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MARK SCHEME

Maximum Mark: 50

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1 (a) Band 1: Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that PC Smith will get a warrant **and/or**
- Reference to PACE 1984 s8 with little or no development. [1–5]

Band 4: Reference to some of s8(1)(a) and/or (b) and/or (c) with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: PC Smith is likely to be granted a warrant under s8 to cover the house and the shed as robbery is an indictable offence and the behaviour of Fred's wife suggests she does not want him in the house. As the shed is in the garden it is realistic that the stolen goods could be hidden there. [8–10]

(b) Band 1: Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that PC Jones cannot take the letters **and/or**
- Reference to PACE 1984 s9 and/or s10 with little or no development. [1–5]

Band 4: Reference to some of s9 and/or s10 with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: PC Jones is unlikely to be able to take the letters. They will be covered by s9(2)(a) and s10(1)(a). They are not covered by s10(2) as they relate to historical offences. Reference to s8 can be credited but is not essential to achieve full marks. [8–10]

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(c) **Band 1:** Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that PC Brown's entry is unlawful **and/or**
- Reference to s16 PACE 1984 with little or no development. [1–5]

Band 4: Reference to some of s16(1) and/or (4) and/or (5) with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: PC Brown's entry is unlawful. According to s16(1) PC Brown is a constable and under s16(4) 8am on a Monday morning is probably not unreasonable although an argument in the alternative can be credited. Under s16(5)(a) the search is unlawful as PC Brown is in plain clothes and does not have his ID with him. Under s16(5)(b) and (c) the entry is also unlawful as PC Brown does not show and give Yuri the copy of the warrant. [8–10]

(d) **Band 1:** Irrelevant answer. [0]

Band 2: Discusses police powers in very general terms. [1–6]

Band 3: Some more detailed references to relevant provisions of PACE but with a largely factual basis. Some general discussion of the balance between police powers and individual rights but lacking in detail or range. [7–13]

Band 4/5: Very good discussion of the balance between police powers and individual rights. Good detail on PACE and the Codes of Practice. To reach higher marks all aspects of the question need to be dealt with in some detail with good critical awareness and a clear focus on the question. [14–20]

2 **(a)** **Band 1:** Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that Margaret has committed an offence **and/or**
- Reference to Local Government (Miscellaneous Provisions) Act 1976 and/or Bye-law 15 and/or Hackney carriage driver's standard of service with little or no development. [1–5]

Band 4: Reference to some of s69 Local Government (Miscellaneous Provisions) Act 1976 and/or Bye-law 15 and/or the Hackney carriage driver's standard of service with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: Margaret has breached s69(1) and (2) as well as bye-law 15. She should also have notified the Licensing Section about her arthritis. [8–10]

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(b) **Band 1:** Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that Damian has committed an offence **and/or**
- Reference to Town Police Clauses Act 1847 s53 and/or bye-laws 10 and/or 14 with some or no development. [1–5]

Band 4: Reference to some of Town Police Clauses Act 1847 s53 and/or bye-laws 10 and/or 14 with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: Damian has committed an offence under s53 when he will not take Khalid to the east of the city as there is no reasonable excuse for his decision. In addition he has breached bye-law 10 as his badge is in his pocket and he has breached bye-law 14 as he has not been courteous to Khalid and makes him get out at a busy junction. [8–10]

(c) **Band 1:** Irrelevant answer. [0]

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material.

- Principle without section – understanding that Ivan has committed an offence **and/or**
- Reference to Town Police Clauses Act 1847 s62 and/or bye-laws 8 and/or 11(b) and/or 13 with little or no development. [1–5]

Band 4: Reference to some of Town Police Clauses Act 1847 s62 and/or bye-laws 8 and/or 11(b) and/or 13 with some development and some application. [6–7]

Band 5: Full development of the relevant sections. Conclusion: Ivan commits a statutory offence under s62 when he leaves his taxi outside the railway station. This is also a breach of bye-law 13 but credit discussion of the fact that the hackney carriage rank may be full. Ivan breaches bye-law 8 as he is shouting for customers inside the station and he breaches bye-law 11(b) as he will not help Samantha with her luggage. [8–10]

(d) **Band 1:** Irrelevant answer. [0]

Band 2: Discusses delegated legislation in very general terms. [1–6]

Band 3: Some more detailed references to different types of delegated legislation and some general mention of their advantages and disadvantages but lacking in detail or range. [7–13]

Band 4/5: Very good discussion of the advantages and disadvantages of delegated legislation. Good detail on the types of delegated legislation with examples. To reach higher marks all aspects of the question need to be dealt with in some detail with good critical awareness. [14–20]

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