Solutions

Marking: **K** knowledge, **App** use of the case or data, **An** analysis (a chain of reasons: cause, then effect), **Ev** evaluation (a judgement with a reason). In calculations, **M1** is for the method and **A1** for the answer; **B1** is an independent mark.

Each answer shows the steps, then the **result**.

2.1

civil: (a), (c)

criminal: (b), (d)

2.2

civil: the balance of probabilities

criminal: beyond reasonable doubt

the civil standard is lower, so evidence that is not enough to convict can still show that liability is more likely than not

2.3

decided in 2015 by the UK Supreme Court

its 67th judgment that year

2.4

(a) small claims track: under £10,000

(b) fast track: the injury damages are over £1,000

3.1

(a) £**2**,**200**

(b) fast track: the injury damages of £1,800 are over £1,000, so the small claims track does not apply

(c) 3 years

(d) the state (the food authority); beyond reasonable doubt

(e) her claim needs only the balance of probabilities, a lower standard

3.2

(a) yes: the Court of Appeal binds the High Court

(b) like cases are decided alike, following higher courts; so a firm can predict how a court will decide, and plan its contracts

(c) it is not binding in England and Wales; at most it is persuasive, if no English decision covers the point

3.3

7–8: an apology shows care and may protect the brand with customers (An); but "our fridge failed" is an admission that can be used as evidence in both the civil claim and the prosecution (App); the facts are not yet known: the fault may be elsewhere (An); civil and criminal proceedings use the same facts with different standards, so every statement must be written with both in view (K); silence may look cold and harm trust (Ev); recommendation with a condition, e.g. post a caring statement that does not admit the cause ("we are sorry she is unwell and are working with the authority"), checked by a lawyer first (Ev). **4–6**: sound analysis with limited use of the case or a weak judgement. **1–3**: relevant points, mostly descriptive.

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