

General Certificate of Education (International)  
Advanced Level and Advanced Subsidiary Level

**Syllabus**

LAW 9084

For examination in June and November 2009



# LAW

## Advanced/Advanced Subsidiary Level

### Subject 9084

## INTRODUCTION

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The main aim of the course is to provide a grounding in the main principles of the law prevailing in England and Wales. It will enable candidates to develop knowledge, understanding and critical awareness of the structure, personnel and operation of the English Legal System and of two areas of substantive law as well as encouraging them to develop skills of analysis and problem solving through the application of legal rules.

### **Certification Title**

This syllabus will be shown on a certificate as  
GCE AS Level Law/GCE Advanced Level Law

### **Rationale for Syllabus Design**

#### **Paper 1: The Structure and Operation of the English Legal System**

This paper is based on a number of compulsory topics surrounding the structure and operation of the English Legal System, grouped under the headings

- Sources of Law
- Machinery of Justice
- Legal Personnel

Together, these topics provide a detailed insight into the origins and development of law, the functions and procedures of legal institutions and of the roles of those working within those institutions. Study of this component will provide candidates with a thorough understanding of law and the legal process.

#### **Paper 2: Data Response: The English Legal System**

Candidates study the same content as for Paper 1 but in Paper 2 the candidate's ability to analyse a given case is tested. Candidates are expected to apply their knowledge and critically examine the case in question.

#### **Paper 3: Law of Contract**

- Formation of Contracts
- Contents of Contracts
- Vitiating Factors
- Remedies for Breach of Contract

#### **Paper 4: Law of Tort**

- Negligence
- Occupier's Liability
- Private Nuisance and Rylands v Fletcher
- Trespass
- Remedies.

## AIMS

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The aims of the syllabus are set out below. They describe the purposes of a course in Law for the examinations, but are not listed in priority order.

The aims are:

- To provide an introduction to legal concepts and rules and the machinery involved in their introduction, application and enforcement.
- To encourage candidates to explore and understand the substantive rules of law.
- To explore and critically assess the value of legal rules, processes and institutions.
- To develop skills of communication, interpretation, reasoning and analysis.

## ASSESSMENT OBJECTIVES

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Candidates are expected to demonstrate:

### Knowledge and Understanding

- recall, select, use and develop knowledge and understanding of legal principles and rules by means of example and citation

### Analysis, Evaluation and Application

- analyse and evaluate legal materials, situations and issues and accurately apply appropriate principles and rules

### Communication and Presentation

- use appropriate legal terminology to present logical and coherent argument and to communicate relevant material in a clear and concise manner.

## SCHEME OF ASSESSMENT

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### Advanced Subsidiary Level

Paper	Type	Duration	Numbers of questions	Maximum Mark	Weight
1	Essay	1 hr 30 mins	3 from 6	75	60%
2	Data Response	1 hr 30 mins	1 from 2	50	40%

### Advanced Level

Paper	Type	Duration	Numbers of questions	Maximum Mark	Weight
1	Essay	1 hr 30 mins	3 from 6	75	30%
2	Data Response	1 hr 30 mins	1 from 2	50	20%
3	Essays and Problems	1 hr 30 mins	3 from 6	75	25%
4	Essays and Problems	1 hr 30 mins	3 from 6	75	25%

Paper 1 will assess the section of the syllabus entitled Structure and Operation of the English Legal System.

Paper 2 will assess the section of the syllabus entitled Structure and Operation of the English Legal System from the perspective of case analysis.

Paper 3 will assess the section entitled Law of Contract.

Paper 4 will assess the section entitled Law of Tort.

## Description of Papers

### Paper 1

The paper consists of one section.

There are six essay type questions. The questions may be drawn from any of the three sub-divisions of the section of the syllabus entitled Structure and Operation of the English Legal System. Candidates will be required to answer **three** questions.

The duration of the paper is one hour and thirty minutes.

### Paper 2

The paper consists of one section.

There are two data response questions that are based on case analysis of the section of the syllabus entitled Structure and Operation of the English Legal System. Candidates answer only **one** question.

The duration of the paper is one hour and thirty minutes.

### Paper 3

The paper consists of two sections, A and B.

Section A will contain three essay type questions and section B will contain three scenario-based problem questions. Candidates will be expected to answer **one** question from each of sections A and B and **one** other, making a total of **three**. Questions may be drawn from any of the topics in that section of the syllabus entitled Law of Contract. The duration of the paper is one hour and thirty minutes.

### Paper 4

The paper consists of two sections, A and B.

Section A will contain three essay type questions and section B will contain three scenario-based problem questions. Candidates will be expected to answer **one** question from each of sections A and B and **one** other, making a total of **three**. Questions may be drawn from any of the topics in that section of the syllabus entitled Law of Tort. The duration of the paper is one hour and thirty minutes.

## Specification Grid

The relationship between the Assessment Objectives and the individual components is detailed below. The objectives are weighted to give an indication of their relative importance, rather than to provide a precise statement of the percentage mark allocation to particular assessment objectives.

Assessment Objective	Paper 1	Paper 2	Paper 3	Paper 4
Knowledge/Understanding	50	30	50	50
Analysis/Evaluation/Application	40	60	40	40
Communication/Presentation	10	10	10	10

# SUBJECT CONTENT

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## *Structure and Operation of the English Legal System*

### **Unit 1: Sources of Law**

This unit introduces candidates to the principal historical and modern day sources of English Law.

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|-------------------------------------|--|
| 1. Nature and Classification of Law | <p>Comparison of law, rules and morals.</p> <p>The main classifications of law in England and Wales: criminal/civil law; public/private and public international/private international law. Rules of law within these classifications.</p>   |
| 2. Common Law and Equity            | <p>The development of the Common Law of England and Wales; Custom.</p> <p>Historical development of Equity and its modern day applications.</p>  |
| 3. Doctrine of Precedent            | <p>The doctrine of Stare Decisis.</p> <p>Judicial tools: distinguishing, overruling, reversing.</p> <p>Nature and authority of precedent with examples. Hierarchy of courts.</p> <p>Development of doctrine within House of Lords (Practice Statement 1966) and Court of Appeal (Young's case).</p> <p>Advantages and disadvantages.</p> |
| 4. Legislation                      | <p>Why legislation is necessary (to amend or repeal existing legislation, to change or add to the common law, to codify or to consolidate law). Examples of use in each case.</p> <p>The legislative process.</p>  |
| 5. Statutory Interpretation         | <p>The role of the judiciary as interpreters of statutes (Acts of Parliament).</p> <p>Common law rules of interpretation, rules of language, presumptions, intrinsic and extrinsic aids (in particular, Hansard and Pepper v Hart).</p>  |
| 6. Delegated Legislation            | <p>The meaning of and reasons for delegated legislation. Importance and reasons for it as a source of law. Types of delegated legislation.</p> <p>Controls: pre-drafting consultation, parliamentary proceedings, judicial review and publicity.</p>   |
| 7. Human Rights                     | <p>Introduction to Human Rights.</p> <p>European Convention on Human Rights; reasons for and application of Human Rights Act 1998; role of European Court of Human Rights.</p>   |
| 8. Law Reform                       | <p>Impetus for reform: role of parliament and judges; effect of public opinion and pressure groups.</p> <p>Agencies of reform: role of Law Commission; Royal Commissions and other agencies in outline.</p>  |

**Unit 2: Machinery of Justice**

This unit introduces candidates to the institutions and processes involved in the resolution of legal matters.

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|--|--|
| 1. Civil Courts                                  | Jurisdiction of Magistrates Courts, County Court, Crown Court and High Court.<br><br>The Appeal Courts and appeals system in general, including the appellate jurisdiction of the Divisional Courts within the High Court. |
| 2. Alternative methods of dispute resolution     | Tribunals, enquiries, conciliation and arbitration.<br><br>Reasons for establishment; functions; respective advantages and disadvantages.<br><br>Control of tribunals.   |
| 3. Criminal Process                              | Police powers: PACE - stop and search; arrest; detention and treatment of suspects at police station.<br><br>Right to silence.<br><br>Pre trial matters: bail, mode of trial, committal proceedings.                       |
| 4. Criminal Courts                               | Role and jurisdiction of Magistrates and Crown Courts.<br><br>The Appeal Courts and appeals system in general, including appeals to the Divisional Court, Court of Appeal and House of Lords.                              |
| 5. Sentencing principles and sanctions of courts | Aims of sentencing; purpose and effect of sentences.<br><br>Types of sentence: custodial, community, fines and discharge, compensation, other powers.<br><br>Young offenders.  |

**Unit 3: Legal Personnel**

This unit introduces candidates to key legal personnel involved in the resolution of legal matters.

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|----------------------------------|--|
| 1. Barristers and Solicitors     | Independence; role; recruitment.<br><br>Overlap of roles.  |
| 2. The Judiciary                 | Role; recruitment and dismissal; training and education.<br><br>Judicial independence.   |
| 3. The Crown Prosecution Service | Function of the service.   |
| 4. Role of Lay Personnel         | Magistrates: qualifications; selection; training; function in civil and criminal cases; advantages and disadvantages; role of Magistrates' Clerk.<br>Juries: qualifications; role in civil and criminal cases;<br><br>Alternatives to use of juries.<br><br>Criticism of the use of Lay Personnel. |
| 5. Lord Chancellor               | Appointment; role.   |

**Law of Contract****Unit 1: Formation of Valid Contracts**

This unit introduces candidates to a key area of substantive law. It explores the nature of contracts and the rules that would be applied by a court of law to determine whether or not valid contracts have been entered into.

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|-------------------------|---|
| 1. Nature of contract   | Agreement; unilateral; bilateral; collateral.   |
| 2. Offer and Acceptance | Principles and evidence: offers; invitation to treat; counter offers; requests for information; termination; acceptance.  |
| 3. Intention            | Reason for requirement; presumption and rebuttal in commercial and social/domestic agreements.  |
| 4. Consideration        | Nature and function; sufficiency/adequacy, past, performance of existing duties; promissory estoppel.   |
| 5. Capacity             | Reason for limitation.<br><br>Minors' contracts: necessities; employment and training; continuing obligations; main provisions of Minors' Act 1987.<br><br>Corporations, Persons of unsound mind, drunkards: a basic outline. |

**Unit 2: Contents of Contracts**

**This unit examines the relative importance of different types of term that may be incorporated into contracts.**

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|---------------------------------|--|
| 1. Types of term                | Express; implied (by statute only: Sale of Goods Act 1979 as amended).   |
| 2. Status of terms              | Conditions, warranties, innominate terms.<br><br>Nature; examples; effects of breach.  |
| 3. Control of exemption clauses | Common law: rules of incorporation; contra proferentem.<br><br>Statutory: Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999. |



### Unit 3: Vitiating Factors

This unit explores two key factors that can lead to seemingly valid contracts being declared invalid and their inter-relationship.

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| 1. Vitiating factors                                   | Reasons; invalidating effect.  |
| 2. Misrepresentation                                   | Definition; when actionable.<br><br>Types: innocent; negligent; fraudulent.<br><br>Effects on validity of contract; remedies at Common Law, in Equity and by statute (Misrepresentation Act 1967). |
| 3. Mistake   | General rule and exceptions.<br><br>Operative mistakes: common, mutual (cross purpose), unilateral.<br><br>Mistakenly signed documents; non est factum.<br><br>Effect at Common Law and in Equity. |
| 4. Passing of title under void and voidable contracts. | General rule.<br><br>Nemo Dat Rule; sale under voidable title (Sale of Goods Act 1979 as amended).   |

### Unit 4: Remedies for Breach

This unit introduces candidates to the various types of remedy for breach of contract, their purpose and the limitations on their award.

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|---------------|---|
| 1. Common Law | Damages: nature; purpose.<br><br>Mitigation; remoteness.  |
| 2. Equitable  | Specific performance; specific restitution; injunction.<br><br>Nature; purpose.<br><br>Limitations on awards in contract law. |

**Law of Tort****Unit 5: Negligence and Occupier's Liability**

This unit offers candidates the opportunity to explore the nature of legal liability in a variety of situations.

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|----------------------------|---|
| 1. Liability in Negligence | Nature and justification: personal; vicarious (outline only); joint tortfeasors.  |
| 2. Duty of Care            | Neighbour principle; methods of establishing duty; negligent misstatement; nervous shock.   |
| 3. Breach of Duty          | Standard of care; subjective considerations.  |
| 4. Causation               | 'But for' test; foreseeability; intervening acts; remoteness.   |
| 5. Occupier's Liability    | Standards of care.<br><br>Lawful visitors: at Common Law; by Statute (Occupier's Liability Act 1957).<br><br>Unlawful visitors: at Common Law; by Statute (Occupier's Liability Act 1984).<br><br>Exclusion of liability.   |
| 6. Defences                | Consent: express/implied; knowledge of nature and extent.<br><br>Volenti non fit injuria: voluntary nature; effect of Road Traffic Act 1988; rescue situations.<br><br>Contributory negligence: nature and effect (Law Reform(Contributory Negligence) Act 1948).<br><br>Inevitable accident; act of god. |

**Unit 6: Private Nuisance and Rylands v Fletcher**

This unit introduces candidates to an area of the law that regulates behaviour at home and at work as it affects the rights of those around us and enables them to explore the concepts of fault-based and strict liability in tort.

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|-----------------------|---|
| 1. Private Nuisance   | Definition; nature of liability; who can sue and be sued.<br><br>Relevance of locality, utility, sensitivity, duration and malice to liability.<br><br>Defences: prescription; statutory authority.           |
| 2. Rylands v Fletcher | Definition; nature of liability (strict v fault based); conditions of liability; relationship with nuisance.<br><br>Defences: consent; act of stranger; statutory authority; act of god; default of claimant. |

### **Unit 7: Trespass**

This unit enables candidates to explore areas that deal with unlawful direct interference with the person and his or her land.

1. Trespass to Land  
Unlawful entry; intention; continuing trespass.  
Defences: lawful authority; licence; right of entry.
2. Trespass to the Person  
Assault and Battery: elements; conditions of liability; defences of consent, lawful authority and necessity.  
False Imprisonment: elements; conditions of liability; defence of lawful detention (powers to arrest and detain in outline).

### **Unit 8: Remedies**

This unit introduces candidates to the various types of remedy in tort, their purpose and the limitations on their award.

1. Common Law  
Damages: nature; purpose.  
Mitigation; remoteness.
2. Equitable  
Specific performance; specific restitution; injunction.  
Nature; purpose.  
Limitations on awards in the law of tort.

## SUGGESTED RESOURCES

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Suitable class textbooks are **The English Legal System** by **J. Martin** (for Papers 1 and 2), **Contract Law** by **Elliot & Quinn** (for Paper 3), and **Tort Law** by **Elliot & Quinn** (for Paper 4).

### General Texts

AUTHOR	TITLE	PUBLISHED	PUBLISHER	ISBN NUMBER
Collins, M.	AS Level Law	2000	Cavendish	1859415962
Dadhania, M., Mitchell, A.	AS Level Law	2003	Cavendish	185941785X
Dugdale, A.M., Furmston, M.P., Jones, S.P., Sherrin, C.H.	A Level Law	2002	Butterworths Tolley, Butterworths Law	0406924058
Hunt, M.	A Level & AS Level Law	2003	Sweet & Maxwell	0421798300
Hunt, M.	Cases & Materials for AS Level Law	2004	Sweet & Maxwell	0421876808

### Structure and Operation of the English Legal System

AUTHOR	TITLE	PUBLISHED	PUBLISHER	ISBN NUMBER
Holland, J. Webb, J.	Learning Legal Rules, 5 <sup>th</sup> Ed.	2003	Oxford University Press	0199254826
Ingman, T.	The English Legal Process, 11 <sup>th</sup> Ed.	2006	Oxford University Press	0199290385
Martin, J.	The English Legal System, 4 <sup>th</sup> Ed.	2005	Hodder Arnold	0340899913
Martin, J.	Looking at the English Legal System	2003	Hodder Arnold	0340811048
Partington, M.	An Introduction to the English Legal System	2006	Oxford University Press	0199278296
Slapper, G., Kelly D.	The English Legal System, 8 <sup>th</sup> Ed.	2006	Cavendish Publishing	1845680340
Zander, M.	The Law Making Process, 6 <sup>th</sup> Ed.	2004	Cambridge University Press	0521609895

**Law of Contract**

AUTHOR	TITLE	PUBLISHED	PUBLISHER	ISBN NUMBER
Elliot, C., Quinn, F.	Contract Law, 5 <sup>th</sup> Ed.	2005	Longman	1405807105
Smith, J.C.	The Law of Contract, 4th Ed.	2002	Sweet & Maxwell	042178170X
Smith, J.C., Thomas, J.A.	A Casebook on Contract	2000	Sweet & Maxwell	0421716908
Stone, R.	Principles of Contract Law, 4 <sup>th</sup> Ed.	2000	Cavendish	1859415792

**Law of Tort**

AUTHOR	TITLE	PUBLISHED	PUBLISHER	ISBN NUMBER
Elliot, C., Quinn, F.	Tort Law, 5 <sup>th</sup> Ed.	2005	Longman	1405807113
Jones, M.A.	Textbook on Torts, 9 <sup>th</sup> Ed.	2006	Oxford University Press	0199268711
Deakin, S., Johnston, A., Markesinis, B.	Tort Law, 5 <sup>th</sup> Ed.	2003	Clarendon	0199257124

This list was checked and revised in 2006 for the 2009 syllabus.

## Internet Resources

In addition to the textbooks identified above, the following web addresses can provide useful sources of up to date information and of recent legal developments in the UK.

<p style="text-align: center;"><b>A Level Notes/OHP slides</b></p> <p><a href="http://www.stbrn.ac.uk/other/depts/law/teaching/contents.htm">http://www.stbrn.ac.uk/other/depts/law/teaching/contents.htm</a>  <a href="Http://www.smlawpub.co.uk:/academic/ppt/title.htm">Http://www.smlawpub.co.uk:/academic/ppt/title.htm</a></p>	<p style="text-align: center;"><b>Law Journals</b></p> <p><a href="http://elj.warwick.ac.uk/juk/">http://elj.warwick.ac.uk/juk/</a>  <a href="http://www.criminal-law.co.uk/">http://www.criminal-law.co.uk/</a>  <a href="http://www.spr-consilio.com/">http://www.spr-consilio.com/</a>            (Consilio Student Magazine)  <a href="http://webjcli.ncl.ac.uk/">http://webjcli.ncl.ac.uk/</a>            (Web Journal of Current Legal Issues)  <a href="http://www.lexonthenet.co.uk/content/default.asp">http://www.lexonthenet.co.uk/content/default.asp</a>            (Student Magazine)</p>
<p><b>BUBL</b> (British University Billboard for Libraries)</p> <p><a href="Http://www.bubl.ac.uk">Http://www.bubl.ac.uk</a>  <a href="http://www.bubl.ac.uk/uk/newspapers.htm">http://www.bubl.ac.uk/uk/newspapers.htm</a>  <a href="http://www.bubl.ac.uk/link/l/lawlinks.htm">http://www.bubl.ac.uk/link/l/lawlinks.htm</a></p>	<p style="text-align: center;"><b>Law Society</b></p> <p><a href="http://www.lawsociety.org.uk/">http://www.lawsociety.org.uk/</a></p>
<p style="text-align: center;"><b>Case Reports</b></p> <p><a href="http://www.lawreports.co.uk/">http://www.lawreports.co.uk/</a>  <a href="http://www.bailii.org/">http://www.bailii.org/</a>  <a href="http://www.law.cam.ac.uk/URLLISTS/LAW_REPT.HTM">http://www.law.cam.ac.uk/URLLISTS/LAW_REPT.HTM</a>  <a href="http://www.e-lawstudent.com/splash.asp">http://www.e-lawstudent.com/splash.asp</a>  <a href="http://www.cavendishpublishing.com/lawstud_cases.asp">http://www.cavendishpublishing.com/lawstud_cases.asp</a>  <a href="http://www.smlawpub.co.uk:/academic/internet/index.cfm">http://www.smlawpub.co.uk:/academic/internet/index.cfm</a>  <a href="http://www.lawreports.co.uk/indexn4.htm">http://www.lawreports.co.uk/indexn4.htm</a></p>	<p style="text-align: center;"><b>Legal Publishers</b></p> <p><a href="http://www.westherts.ac.uk/publishing/publink.htm">http://www.westherts.ac.uk/publishing/publink.htm</a>  <a href="http://www.longman-fe.com/">http://www.longman-fe.com/</a>  <a href="http://www.oup.co.uk/law/">http://www.oup.co.uk/law/</a>  <a href="http://www.butterworths.co.uk/academic/index.htm">http://www.butterworths.co.uk/academic/index.htm</a>  <a href="http://www.cavendishpublishing.com/">http://www.cavendishpublishing.com/</a>  <a href="http://www.smlawpub.co.uk:/academic/home.cfm">http://www.smlawpub.co.uk:/academic/home.cfm</a></p>
<p style="text-align: center;"><b>General Law Gateways</b></p> <p><a href="http://www.infolaw.co.uk/">http://www.infolaw.co.uk/</a>  <a href="http://www.venables.co.uk">http://www.venables.co.uk</a>  <a href="http://macdonald.butterworths.co.uk/">http://macdonald.butterworths.co.uk/</a>  <a href="http://library.ukc.ac.uk/library/lawlinks/">http://library.ukc.ac.uk/library/lawlinks/</a>  <a href="http://www.wwlia.org/uk-home.htm">http://www.wwlia.org/uk-home.htm</a></p>	<p style="text-align: center;"><b>Mooting</b></p> <p><a href="http://www.firstlight.demon.co.uk/law/mooting/">http://www.firstlight.demon.co.uk/law/mooting/</a></p>
<p style="text-align: center;"><b>Government</b></p> <p><a href="http://www.open.gov.uk">http://www.open.gov.uk</a>  <a href="http://www.parliament.uk/">http://www.parliament.uk/</a></p>	<p style="text-align: center;"><b>Newspapers</b></p> <p><a href="http://www.independent.co.uk">http://www.independent.co.uk</a>  <a href="http://www.guardian.co.uk/">http://www.guardian.co.uk/</a>  <a href="http://www.thetimes.co.uk/">http://www.thetimes.co.uk/</a>  <a href="http://www.telegraph.co.uk">http://www.telegraph.co.uk</a></p>

## TEACHERS' NOTES

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The syllabus has a number of features including:

- The syllabus is focused on a clear set of topics.
- The syllabus content is divided into discrete areas that remove overlap in examinations.
- The examination papers include data response questions, and essay and scenario-based problem questions appear in both Papers 3 and 4.
- Emphasis is given to skills-based learning, and it is recommended that Centres take particular note of the assessment objectives.

The Structure and Operation of the English Legal System is the sole focus of Paper 1. It comprises three units. Teaching and learning strategies will need to reflect the style of the examination paper which will call upon candidates to not merely recall facts, but also to evaluate procedures and processes, discuss and comment on legal developments, assess contributions made by key personnel or institutions etc. The English Legal System evolves constantly; candidates will be expected to be aware of changes to systems, procedures and practices that have either been proposed or taken place up to twelve calendar months prior to examination. A good knowledge and understanding of all units will serve as a good foundation for further study of the subject.

Papers 3 and 4 consist of eight units deriving from the substantive areas of the laws of contract and tort. The two examination papers will contain both essay and scenario-based problems, but no candidate will need to tackle more than one scenario-based problem on each. Each examination paper addresses a discrete legal topic, contract and tort.

Centres are advised to study the rubric requirements carefully and ensure that candidates are fully aware of these requirements before they sit the examination. Practising the different types of question – essay, data response and scenario-based problem – both during the academic year and at revision time would be an essential part of the preparation of candidates for the examinations.