

GCE Law

OCR Advanced Subsidiary GCE in Law H124

OCR Advanced GCE in Law H524

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1 About these Qualifications

This booklet contains OCR's Advanced Subsidiary GCE and Advanced GCE specifications in Law for teaching from September 2006.

A course based on these specifications will provide a grounding in the main principles of English and Welsh law and their development and enable candidates to develop knowledge, understanding and critical awareness of the structure, personnel and functions of the English Legal System and, for GCE, of **one** area of substantive law chosen from *Criminal Law*, *Law of Contract* or *Law of Torts*. It also encourages candidates to develop the skills necessary to analyse and solve problems by applying legal rules and to develop the ability to communicate legal arguments and conclusions clearly and succinctly.

The specifications promote progression by requiring candidates to study the institutions, principles, procedures and methodology appropriate to the study of English and Welsh law at AS and to extend their knowledge and skills through an in-depth study of their selected area of substantive law at A2.

At A2, the assessments encourage the development of skills and understanding by requiring candidates to apply legal methods and reasoning within their selected area of substantive law. Development of these skills and understanding is further encouraged by requiring candidates to draw together and make connections between their selected area and legal processes, legal issues and the development of law in the *Special Study* papers. Throughout the course of study candidates are encouraged to develop a critical awareness of how legal institutions operate in society and of the changing nature of law in society.

1.1 The Two-Unit AS

The Advanced Subsidiary GCE is both a 'stand-alone' qualification and also the first half of the corresponding Advanced GCE. The AS GCE is assessed at a standard appropriate for candidates who have completed the first year of study (both in terms of teaching time and content) of the corresponding two year Advanced GCE course, i.e. between GCSE and Advanced GCE.

From September 2006 the AS GCE is made up of **two** mandatory units which are externally assessed and form 50% of the corresponding four-unit Advanced GCE.

AS Unit 1: *English Legal System* and AS Unit 2: *Sources of Law* concentrate on various aspects of the English Legal System, including the courts; alternative methods of dispute resolution; police powers; principles of sentencing; the judiciary; the legal profession; provision and funding of legal services; lay magistrates; juries; doctrine of precedent; Acts of Parliament; delegated legislation; statutory interpretation; European Union law.

1.2 The Four-Unit Advanced GCE

From September 2006 the Advanced GCE is made up of the **two** mandatory units at AS and **two** further units at A2. These A2 units are also externally assessed.

Candidates choose from **three** options at A2: *Criminal Law*, *Law of Contract* or *Law of Torts*.

A2 Units 3A and 3B (*Criminal Law*) cover principles of criminal liability; *actus reus*; *mens rea*; strict liability; attempt; general defences; murder; manslaughter; non-fatal offences against the person; theft; burglary; robbery; criminal damage.

A2 Units 4A and 4B (*Law of Contract*) cover formation of a contract; contents of a contract; exemption clauses; privity of contract; vitiating factors of misrepresentation, mistake, restraint of trade clauses, duress and undue influence; discharge of contracts.

A2 Units 5A and 5B (*Law of Torts*) cover the nature of tort; negligence; duty owed to lawful and unlawful visitors; vicarious liability; trespass to land; nuisance; *Rylands v Fletcher*; liability for animals; trespass to the person; defences.

1.3 Qualification Titles and Levels

These qualifications are shown on a certificate as:

- OCR Advanced Subsidiary GCE in Law.
- OCR Advanced GCE in Law.

Both qualifications are Level 3 in the National Qualification Framework (NQF).

1.4 Aims

The aims of these specifications are to:

- provide a grounding in the main principles of English law and their development;
- develop knowledge and understanding of the structure, personnel and functions of the English Legal System and, for Advanced GCE, of one area of English substantive law;
- develop an understanding of legal method and reasoning;
- develop the techniques of logical thinking, and the skills necessary to analyse and solve problems by applying legal rules;
- develop a critical awareness of the changing nature of law in society;
- develop the ability to communicate legal arguments and conclusions clearly and succinctly with reference to appropriate legal authority.

1.5 Prior Learning/Attainment

No prior knowledge of the subject is required. The specifications build on, but do not depend on, the knowledge, understanding and skills specified for GCSE Law. It is recommended that candidates have attained communication and literacy skills at a level equivalent to GCSE grade C in English.

2 Summary of Content

2.1 AS Units

Unit 1: *English Legal System*

- Civil courts and other methods of dispute resolution
- Criminal process
- Criminal courts
- Penal system
- Judiciary
- The Legal Profession
- Lay people in the legal system
- Provision of legal services

Unit 2: *Sources of Law*

- Doctrine of precedent
- Legislation
- European Union law
- Law Reform

2.2 A2 Units

Unit 3A: *Criminal Law*

- Principles of criminal liability
- Attempted crimes
- Offences against the person
- General defences
- Non-fatal offences against the person
- Offences against property

Unit 3B: *Criminal Law Special Study*

- As in Unit 3A above

Unit 4A: *Law of Contract*

- Formation of a contract
- Contents of a contract
- Privity of contract
- Vitiating factors
- Discharge of contracts

Unit 4B: *Law of Contract Special Study*

- As in Unit 4A above

Unit 5A: *Law of Torts*

- Negligence
- Occupiers' liability
- Occupiers' Liability Acts 1957 and 1984
- Defences
- Vicarious liability
- Torts connected to land
- Liability for animals
- Trespass to the person

Unit 5B: *Law of Torts Special Study*

- As in Unit 5A above
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3 Unit Content

3.1 AS Unit 1: English Legal System

This unit (and Unit 2: *Sources of Law*) is based on areas of knowledge and understanding of the English Legal System. Candidates are expected to have an appreciation of the principles which underlie the English Legal System, e.g. the rule of law, equality before the law, and freedom under the law. Candidates are expected to have a critical awareness of how legal institutions and processes operate in society. For instance, the roles of judges and lay persons should be examined and assessed critically.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

Civil courts and other methods of dispute resolution

Civil Courts	County Court and High Court; jurisdiction at first instance: small claims; fast track; multi-track. Appeals and appellate courts. Problems of using the courts.
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Alternative to the courts (dispute resolution)	Arbitration; conciliation; mediation.
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Criminal process

Police powers	Powers to stop and search; powers of arrest; powers of detention and the treatment of suspects at the police station. Balance of individual rights and the need for investigative powers.
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Criminal courts

Criminal courts	Pre-trial matters: bail, plea before venue, mode of trial. Jurisdiction of Magistrates' Courts and Crown Courts at first instance.
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Appeals	Appeals and appellate courts. Prosecution and defence rights of appeal.
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Penal system

Principles of sentencing Aims of sentencing; purpose and effect of sentences; reoffending rates.

Powers of the courts An understanding of different types of sentences; e.g. custodial, community, fines and discharges; compensation and other powers.

Judiciary Selection and appointment; social background; training; tenure; independence; role.
The theory of the separation of powers.

The Legal Profession

Barristers Training and work.

Solicitors Training and work.

Regulation Regulation and complaints.

Lay people in the legal system

Lay magistrates Selection and appointment; social background; training; role (including the role of the magistrates' clerk); evaluation and criticism.

Juries Qualifications of jurors; selection of jury panels; role in criminal and civil cases; evaluation and criticism.
Alternatives to jury.

Provision of legal services

Government funding Legal Services Commission; Community Legal Service; Criminal Defence Service; Public Defender Service; funding of civil and criminal cases; advice schemes in civil and criminal cases.
Access to justice.

Advice agencies Purpose and role of Citizens' Advice Bureaux; law centres; other advice agencies.

Private funding of cases

Conditional fees

(Personal observation of the administration of the law, as by visits to courts and to solicitors' offices, will be of assistance in preparation for the examination for this unit)

3.2 AS Unit 2: Sources of Law

This unit (and Unit 1: *English Legal System*) is based on areas of knowledge and understanding of the English Legal System. Candidates are expected to have an appreciation of the principles which underlie the English Legal System, e.g. the rule of law, equality before the law, and freedom under the law. Candidates are expected to have a critical awareness of how legal institutions and processes operate in society. For instance, the roles of judges and lay persons should be examined and critically assessed.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

Doctrine of precedent

Mechanics of precedent	Precedent as operated in the English Legal System; <i>stare decisis</i> ; <i>obiter dicta</i> , <i>ratio decidendi</i> ; hierarchy of the courts; binding and persuasive precedent; overruling; reversing; distinguishing.
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Law-making potential	Original precedent; the Practice Statement 1966; distinguishing; the role of the judges.
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Legislation

Acts of Parliament	Green papers, White Papers, legislative stages in Parliament.
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Delegated legislation	Orders in Council; statutory instruments; bylaws; control of delegated legislation including Parliamentary Scrutiny Committees and Judicial Review; reasons for delegating legislative powers.
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Statutory interpretation	Literal rule, Golden rule, Mischief rule, purposive approach; rules of language; presumptions; intrinsic and extrinsic aids; effects of membership of the European Union on interpretation.
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European Union law

Institutions	Role of the Council, Commission, Parliament and the European Court of Justice, including Article 234 references.
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Primary and secondary sources	Treaties, regulations, directives and decisions; their implementation and enforcement; the impact of European Union law on domestic legal institutions and law.
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Law reform

Impetus for law reform	The role of Parliament; the role of the judges; effect of public opinion and pressure groups.
Law reform agencies	The role of the Law Commission; Royal Commissions and other agencies in outline.

3.3 A2 Unit 3A: Criminal Law

Candidates are expected to demonstrate knowledge and understanding of the principles of criminal law and to develop a critical awareness of the present state of criminal law in relation both to the scope of specific crimes and the applicability of particular defences. They are expected to have a general appreciation of the role of criminal law in modern society and to be able to relate this to specific issues, e.g. whether it is justifiable to have crimes of strict liability.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

Principles of criminal liability

<i>Actus reus</i>	General principles of proof of positive acts before liability may be incurred; omissions as <i>actus reus</i> in certain duty situations; principles of causation; ' <i>sine qua non</i> '; factors affecting the chain of causation.
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<i>Mens rea</i>	General principles of intention; direct intent; oblique intent; specific intent; recklessness; foresight of consequences; transferred malice.
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Strict liability	Principles of strict/absolute liability; statutory nature; interpretation by courts; policy issues; social utility; no negligence – due diligence defences.
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Attempted crimes

Attempts	Statutory definition; <i>mens rea</i> and <i>actus reus</i> ; meaning of 'more than merely preparatory'; attempts to do the impossible.
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Offences against the person

Murder	The <i>actus reus</i> and <i>mens rea</i> required; defences of diminished responsibility and provocation.
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Involuntary Manslaughter	Constructive (unlawful act) manslaughter; gross negligence manslaughter; reckless manslaughter.
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General defences

Insanity	<i>M'Naghten</i> rules; effects of insanity as a defence.
Automatism	Definition of automatism; self-induced automatism; distinctions between insane and non-insane automatism.
Duress, necessity	Scope and nature of these as defences; self-induced duress; duress of circumstances; limits to their availability.
Intoxication	Voluntary intoxication and its effect on liability for different offences; involuntary intoxication; specific/basic intent dichotomy; intoxicated mistake; public policy issues.

Non-fatal offences against the person

Assaults	Assault and battery; actual bodily harm; wounding; grievous bodily harm; proposals for reform.
Defences	Self-defence/defence of another/prevention of crime; degree of force; mistaken use of force in self-defence. Consent and imitations on this defence.

Offences against property

Theft	<i>Actus reus</i> and <i>mens rea</i> ; issues surrounding meaning of appropriation and dishonesty.
Other offences	Robbery; burglary.

3.4 A2 Unit 3B: Criminal Law Special Study

This unit is based on pre-released materials: a special study booklet sent out to centres at the beginning of the course which provide a starting point for study of the topics set. Each booklet contains source material, such as extracts from judgements or Acts of Parliament or academic articles on a specific area(s) of criminal law. In this way the source material will indicate the area(s) of substantive law which will be tested. Candidates are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.

Candidates will be expected to draw together knowledge of legal processes and/or legal issues and make connections between these and the substantive law.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

3.5 A2 Unit 4A: Law of Contract

Candidates are expected to demonstrate knowledge and understanding of the principles of the law of contract including an appreciation of the underlying principles of contract law (freedom to contract, supporting commercial transactions, consumer protection). In addition, candidates should have a critical awareness of the role of the principles of the law of contract in the modern world.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

Formation of a contract

Offer and acceptance	Principles and evidence of agreement. Offer, invitation to treat; counter offer; request for information; termination; acceptance; auctions; tenders; collateral contracts.
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Consideration	Nature; function; sufficiency; adequacy; past consideration; forbearance to sue; performance of an existing duty; part payment of a debt; promissory estoppel.
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Legal intent	Reason for the requirement; presumption and rebuttal in commercial agreements and in social and domestic agreements.
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Contents of a contract

Contractual terms	Express; implied (common law and by the Sale of Goods Act 1979 (as amended)); Protection of consumers.
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Types of terms	Conditions, warranties, innominate terms; effects of breach.
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Exemption clauses	Statutory controls: Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999. Common law controls on exemption clauses.
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Privity of contract

	Nature; function; established exceptions (not including details of agency or assignment); attempts to avoid the doctrine; statutory reform.
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Vitiating factors

General invalidating effect on an otherwise well-formed contract.

Misrepresentation

Pre-contractual statements; types of misrepresentation; inducement.
Remedies: Misrepresentation Act 1967; rescission and bars.

Mistake

Different types of mistake: common; mutual (cross-purpose); unilateral; identity.
Rectification; *non est factum*.

Economic Duress

Economic duress.

Undue influence

Equitable nature of undue influence, actual and presumed.

Restraint of trade

Basic illegality; tests for establishing legality of such clauses.

Discharge of contracts

Effects of different methods and burden of loss.

Performance

Exact and complete; substantial; partial; tender; prevention; time and vicarious performance.

Frustration

Nature and purpose; impossibility; illegality; radical difference; limits; effects; Law Reform (Frustrated Contracts) Act 1943.

Breach

Actual and anticipatory, repudiatory and non-repudiatory.

3.6 A2 Unit 4B: Law of Contract Special Study

This unit is based on pre-released materials: a special study booklet sent out to centres at the beginning of the course which provide a starting point for study of the topics set. Each booklet contains source material, such as extracts from judgements or Acts of Parliament or academic articles on a specific area(s) of the law of contract. In this way the source material will indicate the area(s) of substantive law which will be tested. Candidates are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.

Candidates will be expected to draw together knowledge of legal processes and/or legal issues and make connections between these and the substantive law.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

Vicarious liability

Nature and justification

Liability for employees	Tests for status of employment; scope of employment; frolic of his own.
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Liability for independent contractors	Distinguished from employees; choice of, and supervision in relation to, unusually hazardous activities.
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Torts connected to land

Trespass to land	Unlawful entry; intention; defences of lawful authority including licence, right of entry.
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Nuisance	Public nuisance: class of persons; role of Attorney-General; when individual can sue. Private nuisance: unlawful interference/physical damage; interference with health and comfort; unreasonable user; relevance of locality and utility; abnormal sensitivity; duration; effect of malice. Specific defences: prescription; statutory authority.
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<i>Rylands v Fletcher</i>	Dangerous things; accumulation; escape; non-natural user; damage. Specific defences of consent, act of stranger, statutory authority, Act of God; default of claimant.
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Liability for animals

Liability at common law	Negligence (in outline); assault and battery.
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Animals Act 1971	Distinction between dangerous and non-dangerous species; identity of 'keeper'; defences of default of claimant; straying livestock; liability for injury to livestock by dogs.
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Trespass to the person

Assault and battery	Elements of each; defences of consent, lawful authority, including outline knowledge of police powers of arrest; self-defence.
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False imprisonment	Elements; defence of lawful detention.
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Harassment	Protection from Harassment Act 1997.
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3.8 A2 Unit 5B: Law of Torts Special Study

This unit is based on pre-released materials: a special study booklet sent out to centres at the beginning of the course which provide a starting point for study of the topics set. Each booklet contains source material, such as extracts from judgements or Acts of Parliament or academic articles on a specific area(s) of the law of torts. In this way the source material will indicate the area(s) of substantive law which will be tested. Candidates are expected to demonstrate understanding of the area(s) of law and the development of law and to use legal methods and reasoning to analyse legal material, to select appropriate legal rules and apply these in order to draw conclusions.

Candidates will be expected to draw together knowledge of legal processes and/or legal issues and make connections between these and the substantive law.

This unit is concerned only with the law applicable in England and Wales. The law applicable in England and Wales includes, so far as concerns the chosen topics of study, the impact of European Union law on domestic law and legal institutions.

Candidates will be required to support their knowledge by citation of relevant leading cases and the main provisions of relevant statutes.

While candidates are encouraged to be aware of the changing nature of law, they are **not** required to be familiar with innovations coming into effect in the **twelve** months immediately preceding the examination.

4 Schemes of Assessment

4.1 AS GCE Scheme of Assessment

AS GCE Law (H124)	
AS Unit 1: <i>English Legal System</i> (G141)	
60% of the total AS GCE marks 2 hrs written paper 120 marks	<p>This question paper has two sections:</p> <hr/> <p>Section A: Candidates are required to answer at least two questions from a choice of five essay-based questions to demonstrate knowledge, analysis and evaluation.</p> <hr/> <p>Section B: Candidates are required to answer at least one question from a choice of two application-style questions to demonstrate knowledge and application skills.</p> <hr/> <p>Candidates answer four questions.</p>
AS Unit 2: <i>Sources of Law</i> (G142)	
40% of the total AS GCE marks 1 hr written paper 60 marks	<p>This question paper is based on the English Legal System and consists of two source-based questions involving analysis, explanation or legal reasoning.</p> <hr/> <p>Candidates answer one question.</p>

4.2 Advanced GCE Scheme of Assessment

Advanced GCE Law (H524)

AS Units as in Section 4.1, Unit 1 being 30% of the total Advanced GCE marks and Unit 2 being 20% of the total Advanced GCE marks

either A2 Unit 3A: *Criminal Law* (G143)

30% of the total Advanced
GCE marks
2 hrs written paper
120 marks

This question paper has **three** sections:

Section A: Candidates are required to answer **one** essay question from a choice of **three** based on this area of substantive law.

Section B: Candidates are required to answer **one** problem question from a choice of **three** based on this area of substantive law.

Section C: Candidates are required to answer **one** Dilemma Board (objective questioning) question from a choice of **two** based on this area of substantive law.

Candidates answer **three** questions.

with A2 Unit 3B: *Criminal Law Special Study* (G144)

20% of the total Advanced
GCE marks
1.5 hrs written paper
80 marks

This question paper consists of questions on source material based on this area of substantive law in the context of legal processes, legal issues and the development of law contained in the specification.*

Candidates answer all **three** questions.

This unit is synoptic.

or A2 Unit 4A: *Law of Contract* (G145)

30% of the total Advanced
GCE marks
2 hrs written paper
120 marks

This question paper has **three** sections:

Section A: Candidates are required to answer **one** essay question from a choice of **three** based on this area of substantive law.

Section B: Candidates are required to answer **one** problem question from a choice of **three** based on this area of substantive law.

Section C: Candidates are required to answer **one** Dilemma Board (objective questioning) question from a choice of **two** based on this area of substantive law.

Candidates answer **three** questions.

with A2 Unit 4B: *Law of Contract Special Study* (G146)

20% of the total Advanced
GCE marks
1.5 hrs written paper
80 marks

This question paper consists of questions on source material based on this area of substantive law in the context of legal processes, legal issues and the development of law contained in the specification.*

Candidates answer all **three** questions.

This unit is synoptic.

or A2 Unit 5A: *Law of Torts* (G147)

30% of the total Advanced
GCE marks
2 hrs written paper
120 marks

This question paper has **three** sections:

Section A: Candidates are required to answer **one** essay question from a choice of **three** based on this area of substantive law.

Section B: Candidates are required to answer **one** problem question from a choice of **three** based on this area of substantive law.

Section C: Candidates are required to answer **one** Dilemma Board (objective questioning) question from a choice of **two** based on this area of substantive law.

Candidates answer **three** questions.

with A2 Unit 5B: *Law of Torts Special Study* (G148)

20% of the total Advanced
GCE marks
1.5 hrs written paper
80 marks

This question paper consists of questions on source material based on this area of substantive law in the context of legal processes, legal issues and the development of law contained in the specification.*

Candidates answer all **three** questions.

This unit is synoptic.

* Source material, which forms the starting point for the study of the topics set, will be published in a special study booklet to be sent to centres each year for the following January and June examinations. The booklet is likely to include such material as extracts from judgments or Acts of Parliament, or academic articles on specific area(s) of Criminal Law (for Unit 3B), Law of Contract (for Unit 4B) or Law of Torts (for Unit 5B).

The booklet contains materials from a selected topic of substantive law which is to be tested in the context of the overall theme of 'the role of judges, precedent, the application of statutory materials, and the development of law'.

Each theme is normally assessed for **two** academic years and is retained for the January sitting of the third year. However, the questions set will change at each examination session.

The first topics to be examined under the new specifications are:

- for Unit 3B: *Criminal Law Special Study*:
the defences of duress, duress of circumstances and necessity;
- for Unit 4B: *Law of Contract Special Study*:
aspects of consideration (adequacy and sufficiency, past consideration and performance of existing duties as consideration);
- for Unit 5B: *Law of Torts Special Study*:
nervous shock (psychiatric damage).

Pre-released copies of the special study booklet for this theme will be available from the summer of 2006. The pre-released copy of the special study booklet may **not** be taken into the examination. However, a clean copy will be issued to all candidates in the examination, together with the question paper.

4.3 Unit Order

The normal order in which the unit assessments could be taken is AS Units 1 and 2 in the first year of study, leading to an AS GCE award, then A2 Units 3A and 3B or A2 Units 4A and 4B or A2 Units 5A and 5B leading to the Advanced GCE award. However, the unit assessments may be taken in any order.

Alternatively, candidates may take a valid combination of unit assessments at the end of their AS GCE or Advanced GCE course in a 'linear' fashion.

4.4 Unit Options (at AS/A2)

There are no optional units in the AS GCE specification; for AS GCE Law candidates must take AS Units 1 and 2.

There are optional units in the Advanced GCE specification; for Advanced GCE Law candidates take AS Units 1 and 2, *and* A2 Units 3A and 3B *or* A2 Units 4A and 4B *or* A2 Units 5A and 5B.

4.5 Synoptic Assessment

Synoptic assessment accounts for 20% of the total GCE marks and is included wholly in the final A2 Unit 3B *or* 4B *or* 5B, the *Special Studies*.

Synoptic assessment tests the candidates' understanding of the connections between different elements of the subject. Each of A2 Unit 3B: *Criminal Law Special Study*, A2 Unit 4B: *Law of Contract Special Study* and A2 Unit 5B: *Law of Torts Special Study* fulfils this requirement. Each is based on a special study of area(s) of law within the **three** options of substantive law available at A2; this is combined with elements from AS Unit 1: *English Legal System* at AS.

A2 Units 3B, 4B and 5B, the *Special Studies*, require candidates to demonstrate an understanding of the law studied in their option, using legal methods and reasoning to analyse legal material, and to draw together and make connections between this area of law and legal processes, legal issues and the development of law.

4.6 Assessment Availability

There are **two** examination sessions each year, in January and June.

In 2007, only AS units will be assessed.

From 2008 onwards, both AS units and A2 units will be assessed.

4.7 Assessment Objectives

Candidates are expected to demonstrate the following in the context of the content described.

AO1 Demonstrate Knowledge and Understanding

- recall, select, deploy and develop knowledge and understanding of legal principles accurately and by means of example and citation;

AO2 Analysis, Evaluation and Application

- analyse legal material, issues, and situations, and evaluate and apply the appropriate legal rules and principles;

AO3 Communication and Presentation

- present a logical and coherent argument and communicate relevant material in a clear and effective manner using appropriate legal terminology.

AO weightings in AS GCE

Unit	% of AS GCE			Total
	AO1	AO2	AO3	
AS Unit 1: <i>English Legal System</i>	36	18	6	60%
AS Unit 2: <i>Sources of Law</i>	18	18	4	40%
	54%	36%	10%	100%

AO weightings in Advanced GCE

Unit	% of Advanced GCE			Total
	AO1	AO2	AO3	
AS Unit 1: <i>English Legal System</i>	18	9	3	30%
AS Unit 2: <i>Sources of Law</i>	9	9	2	20%
A2 Unit 3A: <i>Criminal Law</i> or A2 Unit 4A: <i>Law of Contract</i> or A2 Unit 5A: <i>Law of Torts</i>	12.5	15	2.5	30%
A2 Unit 3B: <i>Criminal Law Special Study</i> or A2 Unit 4B: <i>Law of Contract Special Study</i> or A2 Unit 5B: <i>Law of Torts Special Study</i>	6.5	11.5	2	20%
	46%	44.5%	9.5%	100%

4.8 Quality of Written Communication

Quality of written communication is assessed in all units and credit may be restricted if communication is unclear. Candidates are required to answer questions on examination papers in continuous prose where appropriate.

Candidates will:

- ensure that text is legible and that spelling, punctuation and grammar are accurate so that meaning is clear;
- select and use a form and style of writing appropriate to purpose and to complex subject matter;
- organise information clearly and coherently, using specialist vocabulary when appropriate.

Quality of written communication is included in Assessment Objective AO3 (*Communication and Presentation*).

4.9 Levels of Assessment in Question Papers

Appendix C contains the levels of assessment that will be used in assessing candidates' answers in the question papers. It must be noted that these are intended for use with question-specific mark schemes.

5 Technical Information

5.1 Making Unit Entries

Please note that centres must be registered with OCR in order to make any entries, including estimated entries. It is recommended that centres apply to OCR to become a registered centre well in advance of making their first entries.

See Sections 4.1 and 4.2 for unit entry codes.

5.2 Making Qualification Entries

Candidates must enter for qualification certification separately from unit assessment(s). If a certification entry is **not** made, no overall grade can be awarded.

Candidates may enter for:

- AS GCE certification (entry code H124).
- Advanced GCE certification (entry code H524).

A candidate who will have completed all the units required for the qualification may enter for certification either in the same examination session *or* within a specified period after publication of results *or* at a later session.

AS GCE certification is available from June 2007.
Advanced GCE certification is available from June 2008.

5.3 Grading

Both AS GCE and Advanced GCE results are awarded on the scale A-E. Units are awarded a-e. Grades are recorded on certificates. However, results for candidates who fail to achieve the minimum grade (E or e) will be recorded as *unclassified* (U or u) and this is **not** certificated.

A Uniform Mark Scale (UMS) enables comparison of candidates' performance across units and across sessions. The two-unit AS GCE has a total of 200 *uniform* marks and the four-unit Advanced GCE has a total of 400 *uniform* marks.

OCR converts the candidate's *raw* mark for each unit to a *uniform* mark. The maximum *uniform* mark for any unit depends on that unit's weighting in the specification. In these Law specifications, the four units of the Advanced GCE specification have UMS weightings of 30%/20%/30%/20% (and the two units of the AS GCE specification have UMS weightings of 60%/40%). The UMS totals are 120 and 80 respectively. Each unit's *raw* mark grade boundary equates to the *uniform* mark boundary at the same grade. Intermediate marks are converted on a pro-rata basis.

Uniform marks correspond to *unit* grades as follows:

(Advanced GCE) Unit Weighting	Maximum Unit Uniform Mark	Unit Grade					u
		a	b	c	d	e	
30%	120	120-96	95-84	83-72	71-60	59-48	47-0
20%	80	80-64	63-56	55-48	47-40	39-32	31-0

OCR adds together the unit *uniform* marks and compares these to pre-set boundaries (see the table below) to arrive at *qualification* grades.

Total *uniform* marks correspond to *qualification* grades as follows:

Qualification	Qualification Grade					U
	A	B	C	D	E	
AS GCE	200-160	159-140	139-120	119-100	99-80	79-0
Advanced GCE	400-320	319-280	279-240	239-200	199-160	159-0

5.4 Result Enquiries and Appeals

Under certain circumstances, a Centre may wish to query the grade available to one or more candidates or to submit an appeal against an outcome of such an enquiry. Enquiries about unit results must be made immediately following the series in which the relevant unit was taken.

For procedures relating to enquiries on results and appeals, Centres should consult the *Handbook for Centres* and the document *Enquiries about Results and Appeals – Information and Guidance for Centres* produced by the Joint Council. Further copies of the most recent edition of this paper can be obtained from OCR.

5.5 Shelf-Life of Units

Individual unit results, prior to certification of the qualification, have a shelf-life limited only by that of the qualification.

5.6 Unit and Qualification Re-sits

There is no restriction on the number of times a candidate may re-sit each unit before entering for certification for an AS GCE or Advanced GCE.

Candidates may enter for the full qualifications an unlimited number of times.

5.7 Guided Learning Hours

AS GCE Law requires 180 guided learning hours in total.

Advanced GCE Law requires 360 guided learning hours in total.

5.8 Code of Practice/Subject Criteria/Common Criteria Requirements

These specifications comply in all respects with the revised *GCSE, GCE, VCE, GNVQ and AEA Code of Practice 2005/6*, *The Statutory Regulation of External Qualifications 2004* and the subject criteria for GCE Law.

5.9 Arrangements for Candidates with Particular Requirements

For candidates who are unable to complete the full assessment or whose performance may be adversely affected through no fault of their own, teachers should consult the *Access Arrangements and Special Consideration Regulations and Guidance Relating to Candidates who are Eligible for Adjustments in Examinations*. In such cases advice should be sought from OCR as early as possible during the course.

5.10 Prohibited Qualifications and Classification Code

Candidates who enter for the OCR GCE specifications may not also enter for any other GCE specification with the certification title *Law* in the same examination series.

Every specification is assigned to a national classification code indicating the subject area to which it belongs.

Centres should be aware that candidates who enter for more than one GCE qualification with the same classification code will have only one grade (the highest) counted for the purpose of the School and College Performance Tables.

The classification code for these specifications is 4770.

6 Other Specification Issues

6.1 Overlap with other Qualifications

There is a small degree of overlap between the content of these specifications and those for Advanced GCE Applied Business.

6.2 Progression from these Qualifications

Throughout the course of study candidates are encouraged to develop a critical awareness of how legal institutions operate in society and of the changing nature of law in society.

The specifications, therefore, provide a suitable foundation for the study of law or related courses in higher education. Equally they are also suitable for candidates intending to pursue business careers or further study in business studies, or social sciences, or as part of a course of general education.

6.3 Spiritual, Moral, Ethical, Social, Legislative, Economic and Cultural Issues

These specifications provide an opportunity for candidates to gain an understanding of the moral and ethical issues in society through consideration of legal principles, rules and sanctions, and how these are affected by changing morality and values in society.

They also provide opportunities for candidates to gain an understanding of social and cultural issues by the study of the role of legal institutions in society, e.g. in AS Unit 1: *English Legal System*, AS Unit 2: *Sources of Law*, A2 Unit 3B: *Criminal Law Special Study*, A2 Unit 4B: *Law of Contract Special Study* and A2 Unit 5B: *Law of Torts Special Study*, and topics such as police powers, e.g. in AS Unit 1: *English Legal System* and A2 Unit 5A: *Law of Torts*.

There are no spiritual or economic issues in these specifications.

6.4 Sustainable Development, Health and Safety Considerations and European Developments

These specifications support the European dimension in education and the Resolutions of the Council for Ministers (EC 1988) by requiring candidates to have a knowledge and understanding of the institutions and law-making processes of the European Union and of the impact of European Union law on English law and legal institutions e.g. in AS Unit 2: *Sources of Law*, A2 Unit 4A: *Law of Contract* and A2 Unit 4B: *Law of Contract Special Study*.

There are no sustainable development issues or health and safety considerations in these specifications.

6.5 Avoidance of Bias

OCR has taken great care in the preparation of these specifications and assessment materials to avoid bias of any kind.

6.6 Language

These specifications and associated assessment materials are in English only.

Appendix A: Performance Descriptions

Performance descriptions have been created for all GCE subjects. The performance descriptions for GCE Law aim to describe learning outcomes and levels of attainment likely to be shown by a representative candidate performing at the A/B and E/U boundaries for the AS and A2. They illustrate the expectations at these boundaries for the AS and A2 as a whole; they have not been written at specification or unit level. Each performance description is aligned to **one** assessment objective. An alphabetical system has been used to denote each element of a performance description. There is no hierarchy of elements.

Performance descriptions are designed to assist examiners in exercising their professional judgement at awarding meetings where the grade A/B and E/U boundaries will be set by examiners using professional judgement. This judgement will reflect the quality of the candidates' work, informed by the available technical and statistical evidence. Performance descriptions will be reviewed continually and updated where necessary.

There is a requirement for all AS GCE and Advanced GCE specifications to assess candidates' *quality of written communication*. In these specifications, this is met through AO3.

	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (includes QWC)
Assessment Objectives for both AS GCE and Advanced GCE	Candidates should be able to recall, select, deploy and develop knowledge and understanding of legal rules and principles accurately and by means of example and citation.	Candidates should be able to analyse legal material, issues and situations, and evaluate and apply the appropriate legal rules and principles.	Candidates should be able to present a logical and coherent argument and communicate relevant material in a clear and effective manner using appropriate legal terminology.
AS A/B boundary Performance Descriptions	Candidates characteristically: a recall a significant body of information relevant to the question including appropriate authority where necessary; b select appropriate material; c demonstrate reasonable understanding by explaining the legal rules and principles in the context of the question paper.	Candidates characteristically: demonstrate good application, analysis and evaluation of appropriate legal rules and principles in the context of the question paper and reach conclusions.	Candidates characteristically: a present a response to the question set with a definable and coherent structure using appropriate legal terminology; b use standard conventions of spelling, punctuation and grammar with accuracy.
AS E/U boundary Performance Descriptions	Candidates characteristically: a recall some limited information relevant to the question; b select a limited range of appropriate material; c demonstrate some limited understanding of legal rules and principles relevant to the question paper.	Candidates characteristically: demonstrate some limited skills of application, analysis and evaluation of issues relevant to the question paper.	Candidates characteristically: a present a basic structure in response to the questions, supported by limited legal terminology; b use standard conventions of spelling, punctuation and grammar with a degree of accuracy.
A2 A/B boundary Performance Descriptions	Candidates characteristically: a recall most of the relevant information including appropriate authority; b select appropriate material; c demonstrate sound understanding by explaining legal rules and principles in the context of the question paper.	Candidates characteristically: a demonstrate sound application and/or evaluation of appropriate legal rules and principles in the context of the question, coming to a reasoned conclusion; b demonstrate sound analytical and/or problem solving skills; c identify correctly most of the issues central to the question.	Candidates characteristically: a present a well-structured response to the questions; b construct a sound, coherent and relevant argument supported by appropriate legal terminology; c use standard conventions of spelling, punctuation and grammar with a high degree of accuracy.
A2 E/U boundary Performance Descriptions	Candidates characteristically: a recall some of the relevant information including limited authority; b select a limited range of appropriate material; c demonstrate limited understanding by some explanation of legal rules and principles in the context of the question paper.	Candidates characteristically: a demonstrate limited application and/or evaluation of appropriate legal rules and principles in the context of the question, without necessarily coming to a conclusion; b demonstrate limited analytical and/or problem solving skills; c identify some relevant issues.	Candidates characteristically: a present a response to the question set with a definable and coherent structure; b construct a limited argument supported by some legal terminology; c use standard conventions of spelling, punctuation and grammar with accuracy.

Appendix B: Key Skills Mapping

These specifications provide *opportunities* for the development of the Key Skills of *Communication, Application of Number, Information Technology, Working with Others, Improving Own Learning and Performance* and *Problem Solving* at Levels 2 and/or 3. However, the extent to which this evidence fulfils the Key Skills criteria at these levels will be totally dependent on the style of teaching and learning adopted for each unit.

The following table indicates where opportunities *may* exist for at least some coverage of the various Key Skills criteria at Levels 2 and/or 3 for each unit.

Unit	C				AoN			IT			WwO			IoLP			PS			
	.1a	.1b	.2	.3	.1	.2	.3	.1	.2	.3	.1	.2	.3	.1	.2	.3	.1	.2	.3	
1	✓	✓	✓	✓				✓		✓	✓	✓	✓	✓	✓	✓	✓			
2	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
3A	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
3B	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
4A	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
4B	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
5A	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			
5B	✓	✓	✓	✓				✓			✓	✓	✓	✓	✓	✓	✓			

Appendix C: Levels of Assessment in Question Papers

AS GCE Levels of Assessment

There are **four** levels of assessment of AOs 1 and 2 in the AS units. Level 4 is the highest level that can reasonably be expected from a candidate at the end of the first year of study of an Advanced GCE course. Similarly, there are **three** levels of assessment of AO3 in the AS units.

Level	Assessment Objective 1	Assessment Objective 2	Assessment Objective 3 (includes QWC)
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.	
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.	Ability to present relevant material in a planned and logical sequence, using appropriate legal terminology accurately. There will be few errors of grammar, punctuation and spelling.
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.	Ability to present relevant material in a structured manner, using appropriate legal terminology reasonably accurately. There may be some errors of grammar, punctuation and spelling.
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.	Limited ability to organise relevant material, using some appropriate legal terminology. There may be noticeable errors of grammar, punctuation and spelling.

Advanced GCE Levels of Assessment

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 the 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.	Ability to present relevant material in a well-planned and logical sequence, with a clearly defined structure, using appropriate legal terminology confidently and accurately. There will be few, if any errors of grammar, punctuation and spelling.
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.	Ability to present relevant material in a planned and logical sequence, using appropriate legal terminology reasonably accurately. There may be occasional errors of grammar, punctuation and spelling.
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.	Ability to present relevant material in a structured manner, using appropriate legal terminology reasonably accurately. There may be some errors of grammar, punctuation and spelling.
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.	Limited ability to organise relevant material, using some appropriate legal terminology. There may be noticeable errors of grammar, punctuation and spelling.