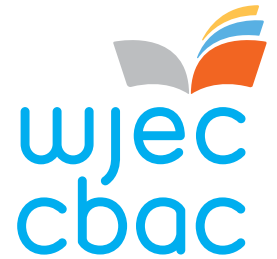


GCE AS/A LEVEL



# WJEC GCE AS/A Level in LAW

APPROVED BY QUALIFICATIONS WALES

## SPECIFICATION

Teaching from 2017

For award from 2018 (AS)  
For award from 2019 (A level)

Version 3 November 2022

This Qualifications Wales regulated qualification is not available to centres in England.



# SUMMARY OF AMENDMENTS

Version	Description	Page number
2	'Making entries' section has been amended to clarify resit rules.	22
3	<i>'The impact of European Union law on the law of Wales and England'</i> has been removed from the content and amplification column for area of study 1.1 <i>'Law making'</i> in Unit 1.	10





# WJEC GCE AS and A LEVEL in Law

For teaching from 2017

For AS award from 2018

For A level award from 2019

This specification meets the Approval Criteria for GCE AS and A Level Law and the GCE AS and A Level Qualification Approval Criteria which set out the requirements for all new or revised GCE specifications developed to be taught in Wales from September 2017.

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# GCE AS and A LEVEL Law (Wales) SUMMARY OF ASSESSMENT

This specification is divided into a total of 4 units, 2 AS units and 2 A2 units. Weightings noted below are expressed in terms of the full A level qualification.

## AS (2 units)

AS Unit 1: The Nature of Law and the Welsh and English Legal Systems Written examination: 1 hour 45 minutes 25% of qualification	80 marks
<b>Section A – Law making in Wales and England and the nature of law</b> Three questions in total: two compulsory and one from a choice of two scenario based questions.	
<b>Section B – The Welsh and English legal systems and the nature of Law</b> One question from a choice of two, each divided into part a) and b).	
AS Unit 2: The Law of Tort Written examination: 1 hour 30 minutes 15% of qualification	60 marks
Five questions about the law of tort: a mixture of short answer and essay questions, including a scenario based question.	

## A Level (the above plus a further 2 units)

A2 Unit 3: The Practice of Substantive Law Written examination: 1 hour 45 minutes 30% of qualification	100 marks
One scenario based question from <b>two</b> different sections, selected from: Human Rights Law Law of Contract Criminal Law	
A2 Unit 4: Substantive Law Perspectives Written examination: 2 hours 30% of qualification	100 marks
One essay question from <b>two</b> different sections, selected from: Human Rights Law Law of Contract Criminal Law	

This is a unitised specification which allows for an element of staged assessment. Assessment opportunities will be available in the summer assessment period each year, until the end of the life of the specification.

Unit 1 and Unit 2 will be available in 2018 (and each year thereafter) and the AS qualification will be awarded for the first time in summer 2018.

Unit 3 and Unit 4 will be available in 2019 (and each year thereafter) and the A level qualification will be awarded for the first time in summer 2019.

**Qualification Number  
listed on [The Register](#):**  
GCE AS: 603/1986/0  
GCE A level: 603/1978/1

**Qualifications Wales Approval  
Number listed on [QiW](#):**  
GCE AS: C00/1177/7  
GCE A level: C00/1160/8

# GCE AS and A LEVEL LAW

## 1 INTRODUCTION

### 1.1 Aims and objectives

The WJEC GCE AS and A level in Law enable learners to develop an understanding of both public and private law within the law of Wales and England, and develop skills which will prepare them for further undergraduate study and future careers. The specification enables learners to develop their ability to analyse both legal rules and principles and factual issues. It enables learners to construct persuasive legal arguments and to evaluate the strength of such arguments. It also enables learners to develop the ability to think critically about the role of law in society.

AS and A Level Law specifications encourages learners to:

- develop their knowledge and understanding of the Welsh legal system and areas of both private and public law within the law of Wales and England;
- develop an understanding of legal method and reasoning as used by lawyers and the judiciary;
- develop and apply the techniques of legal method and reasoning to analyse and offer answers to problems, based on legal principles, legislation and case law;
- and develop the ability to construct conclusions and communicate legal arguments by reference to appropriate legal authorities.

At A2 learners develop the ability to:

- communicate persuasive legal arguments by reference to appropriate legal authorities;
- evaluate the strength of legal arguments;
- and be able to demonstrate critical awareness of the influence and operation of the law in society.

The WJEC A level specification requires learners to study the dynamics of legal decision making that will equip them with the skills necessary to study law at higher education. The specification has a broad focus so that learners will experience a range of legal disciplines. This specification also gives learners an opportunity to produce extended written responses and demonstrate the quality of their written communication, including appropriate use of punctuation and grammar. Units 3 and 4 require candidates to draw together different areas of knowledge, skills and/or understanding from across the relevant specification content.

## 1.2 Prior learning and progression

Any requirements set for entry to a course following this specification are at the discretion of centres. It is reasonable to assume that many learners will have achieved qualifications equivalent to Level 2 at KS4. Skills in Numeracy/Mathematics, Literacy/English and Information Communication Technology will provide a good basis for progression to this Level 3 qualification.

This specification builds on the knowledge, understanding and skills established at GCSE.

This specification provides a suitable foundation for the study of law or a related area through a range of higher education courses, progression to the next level of vocational qualifications or employment. In addition, the specification provides a coherent, satisfying and worthwhile course of study for learners who do not progress to further study in this subject.

This specification is not age specific and, as such, provides opportunities for learners to extend their life-long learning.

## 1.3 Equality and fair access

This specification may be followed by any learner, irrespective of gender, ethnic, religious or cultural background. It has been designed to avoid, where possible, features that could, without justification, make it more difficult for a learner to achieve because they have a particular protected characteristic.

The protected characteristics under the Equality Act 2010 are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The specification has been discussed with groups who represent the interests of a diverse range of learners, and the specification will be kept under review.

Reasonable adjustments are made for certain learners in order to enable them to access the assessments (e.g. candidates are allowed access to a Sign Language Interpreter, using British Sign Language). Information on reasonable adjustments is found in the following document from the Joint Council for Qualifications (JCQ): *Access Arrangements and Reasonable Adjustments: General and Vocational Qualifications*.

This document is available on the JCQ website ([www.jcq.org.uk](http://www.jcq.org.uk)). As a consequence of provision for reasonable adjustments, very few learners will have a complete barrier to any part of the assessment.



## 1.4 Welsh Baccalaureate

In following this specification, learners should be given opportunities, where appropriate, to develop the skills that are being assessed through the Skills Challenge Certificate within the Welsh Baccalaureate:

- Literacy
- Numeracy
- Digital Literacy
- Critical Thinking and Problem Solving
- Planning and Organisation
- Creativity and Innovation
- Personal Effectiveness.

## 1.5 Welsh perspective

In following this specification, learners should be given opportunities, where appropriate, to consider a Welsh perspective if the opportunity arises naturally from the subject matter and if its inclusion would enrich learners' understanding of the world around them as citizens of Wales as well as the UK, Europe and the world.

## 2 SUBJECT CONTENT

The AS units cover the study of the Welsh and English legal systems and the nature of law. They also cover the study of the law of tort.

The A2 units cover the study of two further areas of law, from a choice of human rights law, law of contract and criminal law.

### **The Nature of Law**

The nature of law must include the study of the distinction between enforceable legal rules and principles and other rules and norms of behaviour; criminal and civil law and the different sources of law i.e. custom, statutory law and the common law.

At AS, the nature of law is assessed in Unit 1.

At A2 the pervasive nature of law and society, law and morality and law and justice is assessed in Unit 3 and Unit 4.

- Law and society
  - Rule of law; human rights; the meaning and importance of fault in civil and/or criminal law
  - Balancing conflicting interests; identification of the different interests of parties to disputes
  - Public interests against private interests; the subordination of individual rights to community interests
- Law and morality
  - The distinction between law and morals
  - The diversity of moral views in a pluralist society
  - The relationship between law and morals and its importance
  - The legal enforcement of moral values
- Law and justice
  - The meaning of 'justice; theories of justice
  - The extent to which substantive legal rules, legal institutions and processes achieve justice or create barriers to justice

## **Legal Skills**

Legal skills are an intrinsic part of the AS and A2 units.

Learners are required to develop competence in using legal skills in their study of the nature of law, legal issues and the Welsh and English legal systems, and the private and public areas of substantive law.

Learners are required to demonstrate their ability to analyse a factual scenario by identifying the key facts from which legal issues arise.

Learners are required, when formulating a legal argument, to analyse legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent.

Learners are required, in respect of each area of substantive law they study, to analyse, apply and evaluate the legal rules and principles of that area of law. Analysis and application must include the ability to apply legal principles to a hypothetical scenario. Evaluation requires learners to support a particular proposition by reference to the relevant legal rules and principles that support that argument.

This specification requires learners to construct legal arguments substantiated by legal authority and using appropriate legal terminology. In addition, at A2 learners are required to construct a persuasive legal argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.

At A2, learners are required to analyse and critically evaluate legal issues by identifying different perspectives, including the Welsh and English legal systems, supporting their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints

## 2.1 AS UNITS

### UNIT 1

#### **The Nature of Law and the Welsh and English Legal Systems**

Written examination: 1 hour 45 minutes

25% of the qualification

60 marks

This unit requires learners to demonstrate knowledge and understanding of the nature of law and the Welsh and English legal systems. It focuses on the structure of the Welsh and English legal systems including their relationship with the European Union. Learners will develop knowledge and understanding of sources of primary and secondary law in the Welsh and English legal systems and will consider how those laws are used by judges in making decisions. They will also develop knowledge and understanding of the criminal justice system, civil justice system including relevant legal personnel and legal funding. Learners will develop knowledge and understanding of the Devolution Settlement in Wales and its impact.

Section A focuses on the nature of law and the various methods of law making in the Welsh and English legal systems.

Section B focuses on key features of the criminal justice system and civil justice system within the Welsh and English legal systems, including legal personnel and legal funding. It also includes the nature of law.

Where appropriate, relevant case law and authority should be used.

Legal skills are intrinsic to this unit.

#### **SECTION A**

<b>Area of study</b>	<b>Content and amplification</b>	<b>The nature of law</b>
<b>1.1 Law making</b>	<ul style="list-style-type: none"> <li>• Historical context of law making in Wales and the United Kingdom (UK) including Parliamentary sovereignty, separation of powers and the rule of law; Royal Prerogative</li> <li>• The legislative process in Wales and the UK: Parliamentary law making; Welsh legislature law-making: the composition and role of Parliament and the Welsh legislature</li> <li>• The influences on Parliament and the Welsh legislature such as the effects of pressure and interest groups; the advantages and disadvantages of influences on law making</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles</li> <li>• Study of criminal and civil law and the different sources of law</li> </ul>

Area of study	Content and amplification	The nature of law
	<ul style="list-style-type: none"> <li>• The Devolution Settlement in Wales including the role of the Supreme Court</li> <li>• Law reform; role of official law reform agencies including the Law Commission and the role of pressure groups and judicial influences</li> </ul>	
<p><b>1.2 Delegated legislation</b></p>	<ul style="list-style-type: none"> <li>• Sources of delegated legislation including types of delegated legislation in Wales and the UK: statutory instruments, by-laws, orders in council</li> <li>• Controls on delegated legislation including Judicial Review, positive affirmation and negative affirmation, and the role of the parliamentary committees that scrutinise delegated legislation</li> <li>• Reasons for the use of delegated legislation and advantages and disadvantages of delegated legislation</li> <li>• Role of devolved legislatures; the Devolution Settlement in Wales, including the role of the Supreme Court</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles</li> <li>• Study of civil law and the different sources of law</li> </ul>
<p><b>1.3 Statutory interpretation</b></p>	<ul style="list-style-type: none"> <li>• Statutory interpretation, including the various approaches and rules of statutory interpretation including the literal rule, golden rule rule, mischief rule, purposive approach and the impact of the Human Rights Act 1998 and European law on statutory interpretation</li> <li>• The use of intrinsic aids including the short and long title, margin notes, headings and punctuation</li> <li>• The use of extrinsic aids including the Law Commission reports and Royal Commission reports</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles</li> <li>• Study of criminal and civil law and the different sources of law</li> </ul>

<b>1.4 Judicial Precedent</b>	<ul style="list-style-type: none"> <li>• Judicial precedent including the doctrine of precedent, identification of <i>ratio decidendi</i> and <i>obiter dicta</i> and types of precedent to include persuasive and binding</li> <li>• The hierarchy of the courts in Wales and England including the Supreme Court</li> <li>• Avoidance techniques to include overruling, reversing and distinguishing</li> <li>• Advantages and disadvantages of precedent</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and other rules and norms of behaviour</li> <li>• Study of criminal and civil law and the different sources of law</li> </ul>
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**SECTION B**

Area of study	Content and amplification	The nature of law
<b>1.5 Civil courts</b>	<ul style="list-style-type: none"> <li>• Civil courts: structure, powers and appellate functions including the use of juries in civil cases: their selection, their limited role in civil cases and criticisms of use</li> <li>• Tribunals, arbitration and alternative dispute resolution including their advantages and disadvantages</li> <li>• Development, role and control of tribunals including examples of the different types of tribunals</li> <li>• Arbitration within and outside the court system</li> <li>• Alternative dispute resolution including arbitration, mediation and conciliation</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles and other rules and norms of behaviour</li> <li>• Study of civil law</li> </ul>
<b>1.6 Criminal process</b>	<ul style="list-style-type: none"> <li>• Criminal courts: structure, powers and appellate functions; powers of the magistrates' courts and Crown Court; Court of Appeal guidelines for bringing appeals</li> <li>• General principles of sentencing of adults and youths under appropriate legislation; theories and objectives of sentencing</li> <li>• The role of lay people: role of magistrates, jury trial: including jury selection, the jury and questions of fact, majority verdicts, jury secrecy and the use of juries in the Coroners' Courts, criticisms and alternatives to the jury system</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles and other rules and norms of behaviour</li> <li>• Study of criminal law</li> </ul>

<p><b>1.7</b> <b>Legal personnel</b></p>	<ul style="list-style-type: none"> <li>• Barristers and solicitors: education, training and role. Structure of the legal professions; fusion, appointment, training and social background</li> <li>• Role of the legal executive and para-legal personnel</li> <li>• Regulation of the legal professions</li> <li>• Judiciary: role, hierarchy, selection, training, composition, regulation, constitutional position and judicial independence and the rule of law</li> <li>• Magistracy and district judges in the magistrates' courts: role, selection, appointment and training</li> </ul>	<ul style="list-style-type: none"> <li>• Study of other rules and norms of behaviour</li> <li>• Study of criminal and civil law</li> </ul>
<p><b>1.8</b> <b>Access to justice and funding</b></p>	<ul style="list-style-type: none"> <li>• Sources of funding: Civil Legal Aid</li> <li>• Sources of funding: Criminal Legal Aid and Public Defender Services</li> <li>• Funding of civil and criminal cases, including advice schemes and role of Legal Aid Agency, merit testing, means testing, eligibility criteria and priorities for funding.</li> <li>• Conditional fee agreements including how they work and their advantages and disadvantages</li> </ul>	<ul style="list-style-type: none"> <li>• Study of the distinction between enforceable legal rules and principles and other rules and norms of behaviour</li> <li>• Study of criminal and civil law</li> </ul>

## AS UNIT 2

### The Law of Tort

Written examination: 1 hour 30 minutes

15% of the qualification

60 marks

This unit requires learners to demonstrate knowledge and understanding of the rules and theory of the law of tort. Learners will develop knowledge and understanding of liability in negligence for injury to people and will be required to apply the elements of the law of negligence to hypothetical scenarios. They will develop knowledge and understanding of occupiers' liability. Learners will also develop knowledge and understanding of remedies, including damages, mitigation of loss and injunctions.

Where appropriate, relevant case law and authority should be used.

Legal skills are intrinsic to this unit.

### The Law of Tort

Area of study	Content and amplification
<b>2.1</b> <b>The rules and theory of the law of tort</b>	<ul style="list-style-type: none"> <li>• Origins of the law of tort; categories of tort; theories in the law of tort. Concept of fault versus strict liability</li> <li>• Economic justification of tort; corrective justice</li> <li>• Retributive justice</li> <li>• Criticisms of the tort system</li> </ul>
<b>2.2</b> <b>Liability in negligence for injury to people and damage to property</b>	<ul style="list-style-type: none"> <li>• Duty of care: people and damage to property; neighbour principle; Carparo test</li> <li>• Breach of duty: the reasonable man; the objective standard of care</li> <li>• Causation of damage: 'but for' test; legal causation; foreseeability; effect of an intervening act; remoteness of damage</li> <li>• Psychiatric injury: primary and secondary victims</li> </ul>
<b>2.3</b> <b>Occupiers' liability</b>	<ul style="list-style-type: none"> <li>• Liability in relation to lawful visitors (<i>Occupiers' Liability Act 1957</i>)</li> <li>• Liability in relation to trespassers (<i>Occupiers' Liability Act 1984</i>)</li> <li>• Special categories of visitors, especially children</li> </ul>
<b>2.4</b> <b>Remedies</b>	<ul style="list-style-type: none"> <li>• Damages including compensatory damages; mitigation of loss; injunctions</li> </ul>



## 2.2 A2 UNITS

### UNIT 3

#### The Practice of Substantive Law

Written examination: 1 hour 45 minutes

30% of qualification

100 marks

This unit requires learners to demonstrate knowledge and understanding of **two** areas of law from the areas listed below:

- human rights law
- law of contract
- criminal law.

This unit requires learners to demonstrate knowledge and understanding of legal rules and principles in relation to their chosen areas of law. Learners will break down into constituent parts the relevant legal rules and principles for each area of substantive law and apply those rules to a hypothetical scenario.

Where appropriate, relevant case law and authority should be used.

Legal skills are intrinsic to this unit.

#### Human Rights Law

Area of study	Content and amplification
<p><b>3.1</b> <b>The rules and theory of human rights law</b></p>	<ul style="list-style-type: none"> <li>• The rules of human rights law and theory in human rights law; human rights and civil liberties, the meaning of rights</li> <li>• The distinction between rights and liberties</li> <li>• The role played by Parliament and the courts in their regulation</li> <li>• The debate relating to the entrenched nature of the Human Rights Act 1998</li> <li>• Protection of rights and liberties within the United Kingdom constitution</li> <li>• The European Convention on Human Rights; history, scope and application of the European Convention on Human Rights</li> <li>• The impact of the Human Rights Act 1998; a United Kingdom Bill of Rights</li> <li>• Criticisms of human rights; entrenched nature of the HRA in the devolutionary settlements of Wales, Scotland and Northern Ireland</li> <li>• The pervasive nature of law and society, law and morality and law and justice on human rights law</li> </ul>

<p><b>3.2</b>  <b>Specific provisions within the European Convention on Human Rights</b></p>	<ul style="list-style-type: none"> <li>• Provisions of Article 8, right to respect for private and family life, home and correspondence; Article 8 exceptions; negative and positive obligations</li> <li>• Provisions of Article 10, right to freedom of expression. Article 10 exceptions</li> <li>• Provisions of Article 11, right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions. Article 11 exceptions</li> </ul>
<p><b>3.3</b>  <b>Restrictions, including restrictions permitted by the European Convention on Human Rights</b></p>	<ul style="list-style-type: none"> <li>• Public order offences – freedom to meet, gather, demonstrate and protest; relationship between maintenance of public order and legitimate expression of opinion and dissent. Control of public gatherings, meetings and protests. Offences against public order, including incitement to racial hatred and religious hatred</li> <li>• Police powers – the law relating to police powers of stop and search; search of premises; arrest; detention; rights of persons in police custody. Remedies against the police, including for malicious prosecution and false imprisonment</li> <li>• Interception of communications - access to information relating to individuals; telephone tapping</li> <li>• Duty of confidentiality - breach of confidence, misuse of private information</li> <li>• Obscenity – arguments for and against restriction; problems of definition; methods of control; controls over books, magazines, films, DVDs, live performances, broadcasting; reforms</li> <li>• Torts of defamation - protection of reputation – defamation</li> <li>• Torts of trespass, harassment</li> </ul>
<p><b>3.4</b>  <b>Enforcement</b></p>	<ul style="list-style-type: none"> <li>• Role of domestic courts</li> <li>• The process of judicial review</li> <li>• The role of the European Court of Human Rights</li> </ul>
<p><b>3.5</b>  <b>The debate relating to the protection of human rights in the UK</b></p>	<ul style="list-style-type: none"> <li>• Reform of the protection of human rights in the United Kingdom</li> <li>• The need for a United Kingdom Bill of Rights</li> <li>• The role of the Equality and Human Rights Commission</li> </ul>

## Law of Contract

Area of study	Content and amplification
<b>3.6</b> <b>Rules and theory of the law of contract</b>	<ul style="list-style-type: none"> <li>• Origins and definition of contract law. Function of the law of contract</li> <li>• Theory of the law of contract as a set of rules enabling persons to freely make agreements on their own terms. Importance of contract law in economic development</li> <li>• Arguments for the development of a European and/or global contract law system</li> <li>• The relationship between human rights and contract law</li> <li>• General awareness of the impact of judicial decisions, legislation and EU provisions relating to contract formation and discharge</li> <li>• Freedom of contract, relationship with consumer protection</li> <li>• The pervasive nature of law and society, law and morality and law and justice on the law of contract</li> </ul>
<b>3.7</b> <b>Essential requirements of contract, including privity of contract</b>	<ul style="list-style-type: none"> <li>• Offer: requirements of a valid offer, distinguishing offers from invitations to treat, communicating the offer, unilateral offers</li> <li>• Acceptance: rules of acceptance, communication of acceptance</li> <li>• Consideration: rules of consideration including performance of an existing contractual duty, performance of an existing public duty, past consideration, part payment and promissory estoppel</li> <li>• Intention to create legal relations: social and domestic arrangements, commercial and business agreements</li> <li>• Privity of contract: the basic rule (only parties to a contract are bound to it and only the parties to a contract can derive rights and benefits from it), exceptions to the rule including common law exceptions (such as with collateral contracts and the use of restrictive covenants of land), and the effects of the <i>Contracts (Rights of Third Parties) Act 1999</i> on privity of contract.</li> </ul>
<b>3.8</b> <b>Express and implied terms, conditions, warranties and innominate terms, exclusion and limitation clauses</b>	<ul style="list-style-type: none"> <li>• Obligations under a contract: difference between representations and terms</li> <li>• Express terms: incorporation of express terms, parole evidence rule</li> <li>• Implied terms: terms implied by fact, terms implied by statute: implied terms under the <i>Consumer Rights Act 2015</i>, <i>Consumer Contracts Regulations 2013</i></li> <li>• Exclusion clauses in both consumer and business to business contracts: incorporation of exclusion clauses, <i>Unfair Contract Terms Act 1977</i>,</li> <li>• Other terms: conditions, warranties, innominate terms</li> </ul>

<p><b>3.9 Misrepresentation and economic duress</b></p>	<ul style="list-style-type: none"> <li>• Fraudulent misrepresentation: the meaning of fraudulent misrepresentation and the remedies available</li> <li>• Innocent misrepresentation: the meaning of innocent misrepresentation and the remedies available</li> <li>• Negligent misrepresentation: the meaning of negligent representation and the remedies available</li> <li>• <i>Misrepresentation Act 1967</i>: statutory misrepresentation under s.2, the limitation of liability under s.3 and the remedies available</li> <li>• Economic duress: meaning of economic duress, distinction with duress to the person and any available remedies</li> </ul>
<p><b>3.10 Discharge of contract including breach of contract, performance and frustration</b></p>	<ul style="list-style-type: none"> <li>• Discharge by agreement: bilateral agreements, unilateral agreements</li> <li>• Discharge by breach: actual breach, anticipatory breach</li> <li>• Discharge by frustration: impossibility, illegality, commercial, radical change in circumstances</li> <li>• Discharge by performance: including performance of an entire obligation, partial performance, the contract as a series of entire obligations, a substantial performance of obligations, failure to meet a strict standard of performance and failure to meet a reasonable standard of care</li> </ul>
<p><b>3.11 Remedies including damages and equitable remedies</b></p>	<ul style="list-style-type: none"> <li>• Common Law remedy of damages: compensatory damages, tests of causation, remoteness of damage, mitigation of loss</li> <li>• Equitable remedies: rescission, specific performance, rectification of document, injunctions</li> </ul>

## Criminal Law

Area of study	Content and amplification
<b>3.12</b> <b>Rules and theory of criminal law</b>	<ul style="list-style-type: none"> <li>• Rules of criminal law and theory in criminal law; definition of crime and the purpose of criminal law; burden and standard of proof</li> <li>• Codification of criminal law</li> <li>• Functions of the Crown Prosecution Service, including outline of the roles of the Attorney General and the Director of Public Prosecutions</li> <li>• Bail and remand in custody including police and court bail</li> <li>• The trial process, including youth justice, trial procedure and the appeal process</li> <li>• The pervasive nature of law and society, law and morality and law and justice on criminal law</li> </ul>
<b>3.13</b> <b>General elements of liability</b>	<ul style="list-style-type: none"> <li>• Elements of crime: <i>actus reus</i> to include voluntary, involuntary conduct, consequences and omissions</li> <li>• Elements of crime: <i>mens rea</i>: fault, to include negligence, recklessness and intention</li> <li>• Causation; legal and factual causation tests</li> <li>• Strict Liability; including the tests in <i>Gammon (Hong Kong) Ltd v A-G of Hong Kong (1985)</i></li> <li>• Burden and standard of proof</li> </ul>
<b>3.14</b> <b>Offences against the person</b>	<ul style="list-style-type: none"> <li>• Fatal offence of murder: elements and application of law</li> <li>• Fatal offence of involuntary manslaughter: elements and application of law, including constructive manslaughter (also referred to as unlawful act manslaughter); gross negligence manslaughter</li> <li>• Fatal offence of voluntary manslaughter: elements and application of law; defences of loss of control and diminished responsibility</li> <li>• Non fatal offences: <i>Criminal Justice Act 1988</i>: assault and battery</li> <li>• Non fatal offences: <i>Offences Against the Person Act 1861</i>: actual bodily harm; wounding and grievous bodily harm; wounding and grievous bodily harm with intent</li> </ul>
<b>3.15</b> <b>Property offences, including theft and robbery</b>	<ul style="list-style-type: none"> <li>• Theft and robbery: <i>actus reus</i> (appropriation, property, belonging to another), <i>mens rea</i> (dishonesty, intention to permanently deprive), (s.1 <i>Theft Act 1968</i>)</li> <li>• Robbery: theft with use or threat of force (s.8 <i>Theft Act 1968</i>)</li> <li>• Burglary: Elements of s.9(1)(a) and s.9(1)(b) <i>Theft Act 1968</i>; burglary in dwellings and other buildings</li> </ul>

<b>3.16 Defences</b>	<ul style="list-style-type: none"><li>• Capacity defences of insanity and intoxication<ul style="list-style-type: none"><li>○ Intoxication by alcohol</li><li>○ Intoxication by drugs</li><li>○ Insanity</li><li>○ Automatism: insane and non-insane automatism</li></ul></li><li>• Necessity defences of self defence, duress and duress of circumstances</li></ul>
<b>3.17 Preliminary offences of attempt</b>	<ul style="list-style-type: none"><li>• Statutory definition; <i>mens rea</i> and <i>actus reus</i>; meaning of 'more than merely preparatory'</li><li>• Attempts to do the impossible</li></ul>

## A2 UNIT 4

### **Substantive Law Perspectives**

Written examination: 2 hours

30% of the qualification

100 marks

This unit requires learners to demonstrate knowledge and understanding of **two** areas of law from the areas listed below:

- human rights law
- law of contract
- criminal law.

Content and amplification of each of these areas of law appear on pages 14 to 19 of this specification.

This unit requires learners to demonstrate knowledge and understanding of legal rules and principles, and to analyse and evaluate legal rules, principles, concepts and issues.

Where appropriate, relevant case law and authority should be used.

Legal skills are intrinsic to this unit.

## 3 ASSESSMENT

### 3.1 Assessment objectives and weightings

Below are the assessment objectives for this specification. Learners must:

#### **AO1**

Demonstrate knowledge and understanding of legal rules and principles

#### **AO2**

Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology

#### **AO3**

Analyse and evaluate legal rules, principles, concepts and issues

Assessment objective weightings are shown below as a percentage of the full A level, with AS weightings in brackets.

	<b>AO1</b>	<b>AO2</b>	<b>AO3</b>	<b>Total</b>
<b>AS Unit 1</b>	10% (25%)	7.5% (18.75%)	7.5% (18.75%)	25% (62.5%)
<b>AS Unit 2</b>	6% (15%)	4.5% (11.25%)	4.5% (11.25%)	15% (37.5%)
<b>A2 Unit 3</b>	12%	18%	-	30%
<b>A2 Unit 4</b>	12%	-	18%	30%
<b>Overall Weighting</b>	40%	30%	30%	100%



## 4 TECHNICAL INFORMATION

### 4.1 Making entries

This is a unitised specification which allows for an element of staged assessment.

Assessment opportunities will be available in the summer assessment period each year, until the end of the life of the specification.

Unit 1 and Unit 2 will be available in 2018 (and each year thereafter) and the AS qualification will be awarded for the first time in summer 2018.

Unit 3 and Unit 4 will be available in 2019 (and each year thereafter) and the A level qualification will be awarded for the first time in summer 2019.

A qualification may be taken more than once. However, if any unit has been attempted twice and a candidate wishes to enter the unit for the third time, then the candidate will have to re-enter all units and the appropriate cash-in(s). This is referred to as a 'fresh start'. When retaking a qualification (fresh start), a candidate may have up to two attempts at each unit. However, no results from units taken prior to the fresh start can be used in aggregating the new grade(s).

If a candidate has been entered for but is absent for a unit, the absence does not count as an attempt. The candidate would, however, qualify as a resit candidate.

The entry codes appear below.

	Title	Entry codes	
		English-medium	Welsh-medium
AS Unit 1	The Nature of Law and the Welsh and English Legal Systems	2150U1	2150N1
AS Unit 2	The Law of Tort	2150U2	2150N2
A2 Unit 3	The Practice of Substantive Law	1150U3	1150N3
A2 Unit 4	Substantive Law Perspectives	1150U4	1150N4
AS Qualification cash-in		2150QS	2150CS
A level Qualification cash-in		1150QS	1150CS

The current edition of our *Entry Procedures and Coding Information* gives up-to-date entry procedures.

There is no restriction on entry for this specification with any other WJEC AS or A level specification.

## 4.2 Grading, awarding and reporting

The overall grades for the GCE AS qualification will be recorded as a grade on a scale A to E. The overall grades for the GCE A level qualification will be recorded as a grade on a scale A\* to E. Results not attaining the minimum standard for the award will be reported as U (unclassified). Unit grades will be reported as a lower case letter a to e on results slips but not on certificates.

The Uniform Mark Scale (UMS) is used in unitised specifications as a device for reporting, recording and aggregating candidates' unit assessment outcomes. The UMS is used so that candidates who achieve the same standard will have the same uniform mark, irrespective of when the unit was taken. Individual unit results and the overall subject award will be expressed as a uniform mark on a scale common to all GCE qualifications. An AS GCE has a total of 200 uniform marks and an A level GCE has a total of 500 uniform marks. The maximum uniform mark for any unit depends on that unit's weighting in the specification.

Uniform marks correspond to unit grades as follows:

Unit Weighting	Maximum unit uniform mark	Unit Grade				
		a	b	c	d	e
Unit 1 (25%)	125	100	88	75	63	50
Unit 2 (15%)	75	60	53	45	38	30
Unit 3 (30%)	150	120	105	90	75	60
Unit 4 (30%)	150	120	105	90	75	60

The uniform marks obtained for each unit are added up and the subject grade is based on this total.

	Maximum uniform marks	Qualification grade				
		A	B	C	D	E
GCE AS	200	160	140	120	100	80
GCE A level	500	400	350	300	250	200

At A level, Grade A\* will be awarded to candidates who have achieved a Grade A (400 uniform marks) in the overall A level qualification and at least 90% of the total uniform marks for the A2 units (270 uniform marks).