
A-level

LAW

COMPONENT CODE

PAPER 2

Mark scheme

Series

V1.0

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 Assessment Writer.

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.

Further copies of this mark scheme are available from aqa.org.uk

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.

Examiners are required to assign each of the students' responses to the most appropriate level according to its overall quality, then allocate a single mark within the level. When deciding upon a mark in a level examiners should bear in mind the relative weightings of the assessment objectives (see page 17) and be careful not to over/under credit a particular skill. For example, in question 8 more weight should be given to AO2 than to AO1. This will be exemplified and reinforced as part of examiner training.

Examiners are reminded that AO1, AO2 and AO3 are regarded as interdependent. When deciding on a mark all should be considered together using the best fit approach. For example, a level 3 mark could be awarded for level 3 evidence against each objective, or a mixture of level 4, 3 and 2 evidence across different objectives.

01 Rik, a claimant, has a duty to mitigate his losses when seeking damages in negligence. Which **one** of the following is the most accurate explanation of Rik's duty to mitigate? **[1 mark]**

Marks for this question: AO1 = 1

D Rik should take reasonable steps to minimise his losses.

02 If established by the defendant, the defence of contributory negligence has the following effect on a claim brought by the claimant: **[1 mark]**

Marks for this question: AO1 = 1

A Damages are reduced according to the level of fault demonstrated by the claimant.

03 Select the one **true** statement. **[1 mark]**

Marks for this question: AO1 = 1

B Private Member's Bill.

04 Which **one** of these statements about tribunals is correct? **[1 mark]**

Marks for this question: AO1 = 1

C Most tribunal panels consist of three members, a legally qualified chair and two others.

05 The Law Commission's role includes codification of specific areas of law. Choose the best definition of codification. **[1 mark]**

Marks for this question: AO1 = 1

A Integrating all relevant laws in a new Act of Parliament

06 Explain **three** differences between the resolution of civil law disputes in courts on the one hand, and through alternative dispute resolution mechanisms on the other.

[5 marks]

Marks for this question: AO1 = 5

Levels of response mark scheme 5 marks – AO1 only	
Mark range	AO1
4-5 Band 3	Knowledge is good and demonstrates a good understanding of the English legal system.
2-3 Band 2	Knowledge is satisfactory and demonstrates a satisfactory understanding of the English legal system.
1 Band 1	Knowledge is limited and demonstrates a limited understanding of the English legal system.
0	Nothing worthy of credit

Answers that do not provide three differences cannot progress beyond band 2.

AO1

(any three)

- Decision makers – contrast between judges in the traditional court system and decision makers in, for example, tribunals (or absence of decision makers in, for example, negotiation and mediation)
- Representation – the likelihood of the need for professional representation in the court system (solicitors/barristers) contrasted with self, or other informal, representation in alternative dispute resolution
- Procedures – the formality of the court system, both pre-trial and trial, contrasted with varying degrees of informality in alternative dispute resolution mechanisms
- Cost – contrast between court and alternative resolution, perhaps related to any of the issues raised above, and to speed (below)
- Speed – contrast between the two systems of resolution, related to procedures
- Outcomes – contrast, where appropriate, between the two systems in terms of awards, binding nature etc.

Credit any other relevant point(s)

07 If the remoteness of damage principles are applied to Amina’s claim against Ben for compensation in an action in negligence, suggest why Amina is likely to recover compensation for some, but perhaps not for all, of the damage.

[5 marks]

Marks for this question: AO1 = 2 and AO2 = 3

Levels of response mark scheme 5 marks – AO1 (2) and AO2 (3)	
Mark range	Description
4-5 Band 3	<p>Good outline explanation of relevant legal rules and principles and good application to the scenario in order to present a legal argument using appropriate terminology.</p> <p>Good explanation of a relevant case to support the application.</p>
2-3 Band 2	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles.</p> <p>Satisfactory application of legal rules and principles to the scenario.</p> <p>Satisfactory explanation of a relevant case to support the application.</p>
1 Band 1	<p>Knowledge is limited and demonstrates a limited understanding of the relevant legal rules and principles.</p>
0	<p>Nothing worthy of credit</p>

Indicative Content:

AO1

- Statement that compensation is not recoverable for damage which is too remote, and that the general test applied to determine whether damage is or is not too remote is reasonable foreseeability, though the thin skull rule applies.
- Brief explanation that the general type (kind), rather than specific nature, of damage must be reasonably foreseeable, and it is not necessary that the precise manner in which the damage occurs, or its full extent, are reasonably foreseeable.

AO2

- Application of the reasonable foreseeability test for remoteness to suggest that most of the damage is reasonably foreseeable, and so recoverable.
- Application in relation to the more extensive damage to suggest that whether it was of the same kind (even if resulting from an unforeseen sequence of events), and so recoverable, or of a different kind (and so not recoverable) is not clear, so that it may not be possible to recover for the more extensive damage.
- Brief explanation of a relevant case to support application and conclusion (for example, Wagon Mound (No.1) on basic reasonable foreseeability; for example, Hughes v Lord Advocate on types/kinds of damage and sequence of events; for example, Bradford v Robinson Rentals on type/kind and extent).

Credit any other relevant point(s).

08 Advise Claire as to her rights and remedies against Dan in connection with the noise.

[10 marks]

Marks for this question: AO1 = 3, AO2 = 4 and AO3 = 3

Levels of response mark scheme 10 marks – AO1 (3), AO2 (4), AO3 (3).	
Mark range	Description
7-10 Band 3	<p>Knowledge is good and demonstrates a good understanding of relevant legal rules and principles.</p> <p>Good analysis of legal rules and principles leading to good application of the correct rules and principles to the scenario.</p> <p>Good explanation of relevant legal authority to support the application.</p> <p>A good legal argument is presented using appropriate terminology to support advice.</p>
3-6 Band 2	<p>Knowledge is satisfactory and demonstrates a satisfactory understanding of relevant legal rules and principles.</p> <p>Satisfactory analysis of legal rules and principles leading to satisfactory application of the correct rules and principles to the scenario.</p> <p>Satisfactory explanation of legal authority to support the application.</p> <p>A satisfactory legal argument is presented using some appropriate terminology to support advice.</p>
1-2 Band 1	<p>A limited demonstration of knowledge.</p> <p>Limited analysis of legal rules and principles in relation to the scenario but rules and principles are not applied correctly to the scenario.</p> <p>No chain of reasoning is attempted.</p>
0	Nothing worthy of credit

Indicative Content:

AO1

- Identification and outline explanation of the elements of the tort of private nuisance: unreasonable interference with use or enjoyment of land, redressible by a claimant with an appropriate interest in the land by an action for damages and/or injunction.
- Brief explanation of supporting case authority, for example, *St Helens Smelting Co v Tipping*, *Coventry v Lawrence*, *Christie v Davey*, *Sturges v Bridgman*.

AO2

- Application to suggest that, in view of locality and duration, Dan's welding activities may well be regarded as an unreasonable interference
- Application to suggest that evidence of apparent malice on Dan's part would strengthen the argument for unreasonable interference.
- Application to suggest that Dan would be unlikely to succeed in any argument that Claire had 'come to the nuisance'
- Application to argue that an injunction limiting the time and duration of welding activities may be the most appropriate remedy, given the inevitable difficulty in assessing in financial terms the loss of value caused by the interference

AO3

- Analysis and evaluation of the requirements of unreasonable use with reference to issues of locality and duration
- Analysis and evaluation of the requirements of unreasonable use with reference to issues of malice
- Analysis and evaluation of the significance (or otherwise) of 'coming to the nuisance'
- Further reference to, and use of, supporting case authority, as identified above

Credit any other relevant point(s).

09 Examine the meaning and significance of ‘fault’ as a basis for liability in English law. Discuss the extent to which liability is based on fault in the tort in Rylands v Fletcher.

[15 marks]

Marks for this question: AO1 = 5 and AO3 = 10

Levels of response mark scheme 15marks – AO1 (5) and AO3 (10).	
Mark range	Description
13-15 Band 5	<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.</p> <p>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>
10-12 Band 4	<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.</p> <p>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>
7-9 Band 3	<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.</p> <p>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>
4-6 Band 2	<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.</p> <p>Limited drawing together of knowledge and understanding of substantive and non-substantive</p>

	law from across the course of study Some reasoning is attempted which leads to a limited conclusion.
1-3 Band 1	Knowledge is minimal and demonstrates a minimal understanding of the Nature of law and legal rules and principles. Minimal selection and use of relevant legal authority. Minimal analysis and evaluation of legal concepts and issues. No chain of reasoning is attempted.
0	Nothing worthy of credit

Distribution of substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
5	10	15

Indicative Content:

AO1

- Identification of possible bases of fault in civil and possibly criminal law: voluntariness of conduct and causation as fundamental bases; intention, recklessness and negligence as higher level; defences.
- Outline of the basic requirements of the tort in Rylands v Fletcher: property damage is caused by an escape from land onto other land; of something brought onto the land ('accumulated') by D which, if it escaped, would be likely to do mischief; the accumulation being non-natural.

AO3

- Analysis of fault elements: meaning of terms such as intention (purpose), recklessness (foresight of risk), negligence (reasonable foreseeability of injury/damage in acting or failing to act), and of translation into defences.
- Evaluation of significance of fault as a marker of blame which imposes responsibility, and therefore justifies imposition of penalties or sanctions, or identifies the person who should compensate. Supports underlying assumption that conduct can be modified for the future.
- Analysis of relevant Rylands v Fletcher elements, as initially outlined, introducing discussion of cases such as Cambridge Water Company v Eastern Counties Leather plc, Transco plc v Stockport MBC, Stannard v Gore.
- Evaluation of the extent of fault in Rylands v Fletcher (1): absence of any requirement for negligence, traditional interpretation as strict liability.
- Evaluation of extent of fault in Rylands v Fletcher (2): requirement for foreseeability of damage; exclusion of liability for Act of God (natural causes) and act of stranger (for example, Perry v Kendricks).
- Conclusions based on the analysis and evaluation presented: even though traditionally described as imposing strict liability, fault and its absence play a part – accumulation must be something out of the ordinary and pose a very high risk if it escapes, imposing responsibility, but only for that which was foreseeable as a result of the escape; D is not liable for escapes for which nature can be said to be the cause or for which a stranger can be said to be responsible or at fault.

Credit any other relevant point(s).

10 Consider the rights and remedies of Gavin, Hana and Isabel against Ella.

[30 marks]

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

Levels of response mark scheme 30 marks – AO1 (10), AO2 (10) and AO3 (10).	
Mark range	Description
25-30 Band 5	<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. 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>
19-24 Band 4	<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. 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>
13-18 Band 3	<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. A satisfactory legal argument is presented using some appropriate terminology</p> <p>A chain of reasoning starts to develop which leads to a partially justified conclusion.</p>
7-12 Band 2	<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. A limited legal argument is presented using little appropriate terminology.</p> <p>Some reasoning is attempted which leads to a limited conclusion.</p>
1-6 Band 1	<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. A fragmented legal argument is attempted.</p> <p>No chain of reasoning is attempted.</p>
0	Nothing worthy of credit

Indicative Content:

AO1

- Identification and outline explanation of the elements of the tort of negligence: duty, breach and damage, including identification of test for duty, risk factors in breach, and damage as encompassing personal injury, including psychiatric injury
- Identification and outline explanation of the rules dealing with recovery of compensation for psychiatric injury, including the distinction between primary and secondary victims, and the restrictive rules applied to recovery of compensation by secondary victims
- Brief explanation of appropriate supporting case authority eg *Donoghue v Stevenson*, *Caparo Industries v Dickman*, *Alcock v Chief Constable of South Yorkshire*

AO2

:

- Application of rules on duty to suggest that Ella was under a duty to those (such as drivers and pedestrians) who might reasonably foreseeably be affected by Finley's conduct, to supervise him closely
- Application of the rules on breach to suggest that Ella failed to achieve the relevant standard of care, in view of the degree of risk, seriousness of consequences and ease of prevention by appropriate supervision, in her focus on the mobile phone and lack of attention to Finley
- Application to Gavin and to Hana to conclude that each would be entitled to damages as a primary victim, Gavin suffering reasonably foreseeable physical injury in consequence of Ella's breach and Hana, being within the zone of danger, suffering reasonably foreseeable psychiatric injury in consequence of the near miss.
- Application to Isabel to suggest that recovery of compensation is more problematic: psychiatric injury, distinct event and close tie of love and affection can all be established but proximity/ direct sight or hearing of the event or its immediate aftermath may not be satisfied

AO3

- Analysis and evaluation of the concept of duty in negligence, utilising the *Caparo* 3-part test and taking particular account of the responsibility of a parent for the conduct of a child
- Analysis and evaluation of standard of care in breach of duty: the risk factors in breach, including, in particular, seriousness of consequences, degree of risk, ease of prevention
- Analysis and evaluation of meaning of psychiatric injury
- Analysis and evaluation of the restrictive rules in relation to recovery by secondary victims: distinct 'event', close tie of love and affection with primary victim, physical proximity, direct sight or hearing of the event or its immediate aftermath
- Further reference to relevant authority, developing explanation of cases cited above and/or, other relevant cases eg *McLoughlin v O'Brien*

Credit any other relevant point(s).

11 Consider the rights and remedies of Karl and of Lech against Jackson Ltd in connection with the incidents involving the stack of crates.

Assuming that Karl has a small income and no savings, assess the options that may be open to him to pursue legal action against Jackson Limited.

[30 marks]

Marks for this question: AO1 = 10, AO2 = 10 and AO3 = 10

Levels of response mark scheme 30 marks – AO1 (10), AO2 (10) and AO3 (10).	
Mark range	Description
25-30 Band 5	<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. 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.</p> <p>A logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion.</p>
19-24 Band 4	<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. 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>
13-18 Band 3	<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. A satisfactory legal argument is presented using some appropriate terminology</p> <p>There is satisfactory analysis and evaluation of legal concepts and issues. Some drawing together of knowledge and understanding from substantive and non-substantive law from across the course of study.</p>

	A chain of reasoning starts to develop which leads to a partially justified conclusion.
7-12 Band 2	<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.</p> <p>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</p> <p>There is limited analysis and evaluation of legal concepts and issues.</p> <p>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>
1-6 Band 1	<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.</p> <p>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.</p> <p>There is minimal analysis and evaluation of legal concepts and issues.</p> <p>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>
0	Nothing worthy of credit

Distribution of substantive and non-substantive law:

Substantive	Non-substantive	Total Marks
23	7	30

Indicative Content:

AO1

- Identification and outline explanation of basic elements of the Occupiers' Liability Act 1984 s1: occupier/ non-visitors, state of premises, personal injury, imposition of duty, content of duty, warning notices,
- Identification and explanation of defence of contributory negligence
- Identification and outline explanation of basic elements of the Occupiers' Liability Act 1957 ss1-2: occupiers/visitors, state of premises, content of duty, visitors present in the exercise of their calling
- Brief explanation of the rule that, for the purposes of causation (and so of recoverable damages), the defendant must take the victim as he finds him/her, supported by a relevant case (for example, Smith v Leech Brain & Co)
- Brief explanation of sources of advice and representation, and of funding, in light of the absence of state funding: solicitors/barristers, CAB, Law Centres, private insurance, conditional fee arrangements

AO2

- Application to suggest that Jackson Ltd, as occupiers, may have owed a duty to Karl, as a trespasser (non-visitor), under the 1984 Act because his presence was reasonably foreseeable and Jackson Ltd may reasonably expected to have provided some protection against the risk of personal injury arising out of the state of the premises/structure, and the warning was inadequate
- Application as above but to query whether any duty did exist: did the stack, in itself, pose a danger, and did Karl willingly accept the risk as his own
- Application to argue that there is a strong case against the existence of a duty and/or its breach, but also to suggest that, if a duty did exist, and if Jackson Ltd broke it by, for example, not preventing access, then there would probably be a high degree of contributory negligence on the part of Karl, reducing any damages awarded by a substantial amount
- Application to suggest that Jackson Ltd, as occupiers, owed a duty to Lech, as a visitor, under the 1957 Act
- Application to query whether there was any breach in view of what Jackson Ltd did know, and should have known, about the stability of the stack, and whether Lech, in the exercise of his calling, might have appreciated and guarded against any special risks associated with the stack. Suggestion that, if breach were found, damages for personal injury would be awarded for the full injuries, despite the pre-existing condition (but credit, also, any further reference to contributory negligence, and consequent reduction in damages)

AO3

- Analysis and evaluation of the meaning under the Occupiers' Liability Act 1984 s1 of danger attributable to the state of the premises, and of the content of the duty and its breach (including the relevance of warning notices, and willing acceptance of risk)
- Analysis and evaluation of nature and content of the duty and its possible breach under the Occupiers' Liability Act 1957 ss1-2, including the special provision in s2(3)(b) as to persons exercising a calling
- Use of supporting case authority (for example, Tomlinson v Congleton BC, Donoghue v Folkstone Properties, Young v Kent County Council, Keown v Coventry Healthcare Trust, Ratcliff v McConnell, Roles v Nathan, Salmon v Seafarer Restaurants)
- Analysis, in particular, of funding of actions in law by conditional fees
- Evaluation of the options open to Karl, probably suggesting that his best opportunity will be by agreeing a conditional fee arrangement, given that he is unlikely to have access to any other significant method of funding

Credit any other relevant point(s).

Assessment Objectives Grid

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

Distribution of marks for substantive and non-substantive law

Question	Substantive	Non-substantive	Total Marks
1	1		1
2	1		1
3		1	1
4		1	1
5		1	1
6		5	5
7	5		5
8	10		10
9	5	10	15
10	30		30
11	23	7	30
Tot	75	25	100
Tot %	75	25	100