

GCE A LEVEL

WJEC Eduqas GCE A Level in
LAW

ACCREDITED BY OFQUAL

SPECIFICATION

Teaching from 2017
For award from 2019





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GCE A LEVEL LAW

SUMMARY OF ASSESSMENT

Component 1: The Nature of Law and the English Legal System
Written examination: 1 hour 30 minutes
25% of qualification

Section A – Law making and the nature of law

Two short answer questions and one scenario based question.

Section B – The English legal system and the nature of law

One question from a choice of two essay type questions, each consisting of part a) and b).

Component 2: Substantive Law in Practice
Written examination: 2 hours 15 minutes
37.5% of qualification

One scenario based question from **three** different sections, selected from:

- Section A - Law of contract (private law)
- Section B - Law of tort (private law)
- Section C - Criminal law (public law)
- Section D - Human rights law (public law)

Component 3: Perspectives of Substantive Law
Written examination: 2 hours 15 minutes
37.5% of qualification

One essay question from **three** different sections, selected from:

- Section A - Law of contract (private law)
- Section B - Law of tort (private law)
- Section C - Criminal law (public law)
- Section D - Human rights law (public law)

This linear qualification will be available for assessment in May/June each year. It will be awarded for the first time in summer 2019.

Qualification Accreditation Number: 603/0929/5

GCE A LEVEL LAW

1 INTRODUCTION

1.1 Aims and objectives

The WJEC Eduqas A level in law enables learners to develop an understanding of both public and private law within the law of England and Wales, and develop skills which will prepare them for further undergraduate study and future careers. This 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.

This A level specification in law encourages learners to:

- develop their knowledge and understanding of the English legal system and areas of both private and public law within the law of England and Wales
- 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
- develop the ability to construct conclusions and communicate legal arguments by reference to appropriate legal authorities
- develop the ability to communicate persuasive legal arguments by reference to appropriate legal authorities
- demonstrate critical awareness of the influence and operation of the law in society.

This 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. It has a broad focus so that learners will experience a range of legal disciplines.

This specification also provides learners with the opportunity to demonstrate their ability to construct and develop a sustained line of reasoning which is coherent, relevant, substantiated and logically structured.

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 and 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. Some learners may have already gained knowledge, understanding and skills through their study of law at AS.

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). As a consequence of provision for reasonable adjustments, very few learners will have a complete barrier to any part of the assessment.

2 SUBJECT CONTENT

This A Level Law specification includes the study of the nature of law and the English legal system (25%), one area of private law [law of contract or law of tort (25%)], one area of public law [criminal law or human rights law (25%)] and one further area of public or private law from the same list of private and public areas of law which have not already been selected [law of contract, law of tort, criminal law or human rights law (25%)].

Legal skills are an intrinsic part of this specification.

Legal Skills

This A level specification requires learners to develop competence in using legal skills during the study of the nature of law, legal issues and the English legal system, and the private and public areas of substantive law.

It also requires learners 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 private and public 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 identify and breakdown into constituent parts the relevant legal rules and principles for each area of law and apply those legal principles to a hypothetical scenario. Evaluation requires learners to formulate a reasoned argument to support a particular proposition by reference to the relevant legal rules, principles, concepts and issues that support that argument.

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

This specification requires learners to analyse and critically evaluate legal issues by identifying different perspectives, being able to support their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.

2.1 Component 1

The Nature of Law and the English Legal System

Written examination: 1 hour 30 minutes

25% of qualification

50 marks

This component requires learners to demonstrate knowledge and understanding of the nature of law and the English legal system. It focuses on the structure of the English legal system including its relationship with the European Union. Learners will develop knowledge and understanding of sources of primary and secondary law in the English legal system 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.

The nature of law includes 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 (including custom, statutory law and the common law). The following are covered within Component 1.

- 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

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

Coverage of Section A of the component is compulsory. This section focuses on the various methods of law making in the English legal system, including its relationship with the European Union.

Coverage of Section B of the component is compulsory. This section focuses on key features of the criminal justice system and civil justice system, including legal personnel and legal funding.

Legal skills are pervasive throughout this component.

Section A – Law making and the nature of law

Content	Amplification	The Nature of Law
1.1.1 Parliamentary and European law making	<ul style="list-style-type: none"> • Parliamentary law making including Green and White Papers; the legislative process; the composition and role of Parliament; the influences on Parliament; the advantages and disadvantages of influences on law making. Concept and application of Parliamentary sovereignty • The UK constitution including sovereignty, separation of powers and the rule of law; Royal Prerogative • Law reform; role of official law reform agencies, including the Law Commission and the role of pressure groups and judicial influences • European Union law including the institutions of the European Union; the sources of European Union law and the impact of European Union law on the law of England and Wales 	<ul style="list-style-type: none"> • Law and society - rule of law; human rights, balancing conflicting interests • Law and justice – the extent to which substantive legal rules, legal institutions and processes achieve justice
1.1.2. Delegated legislation	<ul style="list-style-type: none"> • Sources of delegated legislation, including types of delegated legislation: statutory instruments, by-laws, orders in council • Controls on delegated legislation • Reasons for the use of delegated legislation, rule of law and advantages and disadvantages of delegated legislation • Role of devolved legislatures 	<ul style="list-style-type: none"> • Law and society – rule of law

Content	Amplification	The Nature of Law
<p>1.1.3 Statutory interpretation</p>	<ul style="list-style-type: none"> • Statutory interpretation, including the rules of statutory interpretation (literal, golden, mischief and purposive) • The use of intrinsic aids (including preamble short title, long title, rules of language, interpretation sections, explanatory notes) • The use of extrinsic aids (including Hansard, dictionaries, textbooks, treaties, cases, Human Rights Act 1998) • The impact of European Union Law and the Human Rights Act 1998 on statutory interpretation 	<ul style="list-style-type: none"> • Law and society – human rights; balancing conflicting interests; identification of the different interests of parties to disputes
<p>1.1.4 Judicial precedent</p>	<ul style="list-style-type: none"> • 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 • The hierarchy of the courts, including the Supreme Court. Use of the <i>Practice Statement 1966</i> and the exceptions in <i>Young v Bristol Aeroplane Co</i> • Avoidance techniques to include overruling, reversing and distinguishing • Advantages and disadvantages of precedent 	<ul style="list-style-type: none"> • Law and justice - the extent to which substantive legal rules, legal institutions and processes achieve justice or create barriers to justice • Law and morality - the relationship between law and morals and its importance; the legal enforcement of moral values

Section B – The English legal system and the nature of law

Content	Amplification	The Nature of Law
1.2.1 Civil Courts	<ul style="list-style-type: none"> • The civil process • Civil courts: structure, powers and appellate functions • Tribunals, arbitration and alternative dispute resolution • Development, role and control of tribunals • Arbitration within and outside the court system • Alternative dispute resolution including arbitration, mediation and conciliation 	<ul style="list-style-type: none"> • Law and society – balancing conflicting interests; identification of the different interests of parties to disputes; public interests against private interests • Law and justice – the extent to which substantive legal rules, legal institutions and processes achieve justice or create barriers to justice
1.2.2 Criminal process	<ul style="list-style-type: none"> • Criminal courts: structure, powers and appellate functions • Powers of the magistrates' courts and Crown Court. Court of Appeal guidelines • Crown Prosecution Service: powers and duties • Bail: police and court, problems • General principles of sentencing of adults and youths under appropriate legislation; theories and objectives of sentencing • The role of lay people: role of magistrates, jury trial: operation of the jury system, criticisms and alternatives 	<ul style="list-style-type: none"> • Law and society – balancing conflicting interests; identification of the different interests of parties to disputes; public interests against private interests • Law and justice – the extent to which substantive legal rules, legal institutions and processes achieve justice or create barriers to justice

Content	Amplification	The Nature of Law
<p>1.2.3 Legal personnel</p>	<ul style="list-style-type: none"> • Barristers and solicitors: education, training and role. Structure of the legal professions; fusion, appointment, training and social background • Role of the legal executive and para-legal personnel • Regulation of the legal professions • Judiciary: role, hierarchy, selection, training, composition, regulation, constitutional position and judicial independence and the rule of law • Magistracy and district judges in the magistrates' courts: role, selection, appointment and training 	<ul style="list-style-type: none"> • Law and society – rule of law; human rights • Law and morality – the legal enforcement of moral values
<p>1.2.4 Access to justice and funding</p>	<ul style="list-style-type: none"> • Sources of funding: Civil Legal Aid • Sources of funding: Criminal Legal Aid and Public Defender Services • Funding of civil and criminal cases, including advice schemes and role of Legal Aid Agency • Alternative methods of funding • Conditional fee arrangements 	<ul style="list-style-type: none"> • Law and justice – the extent to which substantive legal rules, legal institutions and processes achieve justice or create barriers to justice

2.2 Component 2

Substantive Law in Practice

Written examination: 2 hours 15 minutes

37.5% of the qualification

75 marks

This component will provide learners with the foundation for the study of both private and public law. Learners must study **three** areas of law, to include either two public and one private or one public and two private.

Section A focuses on the law of contract (private law)

Section B focuses on the law of tort (private law)

Section C focuses on criminal law (public law)

Section D focuses on human rights law (public law)

The areas of law chosen by learners for this component must also be chosen for Component 3.

This component requires learners to demonstrate knowledge and understanding of the English legal system and legal rules and principles, and 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.

Legal skills are pervasive throughout this component.

Section A – The law of contract

Content	Amplification
2.1.1 Rules of the law of contract	<ul style="list-style-type: none"> • Origins and definition of contract law. Function of the law of contract • 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 • Arguments for the development of a European and/or global contract law system • The relationship between human rights and contract law • General awareness of the impact of judicial decisions, legislation and EU provisions relating to contract formation and discharge • Freedom of contract, relationship with consumer protection
2.1.2 Essential requirements of contract	<ul style="list-style-type: none"> • Offer: requirements of a valid offer, distinguishing offers from invitations to treat, communicating the offer • Acceptance: rules of acceptance, communication of acceptance • Consideration: rules of consideration, promissory estoppel • Intention to create legal relations: social and domestic arrangements, commercial and business agreements • Privity of contract: the basic rule, exceptions to the rule, <i>Dunlop v Lambert</i>, Contracts (Rights of Third Parties) Act 1999
2.1.3 Express and implied terms	<ul style="list-style-type: none"> • Obligations under a contract: difference between representations and terms • Express terms: incorporation of express terms, parole evidence rule • Implied terms: terms implied by fact, terms implied by statute: Consumer Rights Act 2015, Consumer Contracts Regulations 2013 • Exclusion clauses: incorporation of exclusion clauses, Unfair Contract Terms Act 1977, Unfair Terms in Consumer Contracts Regulations 1999 • Other terms: conditions, warranties, innominate terms
2.1.4 Misrepresentation and economic duress	<ul style="list-style-type: none"> • Fraudulent misrepresentation • Innocent misrepresentation • Negligent misrepresentation • Misrepresentation Act 1967 • Economic duress
2.1.5 Discharge of contract	<ul style="list-style-type: none"> • Discharge by agreement: bilateral agreements, unilateral agreements • Discharge by breach: actual breach, anticipatory breach • Discharge by frustration: impossibility, illegality, commercial, sterility • Discharge by performance: Rule in <i>Cutter v Powell</i>, exceptions to rule
2.1.6 Remedies	<ul style="list-style-type: none"> • Common Law remedy of damages: compensatory damages, tests of causation, remoteness of damage, mitigation of loss • Equitable remedies: rescission, specific performance, rectification of document, injunctions

Section B – The law of tort

Content	Amplification
2.2.1 The rules of the law of tort and theory in the law of tort	<ul style="list-style-type: none"> • Origins of the law of tort, categories of tort, theory in the law of tort • Definition of tort. Concept of fault liability versus strict liability • Economic justification of tort; corrective justice • Retributive justice • Criticisms of the tort system
2.2.2 Liability in negligence for injury to people and damage to property	<ul style="list-style-type: none"> • Duty of care: people and damage to property; neighbour principle, Caparo test • Breach of duty: the reasonable man, the objective standard of care • Causation of damage: ‘but for’ test, legal causation, foreseeability, effect of an intervening act, remoteness of damage
2.2.3 Occupiers’ liability	<ul style="list-style-type: none"> • Liability in relation to lawful visitors (Occupiers’ Liability Act 1957) • Liability in relation to trespassers (Occupiers’ Liability Act 1984) • Special categories of visitors, especially children
2.2.4 Torts connected to land	<ul style="list-style-type: none"> • Trespass to land: unlawful entry; intention; defences of lawful authority including licence, right of entry • 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 to nuisance: prescription; statutory authority • <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
2.2.5 Vicarious liability	<ul style="list-style-type: none"> • Nature and purpose of vicarious liability • Liability for employees: tests for status of employment; scope of employment; frolic of his own • Liability for independent contractors: distinguished from employees; choice of, and supervision in relation to, unusually hazardous activities
2.2.6 Defences	<ul style="list-style-type: none"> • <i>Volenti non fit injuria</i>: must be voluntary; effect of Road Traffic Act 1988; position of rescuers • Contributory negligence: nature and effect; Law Reform (Contributory) Negligence Act 1945 • Defences specific to claims connected to nuisance and <i>Rylands v Fletcher</i>
2.2.7 Remedies	<ul style="list-style-type: none"> • Damages including compensatory damages, mitigation of loss, injunctions

Section C – Criminal law

Content	Amplification
2.3.1 Rules of criminal law and theory in criminal law	<ul style="list-style-type: none"> • Rules of criminal law and theory in criminal law; definition of crime and the purpose of criminal law; burden and standard of proof • Codification of criminal law • Functions of the Crown Prosecution Service, including outline of the roles of the Attorney-General and the Director of Public Prosecutions • Bail and remand in custody • The trial process, including youth justice
2.3.2 General elements of liability	<ul style="list-style-type: none"> • Elements of crime: <i>actus reus</i> to include voluntary, involuntary conduct, consequences and omissions • Elements of crime: <i>mens rea</i>: fault; to include negligence, recklessness and intention • Causation; legal and factual causation tests • Strict Liability; including the <i>Gammon</i> tests • Burden and standard of proof
2.3.3 Offences against the person	<ul style="list-style-type: none"> • Fatal offence of murder: elements and application of law • Fatal offence of involuntary manslaughter. Elements and application of law, including constructive manslaughter, gross negligence manslaughter • Fatal offence of voluntary manslaughter: elements and application of law, defences of loss of control and diminished responsibility • Non fatal offences: Criminal Justice Act 1988: assault and battery • Non fatal offences: Offences Against the Person Act 1861: actual bodily harm; wounding and grievous bodily harm; wounding and grievous bodily harm with intent
2.3.4 Property offences, including theft and robbery	<ul style="list-style-type: none"> • Theft and robbery: <i>actus reus</i> (appropriation, property, belonging to another), <i>mens rea</i> (dishonesty, intention permanently to deprive), (s1 Theft Act 1968) • Robbery: theft with use or threat of use of force (s8 Theft Act 1968) • Burglary: Elements of s9(1)(a) and s9(1)(b) Theft Act 1968, burglary in dwellings and other buildings
2.3.5 Capacity defences of insanity and intoxication	<ul style="list-style-type: none"> • Intoxication by alcohol • Intoxication by drugs • Insanity • Automatism: insane and non-insane automatism
2.3.6 Necessity defences of self defence, duress and duress of circumstances	<ul style="list-style-type: none"> • Mistake • Self-defence • Duress by threat • Duress of circumstances • Necessity • Consent
2.3.7 Preliminary offences of attempt	<ul style="list-style-type: none"> • Statutory definition; <i>mens rea</i> and <i>actus reus</i>; meaning of 'more than merely preparatory' • Attempts to do the impossible

Section D – Human rights law

Content	Amplification
2.4.1 The rules of human rights law and theory in human rights law	<ul style="list-style-type: none"> • The rules of human rights law and theory in human rights law; human rights and civil liberties, the meaning of rights • The distinction between rights and liberties • The role played by Parliament and the courts in their regulation
2.4.2 Protection of rights and freedoms in the UK	<ul style="list-style-type: none"> • Protection of rights and liberties within the UK constitution • The European Convention on Human Rights; history, scope and application of the European Court of Human Rights • The impact of the Human Rights Act 1998; a UK Bill of Rights • Criticisms of human rights; entrenched nature of the HRA in the devolutionary settlement of Scotland and Northern Ireland
2.4.3 Specific provisions within the European Convention on Human Rights	<ul style="list-style-type: none"> • Provisions of Article 5, right to respect for liberty and security of the person; Article 5 exceptions and restrictions • Provisions of Article 6, right to a fair trial; nature of an absolute right • Provisions of Article 8, right to respect for private and family life, home and correspondence; Article 8 exceptions, restrictions; negative and positive obligations • Provisions of Article 10, right to freedom of expression. Article 10 exceptions, restrictions • 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, restrictions
2.4.4 Restrictions, including those restrictions permitted by the European Convention on Human Rights	<ul style="list-style-type: none"> • 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 • Police powers – the law relating to police powers of stop and search; search of premises; arrest; detention; powers relating to terrorism; rights of persons in police custody; admissibility of evidence. Remedies against the police, including for malicious prosecution and false imprisonment • Interception of communications - access to information relating to individuals; surveillance, telephone tapping • Duty of confidentiality - breach of confidence; official secrets legislation; contempt of court • Obscenity – arguments for and against restriction; problems of definition; methods of control; controls over books, magazines, films, DVDs, live performances, broadcasting; reforms • Torts of defamation - protection of reputation – defamation • Torts of trespass, harassment
2.4.5 Enforcement	<ul style="list-style-type: none"> • Role of domestic courts • The process of judicial review • The role of the European Court of Human Rights
2.4.6 Reform	<ul style="list-style-type: none"> • Reform of the protection of human rights in the UK • The need for a UK Bill of Rights • The role of the Equality and Human Rights Commission

2.3 Component 3

Perspectives of Substantive Law

Written examination: 2 hours 15 minutes

37.5% of the qualification

75 marks

For Component 3, learners are required to respond to questions on the same **three** areas of law as selected for Component 2, to include either two public and one private or one public and two private.

Section A focuses on the law of contract (private law)

Section B focuses on the law of tort (private law)

Section C focuses on criminal law (public law)

Section D focuses on human rights law (public law)

The areas of law chosen by learners for this component must also be chosen for Component 2.

Amplification of each of these areas appears on pages 12-15 of this specification.

This component requires learners to demonstrate knowledge and understanding of the English legal system and legal rules and principles, and to analyse and evaluate legal issues by identifying different perspectives, constructing clear, persuasive and logical legal arguments which are substantiated by legal authority.

Legal skills are pervasive throughout this component.

3 ASSESSMENT

3.1 Assessment objectives and weightings

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

AO1

Demonstrate knowledge and understanding of the English legal system and 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

The table below shows the weighting of each assessment objective for each component and for the qualification as a whole.

	AO1	AO2	AO3	Total
Component 1	10%	7.5%	7.5%	25%
Component 2	15%	22.5%	-	37.5%
Component 3	15%	-	22.5%	37.5%
Overall weighting	40%	30%	30%	100%

4 TECHNICAL INFORMATION

4.1 Making entries

This is a linear qualification in which all assessments must be taken at the end of the course. Assessment opportunities will be available in May/June each year, until the end of the life of this specification. Summer 2019 will be the first assessment opportunity.

Where learners wish to re-sit the qualification, all components must be re-taken.

The entry code appears below.

WJEC Eduqas A level Law: A150QS

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

4.2 Grading, awarding and reporting

A level qualifications are reported as a grade from A* to E. Results not attaining the minimum standard for the award will be reported as U (unclassified).