

Report on the Units

June 2007

H124/H524/MS/R/07

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This report on the Examination provides information on the performance of candidates which it is hoped will be useful to teachers in their preparation of candidates for future examinations. It is intended to be constructive and informative and to promote better understanding of the syllabus content, of the operation of the scheme of assessment and of the application of assessment criteria.

Reports should be read in conjunction with the published question papers and mark schemes for the Examination.

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Chief Examiner's Report

The June 2007 exam session was again an exciting period for the Law team since it represented the first complete iteration of the AS under the new 4-unit specification. The position seen in January was reaffirmed and the AS performed as expected, no problems with the papers, and a slight improvement in performance overall as against the former 3 unit AS.

There were a significant number of resit candidates on all three AS papers from the legacy AS, 2568, 2569 and 2570, which presumably indicates A2 candidates seeking improved overall UMS marks. There is still one possible resit sitting available for these three papers in January 2008, but it is anticipated that very few candidates will enter for these. Inevitably these papers performed less well than on former sittings with a full cohort and a normal level of high level candidates, this was particularly so of the A grade on 2570. Nevertheless, there were some good scripts.

The individual Principal Examiners' reports and the statistical evidence show that the exams, both old and new, were generally successful for the majority of candidates who entered and that high grades were achievable in good numbers. The spread of marks also points to good differentiation between candidates of different capabilities but that the papers were also accessible to all candidates.

Both G141 and G142 performed well. The new style English Legal System paper, G141, appeared to have been well received with a significantly greater number of A grades than in the January paper, reflecting the much larger cohort and the greater preparation time. The overall performance was in keeping with the traditional January cohort on 2568, so this would seem to suggest that with the enlarged paper a June entry is preferable to sitting in January.

Sources of Law, G142, performed well although less well than the larger entry in January. This would be expected as the successful candidates with high grades from January would be missing from the June cohort. So the paper operated much like a traditional 2568 June entry. One significant point was the huge numbers of candidates electing for the delegated legislation question. Some examiners were reporting this as high as 75%. Once again this reinforces the view that the whole content for G142 is available in any sitting in any combination. Centres are therefore reminded that, for instance, a paper with questions on legislation/delegated legislation and EU Law are possible.

One significant complaint from Principal Examiners, following concern expressed by numerous examiners in June's exams, was the increase in the number of virtually illegible scripts. Examiners have quite a small window of time in which to mark a large body of candidates' work. Poor handwriting increases the burden on the examiners enormously and can also have an adverse effect on the individual candidate. It is unnecessary for this situation to happen since there are various measures that can be put in place for candidates with extremely poor handwriting. Centres only need to contact OCR to make the appropriate arrangements.

Other than that, as usual I hope your candidates achieved what they deserved in the individual exams sat, and congratulate them all for their successes, particularly those that scored high UMS marks. I hope they continue to enjoy their study of the law and wish them all success either with the continuation of their studies or with their careers/higher education following completion of their A Levels.

English Legal System paper – G141 June 2007

General Comments

The change to the new 2-hour examination seems to have gone very well for most centres. Most candidates were able to access four questions to answer, although candidates from some centres had not fully grasped the new requirements, thus doing anything from three to six questions overall.

Given the mark scheme and criteria, it was relatively easy to get out of Level 1 for most questions, but to get into Level 4 candidates needed to demonstrate a sound understanding and some detailed knowledge of the subject matter of the question. Candidates with scores above 100 were able to write in depth and at length on their four chosen areas, sometimes to a very sophisticated level. They are to be congratulated.

On the whole there seemed to be a lack of knowledge and detail in part (a) questions particularly on the popular 'standard' questions on police powers, magistrates and the legal profession. Many candidates still do not focus on the command word and discuss when they are asked to describe.

Candidates still do not read the questions and do not use statutes or cases and worryingly many are still taught using old texts. This is unfair on the student and unnecessary with the number of books on the market and availability of resources on the Internet etc. Teachers should be encouraged, if nothing else, to use the mark schemes as a resource.

Candidates invariably performed better on the part (b) of questions and were able to achieve the higher levels and sometimes nearly full marks even when the answers to the part (a) of questions lacked precise knowledge and understanding. Better candidates focused on key words like 'discuss' and 'advantage/disadvantage' instead of basic lists. Weaker students spent a great deal of time on these but are not aware of what a developed expanded point is therefore often made statements rather than comments.

A substantial number of candidates chose to do the two Section B applied questions often achieving good marks.

A significant minority of students produced scripts, which were very difficult to decipher due to poor handwriting, poor expression or structuring the answer poorly.

It is disappointing that so many candidates **still** fail to enter the question numbers on the front of their scripts.

Comments on individual questions

Section A

Question 1:

Part (a) - This was a reasonably popular question and generally done to a reasonable standard with most candidates strong on selection or training but tending to be much weaker on the other many students were not up-to-date on MNTI. Only the best candidates could give a detailed description of both elements of the question.

Part (b) - Was generally well answered with the majority of candidates achieving Level 3 or 4.

Question 2:

This was the most popular question in Section A and tended to be answered quite well.

In part (a) the vast majority of candidates were able to identify the 4 types (although 'litigation, reparation, rehabilitation and a few other 'tions' crept in) There was some very good understanding of the difference between the ADR types and some good examples given to illustrate answers but some candidates tended to be very confused over very simple characteristics.

Better candidates described Arbitration well and mentioned the Arbitration Act 1996. Weaker candidates tended to have a reasonable attempt at describing the other three but were very poor on Arbitration. A significant minority of candidates had the mistaken belief that each type of ADR would be tried in order only going on to the next if the previous one did not work.

Some centres do not seem to have realised that tribunals are no longer on the specification.

Part (b) was generally answered quite well but some candidates could not resist a balanced argument, although only advantages could be credited. The best candidates included many advantages including privacy and control by the parties and developed their points by explaining why they were advantageous and to whom. The weakest candidates limited their answers to cost and speed

Question 3:

This question was not at all popular and was answered by candidates from very few centres.

Part (a) - Answers were either very poor Level 1 or very good top Level 3 or 4. There was very little in between. A common mistake was the student's failure to note the difference between civil and criminal courts or between first instance and appeal and to base their answer solely on the criminal courts, which was not asked for in the question. Another common mistake was to describe the jurisdiction of the courts rather than the role of the judge.

Part (b) – The better candidates could discuss several disadvantages although all but a very few answers were based on the old process of secret soundings and the Lord Chancellor etc. The weaker candidates misunderstood the question and produced an answer based on the selection of juries, not judicial selection.

Question 4:

This question was also rarely attempted. Legal funding does not seem to be taught in many centres.

Part (a) - Those that did answer it were either reasonably good or it was a last question that they really did not have much clue about. Good answers went into detail on CFA's and generally had a good understanding of public funding including the means/merits tests. These answers were however in the minority. Many candidates appear to often know either one or the other.

Part (b) - Other than the few very good answers candidates restricted themselves to commenting on how much money the client would keep/pay if they won or lost.

Question 5:

This was a very popular question and often done very well with a high percentage of Level 3 and Level 4 answers.

Part (a) - The better candidates got the order of training correct and mentioned ILEX and CPD. There were some excellent answers with excellent additional insight and detailed expansion on the various stages of training. The weaker candidates did not know the difference between the CPE and the LPC and which one applied in which context and had no real idea of the order of the training.

Part (b) - Even the weaker confused students could have a go at this, making some comment about age or social context or cost so all tackled it to some degree and gained at least Level 2 or Level 3 marks, again some making very interesting comments – hope to see such passionate souls in the future and see if they do change the world as some of their comments were inspiring.

Section B

Both Section B questions were very popular with a high proportion of candidates attempting both questions in this section.

Question 6:

Answers to this question were very variable.

Part (a) - There were many very good answers showing good knowledge of PACE 1984 and the amendments made by SOCPA 2005. Unfortunately a significant proportion of candidates did not read the question and focussed their answer on stop and search rather than arrest. The weakest candidates joined stop and search with arrest and went on to describe stop and search which really could not gain more than a mark. This was the question that gained the most zero mark scores which was a real pity as most of the candidates demonstrated good knowledge and understanding of aspects of police powers but not of the topic asked for in the question. Many answers lacked detail listing vague rights and not many included other powers of arrest.

Part (b) - The better candidates applied their knowledge well to Matthew's situation and commented on why his detention and lack of access to a solicitor would be unlawful. Many candidates were aware of the detention clock but not so regarding 'minor offences'. Most were aware of the right to legal advice but not so regarding the police right to delay. Weaker candidates only dealt with one aspect or merely gave the information without applying it to Matthew. Many candidates wasted time discussing aspects of detention not highlighted by the scenario e.g. how they are treated in the cells. Most candidates did advise Matthew.

Question 7:

This was another very popular question and usually done reasonably well.

Part (a) – The better candidates explained the basics such as the definition, who would grant bail and the presumption in favour of bail, as well as the reasons for not granting bail and the factors that would be taken into account. Weaker candidates tended to concentrate on one aspect e.g. all the different conditions that could be attached to bail or factors that were not linked to reasons. The presumption in favour of bail was one of the aspects missing from the majority of scripts.

Part (b) - Candidates seemed to enjoy this one going through some very strong arguments against Charlie being granted bail, many failed to grasp the point that it would depend on the seriousness of the offence which had not been disclosed which prevented full marks but the vast majority of candidates managed to get Level 3 or Level 4 marks.

G142: Sources of Law

General Comments

The overall standard of performance was average with a small number of candidates achieving full marks. This exam showed that candidates were less prepared than the January cohort. This is surprising given the amount of time candidates had to prepare, and the fact that centres had seen the paper in January.

The majority of candidates attempted the delegated legislation question. This is a positive development as traditionally if precedent or statutory interpretation questions are included in the paper they are the default question for the majority of the students. Centres need to encourage this as the exam paper has to cover the breadth of the subject area and it is likely that the default topics may not be a choice for candidates in future papers.

The use of the source was again encouraging. The majority of candidates could access the source to support their answer. At the lower end of the spectrum, some candidates just copied from the source. It is important to encourage the candidates to quote the line references of the source and discourage them from copying chunks of the source material to support their answers. This will save candidates time and allow them to develop arguments. There were a number of candidates who failed to use the source. It is important for centres to encourage its use when teaching the material.

The most challenging part of the paper for the candidates was part C on both questions. There were few well constructed answers, with a number of candidates relying on the source material. This is surprising considering the topic areas and the fact that time was not an issue.

Again, there were a small number of candidates who attempted both questions. Their responses tended to be limited.

It was noticeable that some candidates were confused between the material for G141 and G142, but this was probably due to the papers being sat consecutively.

Question 1

Delegated Legislation

This was the most popular question. Candidates were well prepared for question a) and b). Responses to part (i) and (ii) of question C were disappointing.

- a) Most candidates could identify the majority of the stages. The more successful candidate explained what happened in the various stages as opposed to producing a bare list.
- b) These mini problems were excellent on the whole. The majority of the candidates could identify the relevant type. There were also some very good examples to support answers. The only issue with this area was the ability to identify who produced the particular type of delegated legislation.
- c) Knowledge of the topic area was, on the whole, disappointing with candidates producing few good answers. The area on the whole was disappointing with few good answers.

In their responses to part (i) of question C, most candidates simply used the source and added little or no detail. It was surprising that the majority of candidates did not support their answers with case law.

The responses to part (ii) of question C were very disappointing. A significant number of candidates answered a different question: the advantages and disadvantages of delegated legislation. It is important that candidates answer the question that is set. The candidates who performed well on this question had a clear understanding of the advantages and disadvantages of the control and produced well written balanced arguments.

Question 2

Judicial Precedent

A significant minority attempted this question. Answers ranged from average to poor in this area. This is surprising given the fact that the question on the Court of Appeal has not been asked for a number of sessions. A number of candidates seemed more prepared for a discussion on the powers of the House of Lords and included this subject whenever possible.

- a) The responses in this area were variable. The use of the source was mixed, which was disappointing given the amount of support material included in the source to support candidates. There was significant confusion over the exact powers of the Court of Appeal.
- b) The questions in this area attracted mixed responses. This is surprising given the fact that similar scenarios have been set on numerous occasions. The majority of the problems related to the candidates' poor understanding of the court hierarchy and its implications. A useful tip is to cover section B questions in a stand alone lesson. This area is skills-based and the more candidates practice at this area the easier it becomes.
- ci) The majority of candidates could define the term of this question, but development from there was varied. Most could not link the concept to the hierarchy or its implications on the court structure. Given the breadth of issues that were creditable in the mark scheme, it was a surprise that more candidates did not achieve Level 4 answers.
- cii) The answers in this area were generally poor. This is surprising given the topic area and material available in the texts and journals, and the fact that this type of question had been asked in the past. Most candidates had a limited understanding of the key issues and tried to use the source as the major basis of their answer.

**Advanced Subsidiary GCE Law H124
June 2007 Assessment Series**

Unit Threshold Marks

<i>Unit</i>		Maximum Mark	a	b	c	d	e	u
G141	Raw	120	93	83	73	63	53	0
	UMS	120	96	84	72	60	48	0
G142	Raw	60	48	42	36	30	24	0
	UMS	80	64	56	48	40	32	0

Specification Aggregation Results

Overall threshold marks in UMS (i.e. after conversion of raw marks to uniform marks)

	Maximum Mark	A	B	C	D	E	U
H124	200	160	140	120	100	80	0
H524	400	n/a	n/a	n/a	n/a	n/a	n/a

The cumulative percentage of candidates awarded each grade was as follows:

	A	B	C	D	E	U	Total Number of Candidates
H124	15.8	32.2	51.4	70.0	84.6	100	9519
H524	n/a	n/a	n/a	n/a	n/a	n/a	n/a

9519 candidates aggregated this series

For a description of how UMS marks are calculated see;
http://www.ocr.org.uk/exam_system/understand_ums.html

Statistics are correct at the time of publication

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