

GCSE

Law

Unit **B144**: Consumer Rights and Responsibilities

General Certificate of Secondary Education

Mark Scheme for June 2015

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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.

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Annotations

Annotation	Meaning
	Tick
	Cross
BOD	Benefit of doubt
NBOD	Benefit of doubt not given
REP	Repeat
	Irrelevant
	Omission mark
L1	Level 1
L2	Level 2
L3	Level 3
E	Expansion of a point
	Development of point
VG	Vague
NAQ	Not answered question

Question		Expected Answer	Mark	Rationale/Additional Guidance
1	(a)	<p>Candidates will identify the following:</p> <ul style="list-style-type: none"> • Agreement • Legal Intent/legally binding • Consideration. 	[3]	<p>ASSESSMENT OBJECTIVE 1</p> <p>1 mark each for each correct answer</p> <p>Do not credit “offer and acceptance”</p> <p>[maximum 3 marks]</p>
Question		Expected Answer	Mark	Rationale/Additional Guidance
1	(b)	<p>Candidates will explain as follows :</p> <ul style="list-style-type: none"> • An example of a domestic agreement • A domestic agreement is not binding • It is sensible since otherwise it would mean that the courts could be overwhelmed with silly domestic disputes. 	[3]	<p>ASSESSMENT OBJECTIVE 3</p> <p>Level 3 - (3 marks) - develops an explanation</p> <p>Level 2 - (2 marks) - explains with some elaboration</p> <p>Level 1 - (1 mark) - makes any valid point</p> <p>0 marks - no response or nothing worthy of credit</p> <p>[maximum 3 marks]</p>

Question		Expected Answer	Mark	Rationale/Additional Guidance																					
2	(a)	<p>Candidates will insert from the list as follows:</p> <ul style="list-style-type: none"> • material • induce • binding 	[3]	<p>ASSESSMENT OBJECTIVE 1</p> <p>1 mark each for each correct answer</p> <p>[maximum 3 marks]</p>																					
Question		Expected Answer	Mark	Rationale/Additional Guidance																					
	(b)	<p>Candidates will identify as follows</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Factors</th> <th>Would</th> <th>Would Not</th> </tr> </thead> <tbody> <tr> <td>Appearance and finish</td> <td style="text-align: center;">√</td> <td></td> </tr> <tr> <td>Safety of the goods</td> <td style="text-align: center;">√</td> <td></td> </tr> <tr> <td>Durability of the goods</td> <td style="text-align: center;">√</td> <td></td> </tr> <tr> <td>Freedom from minor defects</td> <td style="text-align: center;">√</td> <td></td> </tr> <tr> <td>Expectation of the person buying the goods</td> <td></td> <td style="text-align: center;">√</td> </tr> <tr> <td>The amount of goods bought</td> <td></td> <td style="text-align: center;">√</td> </tr> </tbody> </table>	Factors	Would	Would Not	Appearance and finish	√		Safety of the goods	√		Durability of the goods	√		Freedom from minor defects	√		Expectation of the person buying the goods		√	The amount of goods bought		√	[6]	<p>ASSESSMENT OBJECTIVE 2/3</p> <p>1 mark each for each correct tick</p> <p>[maximum 6 marks]</p> <p>If more than one answer for each factor do not credit.</p>
Factors	Would	Would Not																							
Appearance and finish	√																								
Safety of the goods	√																								
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Expectation of the person buying the goods		√																							
The amount of goods bought		√																							

Question	Expected Answer	Mark	Rationale/Additional Guidance
(c)	<p>Candidates will explain the following:</p> <p>(i) Reasonable Amount.</p> <ul style="list-style-type: none"> • This is not similar to what Gary normally pays. Gary should be able to pay a reasonable amount. <p>(ii) Reasonable care and skill.</p> <ul style="list-style-type: none"> • The plumber is a professional. He should have made sure his work was carried out with reasonable care and skill. The hot-tub has leaked <p>(iii) Reasonable Time.</p> <ul style="list-style-type: none"> • Although it might be reasonable to wait for a short period of time. Natalie knew Roberto needed the greenhouse. The delay is unreasonable. 	[6]	<p>ASSESSMENT OBJECTIVE 2</p> <p>Candidates will score as follows for each of the three consumers:</p> <p>1 mark for the correct implied term and 1 mark for a suitable reason.</p> <p>Candidates will be credited for either referring to the to the section number of the act or by stating the implied term</p> <p>Candidates must include reasonable in relation to the relevant implied terms</p> <p>For (ii) candidate must include reasonable care and skill</p> <p>For (ii) candidates will be credited for satisfactory quality or fitness for purpose</p> <p>(0 marks) – no response or nothing worthy of credit</p> <p>(maximum 2 marks for each consumer max 6 marks)</p>

Question		Expected Answer	Mark	Rationale/Additional Guidance								
	(d)	<p>Candidates will identify as follows</p> <table border="1" data-bbox="450 347 909 579"> <thead> <tr> <th>Scenario</th> <th>Yes or No</th> </tr> </thead> <tbody> <tr> <td>Gethin</td> <td>Yes</td> </tr> <tr> <td>Dylan.....</td> <td>Yes</td> </tr> <tr> <td>Irma</td> <td>No</td> </tr> </tbody> </table>	Scenario	Yes or No	Gethin	Yes	Dylan.....	Yes	Irma	No	[3]	<p>ASSESSMENT OBJECTIVE 3</p> <p>1 mark each for each correct answer</p> <p>[maximum 3 marks]</p>
Scenario	Yes or No											
Gethin	Yes											
Dylan.....	Yes											
Irma	No											
Question		Expected Answer	Mark	Rationale/Additional Guidance								
3	(a)	<p>Candidates will insert from the list as follows:</p> <ul style="list-style-type: none"> • invalid • consumer • reasonable 	[3]	<p>ASSESSMENT OBJECTIVE 1</p> <p>1 mark each for each correct answer</p> <p>[maximum 3 marks]</p>								

Question	Expected Answer	Mark	Rationale/Additional Guidance																					
(b)	<p>Candidates will insert a tick as follows:</p> <table border="1" data-bbox="452 316 1081 703"> <thead> <tr> <th>Scenario</th> <th>Consumer Contract</th> <th>Not Consumer Contract</th> </tr> </thead> <tbody> <tr> <td>Andy....</td> <td></td> <td>√</td> </tr> <tr> <td>Sunhil...</td> <td>√</td> <td></td> </tr> <tr> <td>Myvanwy...</td> <td>√</td> <td></td> </tr> <tr> <td>Patrick.....</td> <td></td> <td>√</td> </tr> <tr> <td>Helen....</td> <td>√</td> <td></td> </tr> <tr> <td>John.....</td> <td></td> <td>√</td> </tr> </tbody> </table>	Scenario	Consumer Contract	Not Consumer Contract	Andy....		√	Sunhil...	√		Myvanwy...	√		Patrick.....		√	Helen....	√		John.....		√	[6]	<p>ASSESSMENT OBJECTIVE 3</p> <p>1 mark each for each correct answer</p> <p>[maximum 6 marks]</p> <p>If more than one answer for each scenario do not credit.</p>
Scenario	Consumer Contract	Not Consumer Contract																						
Andy....		√																						
Sunhil...	√																							
Myvanwy...	√																							
Patrick.....		√																						
Helen....	√																							
John.....		√																						
(c)	<p>Candidates will explain three of the following reasons:</p> <ul style="list-style-type: none"> • Rose has signed a form before which may mean that any exclusion clause has been incorporated when she does not sign this time, based on previous dealings. Zarkles may be able to rely on the exclusion clause • Zarkles should have asked Rose to sign the form even if Rose was a previous customer. This ensures certainty • If Zarkles stated that they were not responsible etc., For the clause to be valid they would need to establish that the clause is clear and unambiguous 	[6]	<p>ASSESSMENT OBJECTIVE 1/2</p> <p>Up to 2 marks for each explained factor</p> <p>Level 2 (2 marks) - for identifying 2 basic points or adequate reasoning/elaboration</p> <p>Level 1 (1 mark) - for identifying 1 basic point or limited reasoning</p> <p>0 marks - no response or nothing worthy of credit</p> <p>[maximum 6 marks]</p> <p>Credit discussion of negligence.</p>																					

Question	Expected Answer	Mark	Rationale/Additional Guidance														
(d)	<p>Candidates will insert 'true' as follows:</p> <table border="1" data-bbox="405 316 1122 927"> <thead> <tr> <th data-bbox="405 316 1028 352">Statement</th> <th data-bbox="1028 316 1122 352">True</th> </tr> </thead> <tbody> <tr> <td data-bbox="405 352 1028 448">The Regulations cover only exclusion clauses.</td> <td data-bbox="1028 352 1122 448"></td> </tr> <tr> <td data-bbox="405 448 1028 544">The Regulations were introduced to comply with an EU Directive.</td> <td data-bbox="1028 448 1122 544">True</td> </tr> <tr> <td data-bbox="405 544 1028 639">The Regulations are not suitable for standard form contracts.</td> <td data-bbox="1028 544 1122 639"></td> </tr> <tr> <td data-bbox="405 639 1028 735">The Regulations try to prevent businesses taking an unfair advantage of consumers</td> <td data-bbox="1028 639 1122 735">True</td> </tr> <tr> <td data-bbox="405 735 1028 831">The Regulations say that contractual terms should be expressed in plain</td> <td data-bbox="1028 735 1122 831">True</td> </tr> <tr> <td data-bbox="405 831 1028 927">The Regulations do not apply to any term individually negotiated.</td> <td data-bbox="1028 831 1122 927">True</td> </tr> </tbody> </table>	Statement	True	The Regulations cover only exclusion clauses.		The Regulations were introduced to comply with an EU Directive.	True	The Regulations are not suitable for standard form contracts.		The Regulations try to prevent businesses taking an unfair advantage of consumers	True	The Regulations say that contractual terms should be expressed in plain	True	The Regulations do not apply to any term individually negotiated.	True	[3]	<p>ASSESSMENT OBJECTIVE 1</p> <p>1 mark each for each correct answer</p> <p>[maximum 3 marks]</p> <p>If more than 3 selected - accept first 3</p>
Statement	True																
The Regulations cover only exclusion clauses.																	
The Regulations were introduced to comply with an EU Directive.	True																
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The Regulations try to prevent businesses taking an unfair advantage of consumers	True																
The Regulations say that contractual terms should be expressed in plain	True																
The Regulations do not apply to any term individually negotiated.	True																

Question		Expected Answer	Mark	Rationale/Additional Guidance														
4	(a)	<p>1 mark for each correct defendant in this order:</p> <ul style="list-style-type: none"> • Retailer • Manufacturer • Wholesaler 	[3]	<p>ASSESSMENT OBJECTIVE 1</p> <p>1 mark for each correct answer</p> <p>[maximum 3 marks]</p> <p>Do not accept “seller” or “maker” as alternative answers</p>														
	(b)	<p>Candidates will insert true or false as follows:</p> <table border="1" style="margin-left: 40px;"> <thead> <tr> <th>Scenario</th> <th>True/False</th> </tr> </thead> <tbody> <tr> <td>Betty.....</td> <td>False</td> </tr> <tr> <td>Euan.....</td> <td>False</td> </tr> <tr> <td>François</td> <td>True</td> </tr> <tr> <td>Gregor.....</td> <td>True</td> </tr> <tr> <td>Nabillah</td> <td>True</td> </tr> <tr> <td>Paul.....</td> <td>True</td> </tr> </tbody> </table>	Scenario	True/False	Betty.....	False	Euan.....	False	François	True	Gregor.....	True	Nabillah	True	Paul.....	True	[6]	<p>ASSESSMENT OBJECTIVE 2</p> <p>1 mark each for each correct answer</p> <p>[maximum 6 marks]</p>
Scenario	True/False																	
Betty.....	False																	
Euan.....	False																	
François	True																	
Gregor.....	True																	
Nabillah	True																	
Paul.....	True																	

Question	Expected Answer	Mark	Rationale/Additional Guidance
<p>4 (c) *</p>	<p>Candidates will discuss any three of the following:</p> <p>BENEFITS</p> <p>The Act has improved the protection of consumers in a number of ways</p> <ul style="list-style-type: none"> • Producers have to take more care and need appropriate quality control systems • There is also more likelihood now of product recall when a common defect is discovered • It is also means that the consumer has more chance of getting a remedy because he has a greater range of potential defendants from which to choose. <p>LIMITATIONS</p> <p>However the Act is also not perfect because of the following limitations;</p> <ul style="list-style-type: none"> • Not all products, nor all defects, nor all damage is covered by the Act. • Consumers only have a small time frame in which to bring an action. • There are probably too many defences, making it difficult for a claimant to succeed. • The Act is supposed to provide strict liability <p>Any other relevant benefit or limitation.</p>	<p>[9]</p>	<p>ASSESSMENT OBJECTIVE 3</p> <p>Credit should be given for both breadth and depth</p> <p>Using examples attracts some credit</p> <p>Discussion – Candidates will gain marks as follows</p> <p>Level 3 (7-9 marks) – points explained with good reasoning and with effective communication through discussion. The response is well organised, structured, with few errors in grammar, punctuation and spelling.</p> <p>Level 2 (4-6 marks) – identifies a relevant issue; points made with some elaboration and adequate communication. The response is adequately organised, structured and with some errors of spelling, punctuation and grammar</p> <p>Level 1 (1–3 mark) – identifies a relevant issue or makes any valid point. Basic points made with basic communication. The response lacks organisation, structure and accuracy of spelling, punctuation and grammar.</p> <p>(0 marks) – no response or nothing worthy of credit</p> <p>(maximum 9 marks)</p> <p>To reach L3 - at least one benefit and one limitation must be discussed at Level 3</p> <p>To reach L2 - there must be at least two Level 2 responses</p>

Question	Expected Answer	Mark	Rationale/Additional Guidance
			<p>(benefits and/or limitations) or at least one Level 3 and at least one Level one</p> <p>Level 1 response(s) only (benefits and/or limitations) - can only achieve a maximum of 3 marks.</p> <p>If only one reason is discussed then maximum top L1.</p> <p>0 marks – no response or no response worthy of credit</p>

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