

GCE A Level Examiners' Report

Law
A Level
Summer 2025

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Introduction

Our Principal examiners' report provides valuable feedback on the recent assessment series. It has been written by our Principal Examiners and Principal Moderators after the completion of marking and moderation, and details how candidates have performed in each component.

This report opens with a summary of candidates' performance, including the assessment objectives/skills/topics/themes being tested, and highlights the characteristics of successful performance and where performance could be improved. It then looks in detail at each unit, pinpointing aspects that proved challenging to some candidates and suggesting some reasons as to why that might be.¹

The information found in this report provides valuable insight for practitioners to support their teaching and learning activity. We would also encourage practitioners to share this document – in its entirety or in part – with their learners to help with exam preparation, to understand how to avoid pitfalls and to add to their revision toolbox.

Further support

Document	Description	Link
Professional Learning / CPD	Eduqas offers an extensive programme of online and face-to-face Professional Learning events. Access interactive feedback, review example candidate responses, gain practical ideas for the classroom and put questions to our dedicated team by registering for one of our events here.	https://www.eduqas.co.uk/home/professional-learning/
Past papers	Access the bank of past papers for this qualification, including the most recent assessments. Please note that we do not make past papers available on the public website until 12 months after the examination.	Portal by WJEC or on the Eduqas subject page
Grade boundary information	Grade boundaries are the minimum number of marks needed to achieve each grade. For linear specifications, a single grade is awarded for the subject, rather than for each component that contributes towards the overall grade. Grade boundaries are published on results day.	For unitised specifications click here: Results and Grade Boundaries and PRS (eduqas.co.uk)

¹ Please note that where overall performance on a question/question part was considered good, with no particular areas to highlight, these questions have not been included in the report.

Exam Results Analysis	Eduqas provides information to examination centres via the WJEC Portal. This is restricted to centre staff only. Access is granted to centre staff by the Examinations Officer at the centre.	Portal by WJEC
Classroom Resources	Access our extensive range of FREE classroom resources, including blended learning materials, exam walk-throughs and knowledge organisers to support teaching and learning.	https://resources.eduqas.co.uk/
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Executive Summary

The assessment of Component 1 in the Summer 2025 examination series reveals a generally favourable reception, with the paper's overall level of difficulty aligning closely with those administered in 2022 and 2023, as indicated by the Facility Factor. The examination encompassed a representative cross-section of the specification, allowing for a comprehensive assessment of candidates' knowledge. Nonetheless, it became apparent that candidate preparedness varied considerably across different areas of the syllabus. A recurring issue undermining candidate performance was the widespread failure to adhere to the rubric, with several scripts showing omissions of entire questions or substantive sections thereof. This procedural oversight significantly depressed final marks. Furthermore, some candidates expended valuable time transcribing questions into their answer booklets—an unnecessary practice that detracts from time available for substantive legal analysis. Despite these procedural issues, there was a modest overall improvement in performance relative to previous years. A greater proportion of candidates attempted most questions, demonstrating at least a basic engagement with the tasks set. However, responses to part b) questions were frequently marked by a lack of legal precision and depth. These answers were often brief, informal, and unsupported by relevant legal authority, undermining their analytical value. This trend suggests an urgent need for centres to place greater emphasis on the development of examination skills, including the use of formal academic language and the integration of appropriate legal sources to substantiate arguments.

Component 2 was similarly well received, and candidate performance was broadly consistent with that of earlier examination series. The paper adhered to its established format, requiring candidates to respond to three 25-mark questions across distinct areas of law, including Human Rights, Contract, Tort, and Criminal Law. Although the nature of online marking—where examiners assess questions in isolation—limits the extent to which holistic generalisations can be drawn, clear trends in candidate strengths and weaknesses did emerge.

Most candidates demonstrated appropriate time management and adhered to examination instructions, selecting one question from each designated section. However, legibility of handwriting continues to present challenges for assessors, in some cases affecting the ability to award marks accurately. Centres are therefore strongly encouraged to identify candidates in need of access arrangements, such as the use of word processors, early in the academic year.

Additionally, candidates must be consistently reminded that the entirety of the specification is examinable; an overreliance on rehearsed or generic responses is insufficient, particularly where such responses lack specificity or fail to address the legal nuances of the given scenario.

Stronger candidates presented responses characterised by a coherent structure, precise citation of legal authority, and sustained application of legal principles. Weaker responses, in contrast, tended toward descriptive accounts lacking clear application or analysis. To achieve higher mark bands, candidates must demonstrate both sound knowledge (AO1) and rigorous analysis and evaluation tailored to the facts of the question (AO2).

Component 3 continued to assess higher order skills - evaluative and analytical skills through essay questions requiring integration of knowledge with critical engagement. While many candidates displayed competent legal understanding, the highest-performing responses distinguished themselves through their ability to engage directly and critically with the specific question.

AO3, comprising 15 of the 25 available marks, remains central to achieving top-level performance. Effective responses demonstrated sustained evaluation throughout, rather than confining critical insight to introductory or concluding sections. Centres should continue to promote academic writing conventions, including third-person narration, formal legal tone, and structurally coherent essays with clearly developed arguments. Emphasis should also be placed on handwriting legibility and the incorporation of up-to-date legal developments, both of which were hallmarks of the strongest candidates.

A LEVEL LAW

GCE A level

Summer 2025

COMPONENT 1

Overview of the Component

General Comments

Since one of the purposes of this report is to help centres identify areas for further improvement, it necessarily includes comments of a critical nature. These should not be taken as applying equally to all centres, nor are they intended to detract from the overall fine performance of many candidates.

Whilst examiners fully appreciate the time issue in examinations there was a significant number of scripts where the handwriting was practically unintelligible; can centres please remind the students about the importance of legible handwriting as examiners have to be able read their work.

Component 1 appears to have been generally well received and the Facility Factor for this paper suggests that it is broadly similar in difficulty to both 2022 and 2023 papers. The questions covered the range of the specification. It was evident that candidates were more prepared for some questions than others. Many candidates did not adhere to the rubric of the paper, omitting whole and/or part questions, with the consequence of seriously depressing the final mark. Some candidates continue to write out the question on their answer paper which is of course a waste of valuable time. The standard was slightly better than in previous years, with most candidates attempting most questions to an appropriate standard. As a priority, centres need to focus on exam skills with candidates as answers for the b) parts, in particular were brief, chatty and lacked legal authority.

- As with previous years, the compulsory nature of Questions 1 and 2 caused some problems for candidates who hadn't revised, resulting in lots of brief, confused and in some cases, unanswered questions. Again, candidates need to be reminded that the nature of these questions are such that they will focus on a narrow area of the specification, and it is important that candidates focus on this area and this area only in their answer. The Advance Information provided in this series should have guided candidates and the answers should have been a lot stronger.
- Whilst **detailed** facts of cases are not needed, an explanation of the relevance of the case is desirable, especially in the questions that require an analysis and evaluation.
- Section B was generally weaker than Section A; this could be attributed to the analytical nature of the questions in section B or candidates could be struggling with time management. Answers in this section were exceptionally brief and very few would be considered an 'essay' and their brevity meant that the upper mark bands were inaccessible to most candidates.
- There was also evidence of weak case citation – for example, '*a case where....*'. There is also a trend for only citing half a case – for example, '*the Whiteley case...*'. This is acceptable on occasion, but it does seem to be becoming a trend.
- Candidates need to be encouraged to read the question – as there were a lot of answers that missed the focus of the question.
- Some candidates seem to be intent on "writing all they know" about a topic rather than addressing the question itself. Linking answers to the question is especially important for the evaluation questions and there was a notable absence of attempts to focus on the question.
- It may be the lack of exam practice, but candidates need to be reminded of general exam housekeeping – for example, labelling questions correctly. There were many examples where examiners had to guess where part a) ended and part b) started. Whilst candidates are encouraged to answer questions in the order in which they are comfortable, numbering is even more important when candidates choose to answer in a non-chronological way.
- There was also evidence of lots of unacceptable abbreviations – for example, b/c for because, D for disadvantage – whilst abbreviations of statutes are acceptable once the Act has been cited in full in its first citation, abbreviations of general terms are not appropriate at this level.
- Handwriting this series seemed to be particularly poor and centres are reminded that they should assess this and where necessary apply for candidates to be able to use a laptop for their examinations as some handwriting really is illegible.

Comments on individual questions/sections

- Q.1** This question was generally well received, although many candidates missed the opportunity to fully develop both advantages and disadvantages of precedent. Centres are reminded that the command word here was 'Explain', and the targeted Assessment Objective is Knowledge and Understanding and so therefore, all that was required was simply a list of advantages and disadvantages of precedent.

Stronger candidates addressed the predictability and consistency provided by precedent, with case support such as *Donoghue v Stevenson*, while recognising disadvantages like rigidity or complexity. Some candidates chose to use the avoidance techniques as a basis for their answer, which was credited where relevant.

Weaker answers were descriptive or focused only on either advantages or disadvantages. There was also some inherent confusion between persuasive and binding precedent where the concepts were used to highlight advantages and disadvantages. Weaker candidates were also rather chatty, making points such as 'an advantage is it allows judges to look back' or 'it is beneficial to update the law' with no further explanation or development.

Notes for Centres

- Candidates should be prepared for these compulsory questions to be narrow in their focus and for example in this question advantages **and** disadvantages are required.
- In terms of remaining focused, candidates should avoid drifting into general precedent theory and for low tariff questions, concentrate on addressing the question posed.

- Q.2** There was a noticeable improvement in the quality of this question surrounding constitutional principles compared to previous years, with most candidates being able to identify the three arms of the State with a brief outline of their roles. Stronger candidates could go further and explain why it is important that they are kept separate and give an example as to why they are not separate – for example, until the Constitutional Reform Act 2015, the Lord Chancellor sat in all three arms.

There was some inherent confusion with the rule of law and Parliamentary Sovereignty and also some confusion that Dicey was the theorist behind the separation of powers, not Montesquieu. Weaker candidates confused with the legislative process or proceeded to give a detailed account of the constitution of Parliament.

Notes for Centres

- Candidates should be encouraged to think beyond the three arms of the State and think about examples to support their definitions.
- Reinforce distinctions between constitutional principles such as the rule of law and parliamentary sovereignty.

- Q.3** This delegated legislation question was the least popular of the application questions in Section A and was tackled reasonably well, though many candidates omitted to fully explore both judicial and parliamentary controls in relation to the scenario.

Stronger candidates discussed ultra vires, judicial review, scrutiny committee and enabling act limitations, with some effective use of case law. Weaker responses either gave a generic overview of delegated legislation or focused too much just the judicial controls. For AO2 marks, candidates are required to apply the law as well as explain it and application was lacking in this answer.

Many candidates seemed to think this was a law reform question and proceeded to advise Hassan that he could start an e-petition or join a pressure group. Commonly, candidates seemed to think that the law in the scenario was a by-law – whilst this was not negatively marked, the intention was for the extract to be identified as a statutory instrument and the reference to a Minister in the extract should have directed candidates this way.

Notes for Centres

- Candidates should be encouraged to use an IDA model for application in these questions, where the D refers to the Description of all judicial and parliamentary controls on delegated legislation and the A refers to the Application of these controls to the scenario. Candidates should be reassured that even if the control may not apply in the scenario to hand, it is acceptable to say so.

- Q.4** Unsurprisingly, this was the most popular of the optional questions on Section A, and as usual produced mixed responses. Stronger candidates correctly applied the literal, golden, mischief and purposive rules, using structured approaches such as IDA (Identify, Describe, Apply). Many used the Minister's comments from the Second Reading effectively, especially to demonstrate the mischief Parliament aimed to address – that is, reducing the number of parents taking children out of school for cheaper holidays.

However, there was widespread confusion about the Golden Rule, particularly in identifying the absurdity created by the literal meaning before moving into the Golden Rule. Further, candidates rarely distinguished between the narrow and wide approaches clearly. To access Band 4, some explanation of both approaches is required, even if only one is applied. Where the Golden rule was applied, candidates correctly suggested that the word “reasonable” could be changed or interpreted in a different way which was applicable to the scenario, given the reason for the absence was a family funeral.

Far more effective responses applied each rule as they went, rather than outlining all rules and then applying them collectively at the end. The latter often led to vague or disconnected application. Intrinsic and extrinsic aids to interpretation, such as Hansard, were seldom mentioned despite their relevance to the scenario.

Notes for Centres

- Candidates should be reminded of the need to explain both the narrow and wide approach to the Golden rule.
- Emphasis the importance of identifying the absurdity produced by the Literal rule before moving onto the Golden rule.
- A logical approach to these application questions is an IDA structure whereby a rule is explained with some supporting case law and then applied to the scenario, before moving onto the next rule.
- Candidates should pay attention to the scenario – for example, in this scenario, explicit reference was made to the Second Reading during the Bill's passage through Parliament, which should have prompted a discussion of Hansard.

Q.5 Part a) was well received with most candidates being able to recognise key aims of youth sentencing, such as rehabilitation, reparation, and protection. Stronger responses cited the Sentencing Act 2020, with s57 outlining general aims of sentencing and s58 specific to youth sentencing. However, legal authority was often missing, and many candidates spent excessive time describing the types of youth sentence, rather than explaining how those sentences achieve the aims.

It was refreshing to see some candidates talking about education and training being an important aspect of youth sentencing. Weaker candidates spent much of their answer talking about the Thompson and Venebles case and about the approach of the courts to young offenders generally.

Part b) also produced some mixed responses and there was not as much wide use of legal authority as you would expect in this topic area. Stronger candidates were able to provide some thoughtful debate around whether jury trial is outdated, using the Criminal Justice and Courts Act 2015 as a basis for this to demonstrate that the offences surrounding contempt are keeping up to date with internet and social media usage. Other evaluation points surrounded jury vetting, media influence and recent changes in eligibility criteria support modernisation of the jury system.

Weaker answers focused solely on representativeness, often repeating the misconception that there is a right to a multiracial jury or that police officers and legal professionals are still ineligible to sit on a jury. Others were chatty or anecdotal, mentioning jurors "just wanting to go home" or "not understanding the case" with no legal substance to support the points.

Notes for Centres

- Candidates should be reminded of the need to use legal authority in a topic such as juries, as without it the answer is holistically lacking legal substance and cannot reach the upper echelons of the mark bands.
- In questions around aims of sentencing, candidates are reminded to ensure that aims are the focus of the answer and although types of sentence can be cited to support the aims, they should avoid them becoming the focus of the answer.

Q.6 For **part a)** of this question, most candidates could list the main forms of ADR, though confusion between mediation and conciliation remains a common issue. Many included tribunals, which are not a valid form of ADR for this question. Stronger answers referenced MIAMS, ACAS, and Scott v Avery clauses, with accurate distinctions between negotiation, mediation, conciliation, and arbitration. A logical approach to this question would be to define the key types of ADR with some examples of types of cases where they are used.

Although most candidates could list generic benefits for **part b)** such as cheaper, faster, less stressful, few went beyond these surface-level points. Evaluation was often chatty or vague, lacking context or real analysis. Stronger responses evaluated each form of ADR individually, rather than offering blanket advantages/disadvantages.

Some candidates cited current developments, such as free 1-hour mediation calls (May 2024), and referenced organisations like CEDR – these were credited positively and should be encouraged.

Notes for Centres

- Candidates should be reminded of the inherent differences between mediation and conciliation in terms of process and the types of cases they hear.
- Candidates should make evaluate each form of ADR separately – this creates a more holistically convincing answer and is likely to be more detailed.

GCE A level

Summer 2025

COMPONENT TWO

Overview of the Component

Since one of the purposes of this report is to help centres identify areas for further improvement, it necessarily includes comments of a critical nature. These should not be taken as applying equally to all centres, nor are they intended to detract from the overall fine performance of many candidates.

Candidate feedback for the Summer 2025 Component 2 paper was positive, and overall performance largely mirrored that of previous examination series. The paper's established format, which asks candidates to tackle three 25-mark questions from distinct areas—Human Rights, Contract, Tort Law and Criminal Law—was familiar. Marks were allocated for knowledge and understanding (AO1: 10 marks) and for analysis and evaluation (AO2: 15 marks).

It is important to note that, as in the past, definitive generalisations are challenging due to the nature of online marking, which does not allow for a full script overview. Nonetheless, consistent patterns in how candidates approached the paper, along with their areas of strength and where improvements are needed, were evident across the questions.

Most candidates effectively managed their time and followed the instructions, attempting one question from each of the two required sections. A persistent challenge, however, is illegible handwriting, which continues to affect the marking process. Centres are urged to identify candidates early in the academic year who might benefit from access arrangements, such as using a word processor.

Centres should also remind candidates that any part of the specification can be assessed. This means candidates must guard against relying too heavily on pre-prepared model answers. While these might offer a useful structural framework, they often fall short of precisely addressing the question's requirements and can inadvertently prevent candidates from reaching the top mark bands, particularly if the content is outdated, overly generic, or lacks application to the specific scenario question.

This year, strong answers were characterised by a clear structure, consistent and relevant legal authority, and a sustained application focus. Conversely, weaker performances frequently involved merely describing content, or failing to directly connect their discussion to the specific question set.

Comments on individual questions/sections

Section A Contract Law

Question 1 - Misrepresentation

Many candidates were able to identify that the scenario revolved around misrepresentation, and most correctly articulated the basic definition of a misrepresentation. Stronger responses demonstrated a clear, structured approach, systematically analysing each of Jack's statements (one previous owner, no accidents/major repairs, genuine mileage) against the legal requirements for misrepresentation. These candidates made a commendable effort to distinguish between statements of fact and opinion where appropriate, and to apply the facts of the scenario to these distinctions.

The best answers thoughtfully explored the various categories of misrepresentation—fraudulent, negligent, and innocent—and then applied the specific elements of each type to Jack's actions. Crucially, these responses then discussed the distinct remedies available for each type, providing a complete picture of Emma's potential legal recourse.

Common errors and areas for improvement:

- A major concern was the pervasive absence of specific legal authority. Candidates frequently discussed misrepresentation concepts without referencing the Misrepresentation Act 1967 (especially s.2(1)) or citing relevant case law (e.g., *Doyle v Olby*, *Royscot Trust v Rogerson*, or cases defining types of misrepresentation like *Derry v Peek*). This lack of legal grounding significantly weakened the arguments presented.
- While candidates often identified "misrepresentation" in general, many failed to adequately discuss and apply the different types of misrepresentation (fraudulent, negligent, innocent) in a systematic way. Weaker responses tended to lump all misrepresentations together or only discuss one type, missing the opportunity to analyse the scenario and the different remedies each type carries.
- Even when types of misrepresentation were mentioned, the application of their specific elements to Jack's statements was often vague. Candidates needed to clearly state the elements (e.g., false statement of fact, reliance, inducement, state of mind for fraudulent/negligent) and then directly link them to the scenario's facts.
- While some candidates attempted to discuss the distinction between fact and opinion, the application was often superficial. Stronger answers recognised Jack's professional status as a car dealer as relevant to whether his statements, even if initially appearing as opinion (e.g., "excellent condition"), could be construed as fact or as implying underlying facts a professional would know.
- Some responses lacked a clear, logical structure, making it difficult to follow the legal analysis. Many provided a general overview of misrepresentation but failed to provide the depth required for a 50-mark question, particularly regarding the specific statutory provisions and their impact on remedies.
- To improve, candidates should focus on memorising and accurately citing the Misrepresentation Act 1967 and key cases. They must also practice a more analytical approach, breaking down scenarios to systematically identify and apply the elements of each type of misrepresentation and the distinct remedies available.

Question 2 – Discharge of Contract

Candidates generally understood the core theme of contract discharge. Stronger responses adopted a structured approach, often starting by outlining the various methods of discharge (performance, breach, agreement, frustration) before looking into the most relevant one for the scenario – discharge by breach. These candidates were able to correctly identify Builder's Choice Ltd's failure to commence work as a breach.

The best answers went beyond simple identification, looking into the distinction between actual and anticipatory breach, and assessing whether the breach was a condition, warranty, or innominate term, which would determine Rahima's right to terminate. They also effectively discussed the remedies available, particularly damages, and why specific performance might not be suitable here. The strongest responses integrated relevant case law to support their analysis of breach and its consequences.

Common errors and areas for improvement:

- A concern was the absence of specific legal authority (case law) to support discussions on the different types of discharge and the consequences of breach. While concepts were often explained, the crucial backing of cases like *Cutter v Powell* (performance), *Frost v Knight* (anticipatory breach), or those differentiating conditions/warranties (e.g., *Poussard v Spiers*, *Bettini v Gye*, *Hongkong Fir Shipping*) was frequently missing.
- Candidates often jumped directly to 'breach' without first briefly outlining or dismissing other methods of discharge (e.g., performance, agreement, frustration). While breach was indeed the primary method, a more complete answer would demonstrate an understanding of the broader context of contract discharge.
- A notable number of candidates attempted to argue discharge by frustration in this scenario. This was a significant misapplication of the doctrine. Frustration occurs when an unforeseen event outside the control of either party makes performance impossible or radically different (*Taylor v Caldwell*). Builder's Choice Ltd's delay was a breach of contract, not a frustrating event. This confusion demonstrated a fundamental misunderstanding of the distinction between breach and frustration.
- While 'breach' was identified, many responses lacked depth in discussing the type of breach and its implications. There was often no discussion of whether the term breached (start date) was a 'condition' (giving right to terminate) or a 'warranty' (only damages), or if it could be an 'innominate term'. This crucial analysis was essential for determining Rahima's right to terminate.
- Weaker responses tended to be descriptive rather than analytical, outlining general principles without consistently applying them to Rahima's specific situation. The level of detailed application required for a 25-mark question was often not met.
- To improve, candidates must strengthen their knowledge of the various methods of contract discharge, particularly the clear distinction between breach and frustration, supported by relevant case law.

Section B Tort Law

Question 3- Vicarious Liability

Candidates who successfully identified the core legal issue as vicarious liability generally performed well. Stronger responses began by defining vicarious liability and clearly outlining the three key requirements for its establishment: that the wrongdoer is an employee, that they committed a tort, and that the tort was committed in the course of employment. These candidates then systematically applied the various tests for determining employment status (e.g., control, integrated, multiple/economic reality tests) and the "course of employment" (e.g., Salmond test, "frolic of his own") to Penny's situation. The best answers also incorporated relevant case law to support their analysis and considered the implications of recent Supreme Court decisions such as *Barclays Bank* and *Morrisons*.

Common errors and areas for improvement:

- A significant challenge for many candidates, which notably limited their marks, was a misplaced focus on negligence rather than vicarious liability. A substantial number of answers treated this primarily as a negligence question, detailing the elements of duty of care, breach, and causation in relation to Penny's actions. While Penny's potential negligence is the underlying tort, the question's core focus was on Molly's vicarious liability for that negligence. This meant many responses spent too much time proving Penny's negligence (which was largely evident from the scenario) and insufficiently explored the specific legal principles of vicarious liability, such as the tests for employment and the 'course of employment' criteria. This misdirection significantly limited the marks achievable.
- Even among those who identified vicarious liability, the application of its specific elements was often superficial. Discussions of the different tests for determining employee status (Control, Integrated, Economic Reality) and the nuances of "course of employment" (e.g., authorised acts done in an unauthorised manner vs. "frolic of his own") were frequently brief or lacked the necessary case law support.
- There was a general lack of specific case law to substantiate points made about vicarious liability. Key cases defining employment tests (e.g., *Yewens v Noakes*, *Ready Mixed Concrete*), or illustrating "course of employment" (*Century Insurance v Northern Ireland Road Transport Board*, *Storey v Ashton*), were often omitted. Furthermore, the important clarifications provided by recent Supreme Court cases (*Barclays Bank v Various Claimants*, *WM Morrison Supermarkets plc v Various Claimants*) were rarely discussed or applied.
- While candidates might have outlined the general principles of vicarious liability, the application to Molly's specific situation (e.g., why Penny is an employee, why spilling perfume while rearranging a display is within the course of employment) was sometimes generic rather than detailed and analytical.
- To improve, candidates must be guided to identify the primary legal issue being tested in a scenario. For vicarious liability questions, this means focusing on the relationship between the parties and the scope of employment, rather than solely on the underlying tort.

Question 4 – Negligence

Most candidates correctly identified that the scenario required an analysis of negligence and structured their answers around the three essential elements: duty, breach, and causation. Stronger responses began by defining these elements clearly and demonstrated a good general understanding of the tests involved, such as the 'reasonable person' standard for breach. These candidates often accurately identified the established duty of care between a contractor and their customer, effectively referencing the principles established in *Robinson*.

The best answers applied the law systematically to Amy's situation, discussing why GreenThumb owed a duty, how excavating carelessly constituted a breach of that duty (especially for a professional landscaper), and how the damage was directly caused and not too remote. They also attempted to integrate relevant case law, demonstrating a solid grasp of the law.

Common errors and areas for improvement:

- Although many identified the duty, some did not explicitly apply *Robinson* (established duties) or, if they did revert to *Caparo*, they struggled to fully articulate and apply all three limbs (foreseeability, proximity, fair/just/reasonable) to the specific facts of the contractor-customer relationship. The historical context of *Donoghue v Stevenson* was sometimes detailed excessively without clear link to modern application.
- Candidates often defined the "reasonable person" test but frequently failed to adjust this standard for a professional entity like GreenThumb Landscapes Ltd, as per the *Bolam* principle (or *Montgomery* where applicable for advice, though less relevant here for action). Discussion of risk factors (e.g., the size of the risk when excavating near pipes, the cost/practicality of precautions, common practice) was often superficial or entirely omitted, which would have significantly strengthened their analysis of breach.
- While factual causation ('but for' test, *Barnett*) was generally well-handled, the discussion of legal causation and remoteness of damage was often weaker. Many responses did not fully explore the 'operating and substantial cause' principle or the 'reasonable foreseeability' test for remoteness, failing to cite key cases like *The Wagon Mound No.1* or *Hughes v Lord Advocate*.
- A pervasive issue was the lack of specific case law to support discussions across all three elements. Candidates frequently stated legal principles without substantiating them with relevant legal authority, which is crucial for demonstrating depth of knowledge and strengthening legal arguments.
- To improve, candidates should be encouraged to apply all three elements of negligence rigorously and with specific detail to scenario facts. They must also enhance their knowledge and precise application of relevant case law for each stage of the negligence test.

Section C -Criminal Law

Question 5 Non-fatal offences

Candidates generally engaged well with the question, attempting to identify the various offences. Stronger responses adopted a systematic approach, breaking down the incident chronologically and analysing the actions of each individual (Alex, Mark, Sam) separately. They recognised the need to consider both actus reus and mens rea for each potential offence.

The best answers demonstrated an understanding of the hierarchy of non-fatal offences, moving from common assault/battery to ABH, GBH (s.20), and ultimately GBH with intent (s.18) where appropriate. They also attempted to consider potential defences like self-defence, applying the necessary elements of such a defence to the facts.

Common errors and areas for improvement:

- A pervasive and major concern was the absence of specific section numbers when discussing offences under the Offences Against the Person Act 1861. Candidates frequently referred generically to "ABH" or "GBH" without linking them to s.47, s.20, or s.18 OAPA 1861. For a question heavily reliant on statutory provisions, this precision is fundamental. Similarly, common assault and battery (s.39 Criminal Justice Act 1988) were often discussed without correct statutory attribution.
- Another critical weakness was the scarcity and often inaccurate application of relevant case law. Key cases that define elements of these offences (e.g., *Collins v Wilcock* for battery; *Fagan v Met Police Commissioner* for assault's mens rea; cases defining "ABH," "wound," or "GBH" like *DPP v Smith*, *Burstow*, *Dica*, *Miller*, *Savage*) were frequently omitted or not used to support legal arguments. Answers often remained generic descriptions of offences rather than legally supported applications.
- Many responses provided textbook definitions of offences but then failed to adequately apply these legal principles to the specific facts of the scenario. Instead of detailed analysis (e.g., "Sam's act of punching Alex in the face constitutes battery because he intentionally applied unlawful force"), answers would simply state, "Sam committed battery." This lack of specific application prevented candidates from demonstrating critical analytical skills.
- Confusion regarding assault and battery; while most knew these terms, some struggled to correctly distinguish between them and apply them precisely (e.g., Alex grabbing Sam's shirt is battery, while his threat is assault).
- Some candidates struggled with the hierarchy of offences, incorrectly assessing a minor injury as GBH or failing to consider whether a more serious charge than battery (e.g., ABH) was appropriate for Mark's punch. The mens rea requirements for s.20 (intention/recklessness as to some harm) versus s.18 (intention to cause serious harm/GBH) were often confused or not clearly differentiated.
- Some responses missed certain potential offences, such as Mark's assault on James by brandishing the bottle, or under-analysed the escalating nature of Sam's final attack on Alex.
- To improve, candidates must prioritise memorizing and accurately quoting key section numbers from OAPA 1861 and the Criminal Justice Act 1988, alongside relevant common law cases. They need to practice a systematic application of both actus reus and mens rea for each potential offence to the specific facts of the scenario.

Question 6 – Homicide defences

Most candidates correctly identified that the question required a discussion of murder and its key defences. Stronger responses began by establishing the actus reus and mens rea of murder (cause of death of a human being, intention to kill or cause grievous bodily harm), applying these elements to Sarah's actions (striking Tim with a frying pan). This foundational discussion was vital for setting up the subsequent analysis of defences.

The best answers then systematically explored the partial defences of Loss of Control and Diminished Responsibility under the Coroners and Justice Act 2009. They demonstrated a good understanding of the multi-pronged tests for each, carefully applying the facts (e.g., Tim's taunts, Sarah's depression) to the legal requirements (e.g., qualifying triggers, abnormality of mental functioning, substantial impairment). Where self-defence was discussed, stronger candidates accurately articulated the two-part test (honest belief in necessity, reasonable force) and cited relevant provisions of the Criminal Justice and Immigration Act 2008.

Common errors and areas for improvement:

- A frequent issue was the omission or very brief discussion of the offence of murder (actus reus and mens rea) at the outset. Candidates often jumped straight into defences without first establishing that a murder charge could be brought, which is a necessary precursor for discussing partial defences that reduce murder to manslaughter.
- While the scenario clearly pointed towards Loss of Control and Diminished Responsibility (due to Tim's taunts and Sarah's depression), many candidates either omitted one of these key partial defences or discussed them superficially.
- A significant number of responses incorrectly discussed duress, which was not relevant to Sarah's scenario. This suggested a pre-prepared approach rather than careful reading and application to the specific facts.
- A pervasive problem was the absence of specific legal authority. Candidates frequently discussed the elements of the defences without referencing the Coroners and Justice Act 2009 (s.54/s.55 for Loss of Control, s.52 for Diminished Responsibility), or citing crucial case law that defines key terms (e.g., R v Byrne for 'abnormality of mental functioning'; R v Golds for 'substantial impairment'; R v Dawes, R v Clinton for Loss of Control triggers; R v Palmer and s.76 CJA 2008 for self-defence). This lack of legal grounding significantly weakened the arguments.
- Even when the relevant defences were identified, the application of their specific elements to Sarah's situation was often generic or incomplete. Candidates needed to systematically work through each legal requirement for each defence and link it directly to the facts provided in the scenario. For example, for Loss of Control, discussing if Tim's taunts constituted a 'qualifying trigger' and whether a person of Sarah's sex/age would react similarly.
- While some candidates attempted to discuss insanity (M'Naghten Rules), the application was often weak, and the stringent requirements of the defence (e.g., defect of reason, disease of the mind, not knowing nature/quality of act or that it was wrong) were rarely fully met by the facts, making it a less likely defence than the partial ones.
- Where self-defence was discussed, some candidates struggled with the "reasonable force" element, failing to fully apply the subjective beliefs of Sarah within the objective test or consider if the force was proportionate given the verbal taunts.
- To improve, candidates should follow a structured approach, beginning with a clear establishment of the actus reus and mens rea of murder. They must then thoroughly analyse the most relevant partial defences (Loss of Control and Diminished Responsibility), ensuring they can accurately cite the Coroners and Justice Act 2009 and key defining cases for each element. Careful reading of the scenario to avoid irrelevant defences like duress will also be crucial for maximising marks.

Section D – Human Rights Law

Question 7– Public Order

Most candidates engaged well with the scenario, demonstrating a good general understanding of public order law. Stronger responses adopted a clear, logical structure, systematically addressing potential offences and police powers in chronological order as the protest unfolded. They effectively applied a range of relevant legislation, demonstrating impressive depth of knowledge in outlining the conditions for police intervention and the specific elements of various offences. These candidates often integrated case law to support their arguments and showed a good grasp of the proportionality requirement under the Human Rights Act 1998 when discussing police conditions.

The best answers were able to differentiate between the different types of public order offences and the powers relating to processions versus assemblies once the march came to a standstill. They also skilfully discussed "kettling" in relation to Article 5 ECHR, indicating a sophisticated understanding of the interaction between common law police powers and human rights.

Common errors and areas for Improvement:

- A significant number of responses focused primarily on the Public Order Act 1986, often overlooking or only briefly mentioning the key amendments introduced by the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. Given the contemporary nature of the scenario, a comprehensive discussion of these newer provisions was vital for accessing higher marks.
- Some candidates provided excellent theoretical knowledge of public order offences and police powers but struggled to consistently apply this knowledge directly to Tesni's specific scenario. Answers sometimes became descriptive rather than focused legal advice tailored to the facts of the scenario
- While many could list the "four triggers" (serious public disorder, damage, disruption, intimidation), weaker responses often failed to link these precisely to the facts (e.g., the counter-protest, blocking traffic) or fully explore the implications of the PCSC 2022 amendments regarding "noisy protest" and "serious disruption."
- Weaker answers sometimes lacked a clear structure, jumping between different public order issues without a logical flow, or spending too much time on less relevant aspects.
- To further improve, candidates should be encouraged to stay updated with recent legislative changes in public order law and to practice applying specific statutory provisions and case law directly to scenario facts, rather than relying on general theoretical outlines

Question 8 – Police Powers

Candidates generally understood the task of advising Ellie on the legality of the police's actions. Stronger responses adopted a clear, chronological approach, systematically breaking down the scenario into distinct stages (stop and search, arrest, custody) and applying relevant PACE sections and Codes of Practice to each.

The best answers were precise in their application of legal principles, explaining not just what the police should have done, but why their actions in the scenario were potentially unlawful. They effectively integrated case law where appropriate to illustrate points of law (e.g., on valid searches). Discussions on Ellie's rights in custody (e.g., access to legal advice, notifying someone of arrest) were often well-handled, and strong candidates accurately identified the various time limits and review procedures for detention.

Common errors and areas for improvement:

- A significant concern was the complete omission of any discussion regarding the legality of Ellie's arrest. Many candidates jumped straight to custody issues without first addressing whether PC Stone had a valid power of arrest under s.24 PACE, including the crucial necessity test. This was a fundamental oversight given the scenario.
- A pervasive issue was the absence of specific section numbers from PACE 1984. Candidates often referred generically to "PACE" or "the Act" when discussing powers and rights. While general knowledge was evident, the precise application of sections (e.g., s.1-3 for stop and search, s.24 for arrest, s.28 for informing of arrest, s.56 for informing someone, s.58 for legal advice, s.61-63 for samples, s.41-44 for detention limits, s.40 for reviews) was frequently lacking. For a question heavily reliant on statutory powers, this precision is essential for higher marks.
- While most identified the stop and search, many responses did not fully apply the "reasonable suspicion" requirement or the procedural necessities of s.2 PACE (e.g., information to be given before a search). This often led to an underdeveloped analysis of this initial police action.
- Candidates sometimes struggled with the legality of taking fingerprints. While they often noted Ellie's fingerprints were taken after 11 hours, many failed to reference the specific sections (s.61-63) governing such procedures and the conditions under which they can be taken without consent.
- Although the 41-hour detention was frequently highlighted as excessive, weaker answers often did not detail the specific PACE sections (s.41-44) governing detention limits, nor the requirement for periodic reviews by a review officer (s.40).
- Ellie being told she "would have to wait until the police had completed their enquiries" was a clear prompt for discussion of her rights to notify someone (s.56) and legal advice (s.58). Weaker responses sometimes accepted this as a valid reason for delay, rather than identifying it as a potential breach.
- While some candidates attempted to discuss remedies, this section was often brief or lacked detail on the various avenues available to Ellie (e.g., false imprisonment, complaint to IOPC, Human Rights Act implications).
- To improve performance candidates should be strongly encouraged to commit key PACE section numbers to memory and practice precise application of these sections to factual scenarios. A systematic, step-by-step analysis, ensuring all police actions are assessed against relevant sections of PACE, would significantly enhance the quality of advice provided.

Summary Points

- **Prioritise Legal Authority:** Candidates consistently lacked precise legal authority (statutes, cases).
- **Focus on Precise Application:** Generic legal descriptions were common, without sufficient application to facts. Improve systematic analysis, breaking down scenarios to thoroughly apply legal elements to specific details.
- **Candidates need to be aware of the Assessment Objectives' weighting for this paper.** AO1, which assesses knowledge and understanding, accounts for 10 marks. To achieve top marks, a thorough explanation of the law (AO1) must be followed by a comprehensive and detailed application (AO2, carrying 15 marks).
- **Some candidates seemed intent on demonstrating everything they knew about a topic rather than directly addressing the question posed.** It is paramount to explicitly connect all parts of the answer back to the question, especially in application-focused scenarios
- **Strengthen Exam Technique:** Issues such as misinterpreting questions, irrelevant content, and poor structure were notable. Candidates require reminders regarding standard examination procedures, such as accurately labelling their answers. While a flexible answering order is permitted, correct numbering becomes exceptionally important when questions are not attempted chronologically.

A LEVEL LAW

GCE A level

Summer 2025

COMPONENT THREE

Overview of the Component

Component 3 continues to assess higher-order analytical and evaluative skills across four substantive areas of law. Candidates must answer three 25-mark essay questions, one from each of three different sections. Each question assesses AO1 (10 marks) for knowledge and understanding, and AO3 (15 marks) for analysis and evaluation.

As in previous years, the structure of the paper allows candidates some flexibility in playing to their strengths. It was clear from the responses that many candidates had been well prepared by their centres, and there was a good understanding of the general legal content. However, the ability to engage critically with the specific question set remains a significant area for development. Stronger candidates were able to shape their legal knowledge to directly address the question, whereas weaker candidates offered descriptive accounts of the law with little engagement in evaluation.

Many candidates showed sound knowledge of legal principles and appropriate use of authority, but too often relied heavily on explanation with limited evaluation. Centres are reminded that AO3 carries 15 of the 25 marks and is essential to distinguish responses in the higher bands. Evaluation should be woven throughout responses, not confined to introductions or conclusions.

There remains some ongoing concerns with handwriting legibility. A number of scripts were difficult to decipher, and in extreme cases, marks may be lost where meaning cannot be determined. Centres should identify candidates who require access arrangements early.

Academic writing style should also be encouraged, with candidates writing in the third person and structuring responses with a clear introduction, logically developed paragraphs, and a conclusion that addresses the precise question.

Comments on individual questions/sections

Section A – Law of Contract

Q11 – Intention to Create Legal Relations

This was the more popular contract question, though responses were variable in quality. Stronger candidates clearly explained the rules around intention in both social/domestic and commercial contexts, then evaluated whether these rules remain fit for purpose. Effective responses examined issues such as rebuttable presumptions, judicial discretion, and modern societal expectations.

Weaker responses tended to describe the rules without questioning their consistency or fairness. Some also drifted into discussion of offer and acceptance or consideration, which was not directly relevant to this question. Reference to recent commentary or reform proposals was rare, and candidates who included this were rewarded accordingly.

Q12 – Communication of Offer and Acceptance

This was a more technical question and proved more challenging. While most candidates could describe the rules, such as the postal rule and instantaneous communication, fewer were able to analyse or evaluate these rules in light of modern developments (e.g. digital contracting).

There was often a lack of clear evaluation of the phrase ‘complex and uncertain.’ Stronger responses engaged with this directly, using relevant case law and discussed whether clarity exists in an era of instantaneous communication. Some candidates missed the chance to draw distinctions between unilateral and bilateral contracts and the specific difficulties in online contracting.

Section B – Law of Tort

Q13 – Negligence and Common Law Development

This question was popular and allowed for a wide-ranging discussion. Most candidates showed sound understanding of the duty, breach, and causation elements of negligence, and were able to cite key cases like *Donoghue v Stevenson*, *Caparo*, and, crucially, *Robinson*.

Stronger answers focused on the issue of evolution and reform, critically analysing whether judge-made law has led to inconsistency, particularly around the test for duty of care. Some explored the benefits and drawbacks of piecemeal development versus statutory codification. Weaker candidates tended to simply explain the elements of negligence without critically engaging with the “need for reform.”

Q14 – Consent and Contributory Negligence

This question was slightly less popular but yielded some excellent responses that focused well. Candidates were generally familiar with the two defences and were able to provide appropriate case law.

Stronger responses compared and contrasted the two defences, addressing fairness for claimants and defendants and examining factors such as burden of proof, scope of consent, and how fault is apportioned. Weaker answers tended to confuse the two defences or offered descriptive summaries with limited critical engagement.

Section C – Criminal Law

Q15 – Crown Prosecution Service

This question was fairly popular, and most candidates were able to outline the structure, function, and Code for Crown Prosecutors. Stronger candidates evaluated criticisms of the CPS, including resource pressures, independence, transparency, and charging decisions, and balanced this with its role in promoting justice and public confidence. Weaker answers were descriptive and lacked critical reflection on the 'fit for purpose' phrase.

Some candidates provided generalised criticisms without reference to recent reports or case examples. Evaluation could have been improved by considering reforms or drawing on media/public perception of recent high-profile CPS decisions.

Q16 – Strict Liability and the Gammon Principles

This was a challenging question and responses were mixed. Most candidates could describe the key features of strict liability and outline the *Gammon* principles. Stronger responses evaluated the erosion of mens rea, balancing convenience and public protection with principles of justice and fairness.

Unfortunately, a significant number of candidates confused strict liability with absolute liability or failed to recognise the limits imposed by *Gammon*. Evaluation was often weak or superficial, lacking in discussion of the potential injustice in punishing blameless defendants or the impact on legal certainty.

Section D – Human Rights Law

Q17 – Breach of Confidence and Articles 8 & 10

This was a less popular question but generated some well-informed responses. Stronger answers recognised the tension between the right to private life and freedom of expression and analysed how courts balance these in breach of confidence claims, citing *Campbell v MGN*, *Murray v Express Newspapers*, and *Mosley v NGN*.

Some candidates struggled to fully explain the legal test or lacked relevant case law. Weaker responses tended to simply list Article 8 and 10 rights without exploring the conflict or how the courts resolve it. Evaluation was sometimes lacking in specificity or relied on general principles without critical application.

Q18 – British Bill of Rights

This was a topical and popular question, and most candidates engaged with it well. Strong answers explored both the existing Human Rights Act 1998 and proposed reforms. There was reference to the uncertainty surrounding repeal proposals and the potential impact on UK rights protection.

Better responses critically analysed whether a British Bill of Rights would offer enhanced or diminished protection, drawing on themes such as parliamentary sovereignty, judicial independence, and ECHR disconnection. Weaker answers simply explained the current HRA framework or restated political arguments without legal analysis.

Summary of Key Points

- Evaluation (AO3) remains the primary area for improvement. Candidates need to go beyond describing the law and demonstrate critical engagement throughout their responses.
- Essay structure is essential. Responses should include a clear introduction, logically structured paragraphs focused on the question, and a conclusion that synthesises the evaluation.
- Legibility must be prioritised. Centres should intervene early where handwriting is difficult to read and consider access arrangements where appropriate.
- Legal authority (cases, statutes) is essential to higher band responses. Case names should be integrated clearly into discussion and linked to legal principles.
- Academic writing style should be encouraged – third person, formal tone, and legal terminology should be used where appropriate.
- Up-to-date knowledge is valuable. Candidates who drew on recent reforms, statutes, or current debates were rewarded accordingly.

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