

GCE AS

WJEC Eduqas GCE AS in
LAW

ACCREDITED BY OFQUAL

SPECIFICATION

Teaching from 2017
For award from 2018

Version 2 January 2019



SUMMARY OF AMENDMENTS

Version	Description	Page number
2	'Making entries' section has been amended to clarify resit rules.	13



WJEC Eduqas GCE AS in LAW

For teaching from 2017
For award from 2018

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GCE AS LAW

SUMMARY OF ASSESSMENT

Component 1: The Nature of Law and the English Legal System
Written examination: 1 hour 30 minutes
50% of qualification

Section A – Law making and the nature of law

Two short answer questions plus one question from a choice of two data/scenario/stimulus response type questions, each consisting of part a) and b).

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: Understanding Substantive Law
Written exam: 1 hour 30 minutes
50% of qualification

Section A - Private law

One question, **either** on law of contract **or** on law of tort. Each question will be divided into part a), b), c) and d).

Section B - Public law

One question, **either** on criminal law **or** on human rights law. Each question will be divided into part a), b), c) and d).

This linear qualification will be available for assessment in May/June each year. It will be awarded for the first time in summer 2018.

Qualification Accreditation Number: 603/0930/1

GCE AS LAW

1 INTRODUCTION

1.1 Aims and objectives

The WJEC Eduqas AS 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 also enables learners to develop their ability to analyse both legal rules and principles and factual issues.

The AS 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.

This AS specification requires learners to study the dynamics of legal decision making that will equip them with the skills necessary to study law at A level and progress to 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

There are no prior learning requirements. 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 qualification.

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

This specification provides a suitable foundation for the study of law or 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 candidates 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 AS Law specification includes the study of the nature of law and the English legal system (50%), one area of private law (law of contract or law of tort (25%)) and one area of public law (criminal law or human rights law (25%)).

Legal skills are an intrinsic part of this specification.

Legal Skills

This AS 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 particular propositions by reference to the relevant legal rules and principles that support the argument.

This specification requires learners to construct clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

2.1 Component 1

The Nature of Law and the English Legal System

Written examination: 1 hour 30 minutes

50% of the qualification

60 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 nature of law is integrated into the content of this component and is identified in the right hand column in the subject content.

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"> • Study of the distinction between enforceable legal rules and principles • Study of criminal and civil law • Study of different sources of law
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"> • Study of the distinction between enforceable legal rules and principles • Study of civil law • Study of different sources of law
1.1.3 Statutory interpretation	<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"> • Study of the distinction between enforceable legal rules and principles • Study of criminal and civil law • Study of different sources of law
1.1.4 Judicial precedent	<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"> • Study of the distinction between enforceable legal rules and principles • Study of other rules and norms of behaviour • Study of criminal and civil law • Study of the different sources of law

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"> • Study of the distinction between enforceable legal rules and principles • Study of other rules and norms of behaviour • Study of civil law
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"> • Study of the distinction between enforceable legal rules and principles • Study of other rules and norms of behaviour • Study of criminal law
1.2.3 Legal personnel	<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"> • Study of other rules and norms of behaviour • Study of criminal and civil law
1.2.4 Access to justice and funding	<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"> • Study of the distinction between enforceable legal rules and principles • Study of other rules and norms of behaviour • Study of criminal and civil law

2.2 Component 2

Understanding Substantive Law

Written examination: 1 hours 30 minutes

50% of the qualification

60 marks

This component provides learners with the foundation for the study of both private and public law. Learners are required to study two areas of law - one private and one public.

Section A of the component is compulsory and focuses on a chosen area of private law – either contract or tort. Students must demonstrate a range of skills building up from knowledge and understanding, evaluation and application to a legal scenario in relation to their chosen area of private law.

Section B of the component is compulsory and focuses on a chosen area of public law, either criminal or human rights. Students must demonstrate a range of skills building up from knowledge and understanding, evaluation and application to a legal scenario in relation to their chosen area of public law.

Legal skills are pervasive throughout this component.

Section A - Private law

This section requires the study of one of the following:

- law of contract
- law of tort

Law of Contract

Content	Amplification
2.1.1 Rules of contract	<ul style="list-style-type: none"> • Origins and definition of contract law • Function of the law of contract • General awareness of the impact of judicial decisions, legislation and EU provisions relating to contract formation and discharge
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
2.1.3 Discharge of contract	<ul style="list-style-type: none"> • Discharge by agreement: bilateral agreements, unilateral agreements • Discharge by breach: actual breach, anticipatory breach
2.1.4 Remedies	<ul style="list-style-type: none"> • Common Law remedy of damages: compensatory damages, tests of causation, remoteness of damage, mitigation of loss

Law of Tort

Content	Amplification
2.2.1 The rules of the law of tort	<ul style="list-style-type: none"> • Origins of the law of tort • Categories of tort
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, Carparo test • Breach of duty; the reasonable man, the objective standard of care • Causation; 'but for' test, legal causation, foreseeability, primary and secondary victims, effect of an intervening act, remoteness of damage
2.2.3 Occupiers' liability	<ul style="list-style-type: none"> • Liability in relation to visitors and trespassers, special categories of visitors, especially children • Occupiers' Liability Act 1957 and Occupiers' Liability Act 1984
2.2.4 Remedies	<ul style="list-style-type: none"> • Damages including compensatory damages, mitigation of loss

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

Section B – Public Law

This section requires the study of one of the following:

- criminal law
- humans rights law

Criminal Law

Content	Amplification
2.3.1 Rules of criminal law	<ul style="list-style-type: none"> • Definition of crime and the purpose of criminal law • Burden and standard of proof • Codification of criminal law
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 – non fatal offences	<ul style="list-style-type: none"> • Non fatal offences: <i>Criminal Justice Act 1988</i>: assault and battery • 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

Human Rights Law

Content	Amplification
2.4.1 Rules of human rights law	<ul style="list-style-type: none"> • Human rights and civil liberties, the meaning of rights • The distinction between rights and liberties • The roles 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 Human Rights Act 1998; a UK Bill of Rights
2.4.3 Specific provisions of the European Convention on Human Rights – including Articles 8, 10, 11	<ul style="list-style-type: none"> • Articles 8, 10 and 11: provisions; restrictions and exceptions
2.4.4 Restrictions, including those restrictions permitted by the European Convention on Human Rights	<ul style="list-style-type: none"> • Public order including public order offences and control of public order • Police powers: stop and search of people and premises; arrest and detention; remedies against the police • Interception of communications: access to information relating to individuals; surveillance and telephone tapping • Duty of confidentiality: breach of confidence; official secrets legislation; contempt of court • Obscenity: definition and methods of control • Torts of defamation: protection of reputation and defamation • Torts of trespass, harassment
2.4.5 Reform	<ul style="list-style-type: none"> • Reform of the protection of human rights in the UK

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 and concepts

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	20%	15%	15%	50%
Component 2	20%	15%	15%	50%
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 2018 will be the first assessment opportunity.

A qualification may be taken more than once. Candidates must resit all examination components in the same series.

The entry code appears below.

WJEC Eduqas AS Law: B150QS

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

4.2 Grading, awarding and reporting

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

AS qualifications are free-standing and are awarded in their own right. Assessments at AS cannot contribute to an A level grade.