OCR
RECOGNISING ACHIEVEMENT

GCE

Law

Advanced GCE

Unit **G154:** Criminal Law Special Study

Mark Scheme for June 2013

Oxford Cambridge and RSA Examinations

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This mark scheme is published as an aid to teachers and students, to indicate the requirements of the examination. It shows the basis on which marks were awarded by examiners. It does not indicate the details of the discussions which took place at an examiners' meeting before marking commenced.

All examiners are instructed that alternative correct answers and unexpected approaches in candidates' scripts must be given marks that fairly reflect the relevant knowledge and skills demonstrated.

Mark schemes should be read in conjunction with the published question papers and the report on the examination.

OCR will not enter into any discussion or correspondence in connection with this mark scheme.

Annotations

Annotation	Meaning
1	**Q1&3** AP1
2	**Q1&3** AP2
3	**Q1&3** AP3
4	**Q1&3** AP4
5	**Q1** AP5
A2	**Q2** AO2
C	**Q1&3** Critical Point **Q2** Case
CON	**Q3** Conclusion
	**ALL** Not correct /
LNK	**Q1** Linked case **Q2** Link to source
	**ALL** Not Relevant or too vague Also no response or response achieves no credit Page checked for response
REP	**ALL** Repetition/or 'noted' where a case has already been used in the response
SC	**Q1** Any other relevant point
	**Q1** Use of word 'relevance' etc **Q2** AO1

Before you commence **marking each question** you must ensure that you are familiar with the following:

- the requirements of the specification
- these instructions
- the exam questions (found in the exam paper which will have been emailed to you along with this document)
- levels of assessment criteria *1 (found in the 'Levels of Assessment' grid at the back of this document)
- question specific indicative content given in the 'Answer' column*2
- question specific guidance given in 'Guidance' column*3
- the 'practice' scripts*4 provided in Scoris and accompanying commentaries

*1 The levels of assessment criteria (found in the 'Levels of Assessment' grid) reflect the expectation of achievement for each Assessment Objective at every level.

*2 The indicative content in the 'Answer' column provides details of points that candidates **may** be likely to make. It is **not** exhaustive or prescriptive and points not included in the indicative content, but which are valid within the context of the question, are to be credited. Similarly, it is possible for candidates to achieve top level marks without citing all the points suggested in the scheme.

*3 Included in the 'Guidance' column are the number of marks available for each assessment objective contained within the question. It also includes 'characteristics' which a response in a particular level is **likely** to demonstrate. For example, "a level 4 response is likely to include accurate reference to all 5 stages of x with supporting detail and an accurate link to the source". In some instances an answer may not display all of the 'characteristics' detailed for a level but may still achieve the level nonetheless.

*4 The 'practice' scripts are live scripts which have been chosen by the Principal Examiner (and senior examining team). These scripts will represent most types of responses which you will encounter. The marks awarded to them and accompanying commentary (which you can see by changing the view to 'definitive marks') will demonstrate how the levels of assessment criteria and marking guidance should be applied.

As already stated, neither the indicative content, 'characteristics' or practice scripts are prescriptive and/or exhaustive. It is imperative that you remember at all times that a response which:

- differs from examples within the practice scripts; or,
- includes valid points not listed within the indicative content; or,
- does not demonstrate the 'characteristics' for a level

may still achieve the same level and mark as a response which does all or some of this. Where you consider this to be the case you should discuss the candidate's response with your supervisor to ensure consistent application of the mark scheme.

Awarding Assessment Objectives 1 and 2

To award the level for the AO1 or AO2 (some questions may contain both AO1 and AO2 marks) use the levels of assessment criteria **and** the guidance contained within the mark scheme to establish which level the response achieves. As per point 10 of the above marking instructions, when determining which **level** to award start at the **highest*** level and work down until you reach the level that matches the answer.

Once you have established the correct level to award to the response you need to determine the mark within the level. The marks available for each level differ between questions. Details of how many marks are available per level are provided in the Guidance column. Where there is more than one mark available within a level you will need to assess where the response 'sits' within that level. Guidance on how to award marks within a level is provided in point 10 of the above marking instructions, with the key point being that you start at the **middle*** of each level and work outwards until you reach the **mark** that the response achieves.

Answers, which contain no relevant material at all, should receive no marks.

*** Remember: when awarding the level you work from top downwards, when awarding the mark you work from the middle outwards.**

Awarding Assessment Objective 3

AO3 marks are awarded based on the marks achieved for either AO1, AO2 or in some cases, the total of AO1 and AO2. You must refer to each question's mark scheme for details of how to calculate the AO3 mark.

Blank pages and missed answers

Sometimes candidates will skip a few pages in their answer booklet and then continue their answer. To be sure you have not missed any candidate response when you come to mark the last question in the script you must check every page of the script and annotate any blank pages with:

This will demonstrate that every page of a script has been checked.

You must also check any additional items eg A, A1 etc, which the candidate has chosen to use. Before you begin marking, use the Linking Tool to 'link' any additional page(s) to the relevant question(s) and mark the response as normal.

Question			Answer	Marks	Guidance
1*			Potential answers **MAY**: **Assessment Objective 2 – Analysis, evaluation and application** **C** Discuss the development of the law in *Hennessy* in that the Court of Appeal held that hyperglycaemia caused by an inherent defect not corrected by insulin was a 'disease of the mind'. This meant the functioning of a defendant's mind in such a situation was disturbed by internal disease and not disturbed by some external factor. This therefore amounted to the defence of insanity in *Hennessy*. **1** Discuss that at the trial *Hennessy* had argued automatism, that his failure to take insulin was caused by stress, anxiety and depression and these were external factors. Lord Lane, in the Court of Appeal disagreed. He stated that such factors were not in themselves, either separately or together, external factors sufficient in law of causing or contributing to a state of automatism. **2** Identify that the major issue in the case that the defendant had been charged with taking a motor vehicle without authority and driving whilst disqualified. The Court of Appeal stated that stress, anxiety and depression were neither unique nor accidental factors. However, they did constitute a state of mind which was prone to reoccur. **3** Discuss that the trial judge had rejected the defence of automatism and ruled his plea amounted to insanity. This was because his mental condition was caused by a disease, namely diabetes, and therefore fell within the legal definition of 'insanity' under the *M'Naghten* rules. Following the judge's ruling the appellant changed his plea to guilty and appealed after he was convicted, however, the Court of Appeal upheld his conviction. **4** Recognise that the Court's decision potentially creates an anomalous situation when confronting diabetics who have committed a 'crime'. For the diabetic who fails to take or fails to take enough insulin and falls into a hyperglycaemic (internal) state is deemed insane. While a diabetic who takes too much insulin or who takes insulin, but fails to eat afterwards	12	**AO2 Levels / AO2 Marks** 5: 11-12 4: 9-10 3: 7-8 2: 4-6 1: 1–3 Marks should be awarded as follows: • Max 3 marks for the Critical point (C) • Max 6 marks for Analytical Points (1,2,3 etc) • Max 3 marks for a relevant Linked Case(s) (LNK) **Level 5** Responses are unlikely to achieve Level 5 without discussing the Critical Point, without using a linked case for the purpose of showing development, without making two analytical points and discussing the importance of the case. **Re: SC** Please note credit can only be given for comment that has direct relevance to *Hennessy*. Hence any generic comment should not be credited. **Re: Linked case (LNK)** Please note credit can only be given for the link case where there is a specific link to *Hennessy*.

<table>
<tr><th colspan="3">Question</th><th>Answer</th><th>Marks</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>and falls into a hypoglycaemic (external) state can raise the defence of automatism and be acquitted.

<u>5</u> Consider that at the trial the decision to plead guilty and appeal was a tactical move by the defendant. This was to avoid the stigma of insanity. A ‘successful’ raised defence of insanity would have led to him being committed to a mental institution.

<u>SC</u> Consider any other relevant point eg the legal and medical definition’s dichotomy, or the Law Commission’s Scoping Paper of 2012.

<u>LNK</u> Link to any other relevant insane-automatism case eg Hill v. Baxter, M’Naghten, Bailey, Quick, Kemp, Sullivan.</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 3 - Communication and presentation

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</td><td>4</td><td><table><tr><th>AO2 Marks</th><th>AO3 Marks</th></tr><tr><td>10–12</td><td>4</td></tr><tr><td>7–9</td><td>3</td></tr><tr><td>4–6</td><td>2</td></tr><tr><td>1–3</td><td>1</td></tr></table></td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Answer</th><th>Marks</th><th>Guidance</th></tr>
<tr><td>2*</td><td></td><td></td><td>Potential answers may:

Assessment Objective 1 – Knowledge and understanding

Define automatism as being a defence if the defendant's act was involuntary by reference to Bratty v Attorney-General for Northern Ireland

Explain that it is a loss of control by the 'mind' over movements of the muscles and provides a complete defence as it more than merely negates the mens rea

Explain that automatism includes spasm, reflex actions or convulsions or where the defendant is unconscious eg through a blow to the head or through hypnotism

Explain that it may be a defence to any crime including crimes of strict liability providing that there has been a complete loss of control Broome v Perkins

Explain that automatism may include dissociative states provided that they involve an extraordinary event R v T. Such states would be considered as insane-automatism if classed as ordinary Rabey

Explain an understanding of the external factor theory Quick etc

Explain, using examples, automatism by reference to cases Charlson; Quick; R v T; Wholley; Hill v Baxter

Explain the restriction of the defence by reference to the M'Naghten Rules on insane automatism [insanity]

Explain insanity by citing relevant cases such as Kemp; Quick; Sullivan; Burgess etc

Explain that self-induced automatism through alcohol or drugs will be classed as intoxication Lipman</td><td>16</td><td><table><tr><th>AO1 Levels</th><th>AO1 Marks</th></tr><tr><td>5</td><td>14–16</td></tr><tr><td>4</td><td>11–13</td></tr><tr><td>3</td><td>8–10</td></tr><tr><td>2</td><td>5–7</td></tr><tr><td>1</td><td>1–4</td></tr></table>
Level 5
Responses are unlikely to achieve level 5 without wide ranging, accurate detailed knowledge with a clear and confident understanding of relevant concepts and principles of the law in this area. This would include wide ranging, developed explanations and wide ranging, developed definitions of this area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 5 without including 8 relevant cases of which 6 are developed. Responses are likely to use material both from within the pre-release materials and from beyond the pre-release materials which have a specific link to the area of law.

Level 4
Responses are unlikely to achieve level 4 without good, well-developed knowledge with a clear understanding of the relevant concepts and principles of the law in this area. This would include good explanations and good definitions of this area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 4 without including 6 relevant cases, 4 of which will be developed.

Level 3
Responses are unlikely to achieve level 3 without adequate knowledge showing reasonable understanding of the relevant concepts and principles of the law in this area. This would include adequate explanations and adequate definitions of this</td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Answer</th><th>Marks</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>Recognise the effect of the relationship of the defences and refer to the ‘special verdict’ and the provisions of the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 as amended.

Credit any other relevant point of knowledge and understanding.</td><td></td><td>area of law to include statutory/common law provisions where relevant. Responses are unlikely to achieve level 3 without including 4 relevant cases, 2 of which will be developed.

Level 2
Responses are unlikely to achieve level 2 without limited knowledge showing general understanding of the relevant concepts and principles of the law in this area. This would include limited explanations and limited definitions of this area of law. Responses are unlikely to achieve level 2 without two relevant cases, neither of which are required to be developed.

Level 1
Responses are unlikely to achieve level 1 without very limited knowledge of the basic concepts and principles of the law in this area. This would include very limited explanations and very limited definitions of this area of law. Responses are not required to discuss any cases.</td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 2 – Analysis, evaluation and application

Consider the distinction between automatism and insanity

Consider the difficulties in raising the defence or persuading a jury that the defendant’s actions were completely involuntary, Bratty, R v C. Consider that with criminal liability voluntariness is an essential element of the actus reus

Consider that automatism is a medical term with a limited meaning based around epilepsy while in law it appears to have two meanings, Bratty

Consider the reasons given by the courts for restricting the availability of the defence since its recognition in</td><td>14</td><td><table><tr><th>AO2 Levels</th><th>AO2 Marks</th></tr><tr><td>5</td><td>13–14</td></tr><tr><td>4</td><td>10–12</td></tr><tr><td>3</td><td>7–9</td></tr><tr><td>2</td><td>4–6</td></tr><tr><td>1</td><td>1–3</td></tr></table>
Level 5
Responses are unlikely to achieve Level 5 without sophisticated analytical evaluation of the relevant areas of law, being very focused on the quote and providing a logical conclusion with some synoptic content.

Level 4
Responses are unlikely to achieve Level 4 without good</td></tr>
</table>

Question			Answer	Marks	Guidance
			Charlson Consider that *Charlson* would now fall within the *M'Naghten* Rules as his tumour would be an 'internal factor' and behaviour which 'manifests itself in violence' and is 'prone to recur' – *Kemp* ie the 'internal external factor' and the 'continuing danger' theory Consider examples of these restrictions on automatism in cases such as *Bratty; Sullivan; Hennessy; Broome v Perkins* etc Consider, in particular, the apparent conflict in opinion with sleepwalking as potential non-insane automatism *Bratty*, *Burgess* Consider the value of a dissociative states as potential non-insane automatism *R v T, Narborough, White* Consider that the courts thus have the power to deal appropriately with such behaviour under the **Criminal Procedure (Insanity and Unfitness to Plead) Act 1991** as amended Consider that the view of a diabetic in similar circumstances to *Quick* could be regarded as having a condition which was self-induced and the defence may only be available to a crime of specific intent if at all Consider the potential inequalities in using the defence between crimes of strict liability and crimes of *mens rea* Consider the public policy driven rules for self-induced automatism through the defendant's consumption of alcohol and drugs as a reckless course of action Consider any proposals for reform eg the **Law Commission's Criminal Code Bill (1989) Clause 33(1) and 33(2)**		analytical evaluation of the relevant areas of law and good focus on the quote. **Level 3** Responses are unlikely to achieve Level 3 without adequate analytical evaluation of the relevant areas of law and some focus on the quote. **Level 2** Responses are unlikely to achieve Level 2 without at least some limited analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote. **Level 1** Responses are unlikely to achieve Level 1 without at least some very limited analytical evaluation of the relevant areas of law. Responses are unlikely to discuss the quote.

<table>
<tr><th colspan="3">Question</th><th>Answer</th><th>Marks</th><th>Guidance</th></tr>
<tr><td></td><td></td><td></td><td>Evaluate the most recent proposals for reform from the Law Commission in 2012

Consider any other relevant point of analysis, evaluation and application.

Reach any sensible conclusion.</td><td></td><td></td></tr>
<tr><td></td><td></td><td></td><td>Assessment Objective 3 - Communication and presentation

Present logical and coherent arguments and communicate relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.</td><td>4</td><td><table><tr><th>AO1 + AO2 Marks</th><th>AO3 Marks</th></tr><tr><td>24–30</td><td>4</td></tr><tr><td>17–23</td><td>3</td></tr><tr><td>9–16</td><td>2</td></tr><tr><td>1–8</td><td>1</td></tr></table></td></tr>
</table>

<table>
<tr><th colspan="3">Question</th><th>Answer</th><th>Marks</th><th>Guidance</th></tr>
<tr><td>3</td><td></td><td></td><td>Potential answers may:

Assessment Objective 1 – Knowledge and understanding

Explain insanity by using the M'Naghten Rules: everyone is presumed sane; the defendant must prove that at the time of committing the act, he was: labouring under such a defect of reason, from a disease of the mind, as to not know the nature and quality of the act or if he did, he didn't know what he was doing was wrong; the defence is proven on a balance of probabilities; if the defendant is found to be insane he is found 'not guilty by reason of insanity'.

Explain automatism using the definition in Bratty: an involuntary act caused by the muscles without any control by the mind such as a spasm, reflex action or a convulsion; or an act done by a person who is not conscious of what he is doing; the cause of the act must be external; reduced or partial control will not be sufficient for automatism.</td><td>10</td><td>
<table>
<tr><th>Mark Levels</th><th>AO1 Marks</th><th>AO2 Marks</th></tr>
<tr><td>5</td><td>9–10</td><td>17–20</td></tr>
<tr><td>4</td><td>7–8</td><td>13–16</td></tr>
<tr><td>3</td><td>5–6</td><td>9–12</td></tr>
<tr><td>2</td><td>3–4</td><td>5–8</td></tr>
<tr><td>1</td><td>1–2</td><td>1–4</td></tr>
</table>
Marks should be awarded as follows (per part question):
<table>
<tr><th>Mark Levels</th><th>(a), (b) or (c)</th></tr>
<tr><td>5</td><td>9–10</td></tr>
<tr><td>4</td><td>7–8</td></tr>
<tr><td>3</td><td>5–6</td></tr>
<tr><td>2</td><td>3–4</td></tr>
<tr><td>1</td><td>1–2</td></tr>
</table>
NB A maximum of 3 marks can be allocated for AO1 for each part question.
• Max 3 marks for the critical point (CP)
• Max 6 marks for applied points (AP)
• Max 1 mark for a logical conclusion*/assessment of the most likely outcome in terms of liability (CON)
In order to reach level 5, responses must include a discussion of the Critical Point, a relevant case and a logical conclusion.
Responses are unlikely to achieve level 5 if the conclusion* is incorrect <u>and</u> contradicted by the reason offered.

* Conclusion – response has to provide a conclusion to answer and response must show more than 50% commitment (conclusion does not need to appear at end).</td></tr>
</table>

Question			Answer	Marks	Guidance
			Assessment Objective 2 - **Analysis, evaluation and application** **In the case of (a):** **1** Identify that Abdul will be presumed sane. For the defence of insanity to be successful, Abdul must prove all of the defence's elements under the *M'Naghten Rules*. This is proved on a balance of probabilities. **2** Discuss that Abdul must be suffering from a 'defect of reason'. This means that Abdul must be completely deprived of the powers of reasoning and not simply failing or choosing not to use them. This is likely here where he knocks over a bottle during his fit *Clarke*. **C** Discuss that the 'defect of reason', if present, in Abdul's case must be as a result of a 'disease of the mind'. To determine whether Abdul has a 'disease of the mind', Abdul must satisfy the following: • Whether his condition is prone to reoccur and manifest itself in violence: which is possible here if he further fails to take his medication, *Sullivan*. • Whether it was caused by an external or internal factor. This may be considered an internal factor due to Abdul being an epileptic. • The physical state of the brain is irrelevant, it is whether the mental facilities of reason, memory and understanding are impaired or absent, *Kemp*. **3** Discuss that if Abdul is suffering from a 'disease of the mind', this must prevent him from knowing the 'nature and quality' of his act or that it was 'wrong'. This means legally, and not just 'morally' wrong, *Windle, Johnson*. It is likely that as a result of the epileptic fit Abdul would not be aware of his actions.	20	

Question			Answer	Marks	Guidance
			4 Discuss the issue of potential self-induced automatism, *Quick, Bailey*. Given Abdul knows he must take his medication, but fails to do so, his actions could be deemed reckless. **CON** Reach a sensible conclusion regarding insanity or self-induced automatism. **In the case of (b)** **1** Identify that automatism can only be used as a defence if Luke's action of punching Katya was involuntary. *Woolmington v. DPP*, *Bratty*. In this case, then Luke could have this defence because the *actus reus* carried out by him may not be voluntary. **2** Discuss that the cause of Luke's actions must be external in order to plead automatism. *Hill v Baxter*. In Luke's case his failure to eat after taking his insulin leading to a hypoglycaemic episode is the potential external factor which has caused him to punch Katya in the face. **3** Discuss that for Luke to plead automatism it must be satisfied that his was *'an act done by the muscles without any control by the mind, such as a spasm, a reflex action or a convulsion; or an act done by a person who is not conscious of what he is doing…' Bratty*. Here the action of punching Katya could be considered an act done whilst Luke was not conscious of what he was doing. In order to prove automatism Luke must have proper positive medical evidence. **C** Discuss there must be a 'total destruction of voluntary control', *A-G's Ref (No.2 of 1992)*, *Watmore v Jenkins*. If Luke's actions were simply reduced or he only had partial control of his actions and had some control over whether or not to punch Katya, then this will not be sufficient for non-insane automatism. **4** Consider that if Luke's actions could be deemed		

Question			Answer	Marks	Guidance
			reckless/self-induced automatism by failing to eat after taking his insulin. Had he been aware of the risk of causing injury? Had he continued to take this risk by not eating afterwards? **CON** Reach a sensible conclusion regarding non-insane automatism. **In the case of (c):** **1** Identify that automatism can only be used as a defence if Ethan's action of kicking the doctor in the face was involuntary. *Woolmington v. DPP*, *Bratty*. If this is the case, then Ethan could have this defence because the *actus reus* carried out by him is not voluntary and has caused Ethan to kick the doctor in the face. **2** Discuss that the cause of Ethan's actions must be external in order to plead automatism. *Hill v Baxter*. In Ethan's case, the hitting of his knee by the doctor which has made his leg jerk forward is the potential external factor. **3** Discuss that for Ethan to plead automatism it must be satisfied that his was *'an act done by the muscles without any control by the mind, such as a spasm, a reflex action or a convulsion; or an act done by a person who is not conscious of what he is doing…' Bratty.* Here the doctor hitting Ethan causing the 'knee-jerk' could be considered to be a reflex action which was described in *Bratty* as being an example of an involuntary act. But in the Australian case of *Ryan* this was not allowed. In order to prove automatism Ethan must have proper positive medical evidence. **C** Discuss that there must be a 'total destruction of voluntary control' *A-G's Ref (No.2 of 1992*), *Watmore v Jenkins*. If Ethan's actions were simply reduced or he only had partial control of his actions and had some control over whether or not to kick the doctor, then this will not be sufficient for non-insane automatism. **4** Consider that if Ethan's actions were deemed reckless/self-		

Question			Answer	Marks	Guidance
			induce automatism by allowing the doctor to hit him below the knee. Had he been aware of the risk of causing injury? Should Ethan have refused the test? **CON** Reach a sensible conclusion regarding automatism.		

APPENDIX 1

There are five levels of assessment of AOs 1 and 2 in the A2 units. The first four levels are very similar to the four levels for AS units. The addition of a fifth level reflects the expectation of higher achievement by candidates at the end of a two-year course of study. There are four levels of assessment of AO3 in the A2 units. The requirements and number of levels differ between AS and A2 units to reflect the expectation of higher achievement by candidates at the end of a two-year course of study.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (*includes QWC)*
5	Wide ranging, accurate, detailed knowledge with a clear and confident understanding of relevant concepts and principles. Where appropriate candidates will be able to elaborate with wide citation of relevant statutes and case–law.	Ability to identify correctly the relevant and important points of criticism showing good understanding of current debate and proposals for reform **or** identify all of the relevant points of law in issue. A high level of ability to develop arguments **or** apply points of law accurately and pertinently to a given factual situation, and reach a cogent, logical and well-informed conclusion.	
4	Good, well-developed knowledge with a clear understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate by good citation to relevant statutes and case-law.	Ability to identify and analyse issues central to the question showing some understanding of current debate and proposals for reform or identify most of the relevant points of law in issue. Ability to develop clear arguments or apply points of law clearly to a given factual situation and reach a sensible and informed conclusion.	An accomplished presentation of logical and coherent arguments and communicates relevant material in a very clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
3	Adequate knowledge showing reasonable understanding of the relevant concepts and principles. Where appropriate candidates will be able to elaborate with some citation of relevant statutes and case-law.	Ability to analyse most of the more obvious points central to the question or identify the main points of law in issue. Ability to develop arguments or apply points of law mechanically to a given factual situation, and reach a conclusion.	A good ability to present logical and coherent arguments and communicates relevant material in a clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
2	Limited knowledge showing general understanding of the relevant concepts and principles. There will be some elaboration of the principles, and where appropriate with limited reference to relevant statutes and case-law.	Ability to explain some of the more obvious points central to the question or identify some of the points of law in issue. A limited ability to produce arguments based on their material or limited ability to apply points of law to a given factual situation but without a clear focus or conclusion.	An adequate ability to present logical and coherent arguments and communicates relevant material in a reasonably clear and effective manner using appropriate legal terminology. Reward grammar, spelling and punctuation.
1	Very limited knowledge of the basic concepts and principles. There will be limited points of detail, but accurate citation of relevant statutes and case-law will not be expected.	Ability to explain at least one of the simpler points central to the question or identify at least one of the points of law in issue. The approach may be uncritical and/or unselective.	A limited attempt to present logical and coherent arguments and communicates relevant material in a limited manner using some appropriate legal terminology. Reward grammar, spelling and punctuation.

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