Analysis and evaluation of the rules relating to murder and reasonable creature in being **Attorney-General's Reference (No3)**.
- Analysis and evaluation of malice aforethought, express or implied, along with direct or oblique intention.
- Analysis and evaluation of the anger trigger requirements of circumstances of an extremely grave character, and justifiable sense of being seriously wronged.
- Analysis and evaluation of the standard of a person with a normal degree of tolerance and self-restraint and in the circumstances of D, and whether such a person might have reacted in the same or a similar way.

Credit any other relevant point(s).

**ICGs**

1. Gross negligence manslaughter
2. Murder
3. Loss of control

<b>11</b>	<p>Consider the criminal liability of Jalen in relation to the threat to Katie <b>and</b> the injuries suffered by Mary.</p> <p>Precedent will have played a significant role in the development of the rules of law applied to decide criminal liability in cases such as Jalen’s. Assess the advantages of the doctrine of judicial precedent.</p> <p style="text-align: right;"><b>[30 marks]</b></p>
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**Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10**

	<b>Levels of response mark scheme 30 marks AO1 (10), AO2 (10) and AO3 (10)</b>
<b>Mark range</b>	<b>Description</b>
<p><b>25–30</b></p> <p><b>Band 5</b></p>	<p>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.</p> <p>There is excellent analysis of legal rules and principles leading to excellent application of the correct rules and principles to the scenario.</p> <p>An excellent legal argument is presented using appropriate terminology.</p> <p>There is excellent analysis and evaluation of legal concepts and issues.</p> <p>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.</p>
<p><b>19–24</b></p> <p><b>Band 4</b></p>	<p>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.</p> <p>There is good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario.</p> <p>A good legal argument is presented using appropriate terminology.</p> <p>There is good analysis and evaluation of legal concepts and issues.</p> <p>Good drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study.</p> <p>A sustained and, but not yet fully, developed line of reasoning is established leading to a partially justified conclusion.</p>
<p><b>13–18</b></p> <p><b>Band 3</b></p>	<p>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.</p> <p>There is satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario.</p> <p>A satisfactory legal argument is presented using some appropriate terminology.</p> <p>There is satisfactory analysis and evaluation of legal concepts and issues.</p> <p>Some drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study.</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>

<p><b>7–12</b> <b>Band 2</b></p>	<p>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.</p>
<p><b>1–6</b> <b>Band 1</b></p>	<p>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.</p>
<p><b>0</b></p>	<p>Nothing worthy of credit.</p>

**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 assault.
- Identification and outline explanation of the offence of wounding/GBH s18/s20.
- Identification and explanation of the defence of voluntary intoxication.
- Brief explanation of the advantages of judicial precedent: certainty, flexibility, specialism of the judges themselves etc.
- Use of legal authority including **R v Ireland**, **JCC v Eisenhower**, **Merritt v Merritt** and **Balfour v Balfour**

**AO2**

- Application of the actus reus of assault to suggest that Katie apprehended violence when she read the threatening letter as she was ‘very frightened’. Further application to suggest that as the threat came in the form of a letter which instructed Katie to ‘stay away from Leon’ the actus reus may not be satisfied due to the issue of ‘immediacy’ in that the threat could not be carried out there and then and would not be carried out if Katie followed the instruction. Credit alternative conclusion.
- Application to suggest that the mens rea of assault is satisfied as the purpose of sending the letter was to ‘scare’ Katie.
- Application of the actus reus elements of wounding/GBH to suggest that ‘deep cuts’ would amount to serious harm/ wounding.

- Application to suggest that Jalen had intention to cause serious harm as she travelled to what she believed was Katie's house, armed with a rifle 'intending to injure her'. This is further evidenced by the fact that Jalen 'fired the rifle at the shape'. It would not matter that she believed the shape to be Katie but it was in fact Mary as in that moment she intended to cause/inflict harm upon the person. Credit alternative application.
- Application of the defence of voluntary intoxication to suggest that there will be no defence available for the s20 basic intent offence as the voluntary consumption of a 'large amount of alcohol' would be considered reckless.
- Further developed to suggest that the defence could be raised to the specific intent, s18 offence but would only be successful if Jalen's intoxication was such as to remove mens rea. Possible argument to suggest that after Jalen discovered that Leon had sent text messages to Katie, she became intoxicated in order to give her the courage to confront Katie. Possible conclusion to suggest that the defence is likely to fail as the facts suggest that Jalen was still able form the mens rea at the time of the attack. Credit alternative conclusion.

### **AO3**

- Analysis and evaluation of the offence of assault covering the issue of 'immediacy' **Smith v Superintendent of Woking Police, Tuberville v Savage.**
- Analysis of the mens rea for wounding/GBH with relevant evaluation of the offence being s18/s20 **R v Belfon.**
- Analysis and evaluation of the rules on intoxication in relation to both specific and basic intent offences **Majewski, Attorney-General NI v Gallagher.**
- Analysis and evaluation of the advantages of judicial precedent.

Credit any other relevant point(s).

### **ICGs**

1. Assault
2. s18 and/or s20
3. Intoxication
4. Judicial precedent



**Assessment Objectives Grid**

	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>	<b>Total</b>
1	1			<b>1</b>
2	1			<b>1</b>
3	1			<b>1</b>
4	1			<b>1</b>
5	1			<b>1</b>
6	5			<b>5</b>
7	2	3		<b>5</b>
8	3	4	3	<b>10</b>
9	5		10	<b>15</b>
10	10	10	10	<b>30</b>
11	10	10	10	<b>30</b>
<b>Paper Total</b>	<b>40</b>	<b>27</b>	<b>33</b>	<b>100</b>

**Distribution of marks for substantive and non-substantive law**

<b>Question</b>	<b>Substantive</b>	<b>Non-substantive</b>	<b>Total Marks</b>
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
<b>Total</b>	<b>75</b>	<b>25</b>	<b>100</b>
<b>Total %</b>	<b>75</b>	<b>25</b>	<b>100</b>