



GCE A LEVEL EXAMINERS' REPORTS

**LAW
A LEVEL**

SUMMER 2022

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A LEVEL LAW

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Summer 2022

COMPONENT 1: THE NATURE OF LAW AND THE ENGLISH LEGAL SYSTEM

General Comments

It was pleasing to note that there were minimal rubric infringements. The vast majority of candidates attempted all required questions which is commendable, especially considering the compulsory questions on the paper.

Despite the time pressure 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. This is perhaps more evident this year where candidates might have had less opportunity to practice handwriting during COVID restrictions.

Component 1 was generally well received and the questions covered a range of the specification. Candidates seemed better prepared for some questions rather than others and this was evident in the quality of their responses and the questions selected. Some candidates seem to be intent on 'writing all they know' about a topic rather than focusing on the question itself; this was more evident in some questions than others, particularly question 2 and question 6.

A Level Law Component 1 is split between Section A and Section B. Section A consists of two compulsory questions followed by one question from a choice of two. Section B consists of one question (part a) and b)) from a choice of two. The report below is divided between Section A and Section B observations.

- The compulsory nature of Question 2 (Law Commission) in particular caused some problems for candidates who hadn't revised, resulting in lots of brief, confused and in a minority of cases, unanswered questions.
- There was decent use of legal authority and this is to be encouraged in all questions. 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.
- There was also evidence of weak case citation – for example, '*a case where....*'.
- Candidates need to be encouraged to read the question – as there were a lot of answers that missed the focus of the question.

Comments on individual questions/sections

Section A

Q.1 Role of the Law Commission (5 marks)

The response to this question was satisfactory if vague; most candidates were able to identify that the Law Commission plays a role in law reform. Due to the specific nature of the question, few candidates achieved the top marks and more needed to include key terms such as repeal, consolidate and codification. There was very little reference to legal authority and to gain the top marks at least one statute (e.g. the Law Commission Act 1965, 2009 or an example where they have successfully influenced law reform) was needed.

Q.2 Judicial controls on delegated legislation (5 marks)

Overall, responses to this question were pleasing and many candidates coped well with the specific nature of the question. There was the obvious confusion with Parliamentary controls but these were in the minority and most candidates successfully explained the three main judicial controls. Stronger responses included a case to demonstrate the use of the control.

Some candidates spent a lot of time on an 'introduction' to this short question and proceeded to write about the nature of delegated legislation and the three main types. This was not time well spent and no credit was available for this information. These candidates then produced an overly long response to the question to the detriment of other questions on the paper.

Both questions 1 and 2 assess AO1 – explanation; knowledge and understanding. This is the most accessible of the three AOs and candidates coped generally well with the demands of these shorter questions. Centres and candidates should be prepared for questions on specific areas of topics in the 5-mark questions rather than perhaps more general questions.

Q.3 Law reform (15 marks)

Question 3 is one of two questions on Section A where candidates get a choice. This was the less popular between 3 and 4 and in general candidates performed less well applying methods of law reform for this question than they did applying the rules of interpretation for question 4.

The assessment objective being examined in this question was A02 (for 15 marks) which requires candidates to apply the law. It is similar to the application questions that featured on the old LA2 specification. Despite the A0 being application, some explanation of the related legal issues is inevitable and expected in order to frame the application. Consequently, candidates were not able to access the higher mark bands without this context.

The scenario provided was typical of those applying law reform. Better candidates covered a range of methods and applied each to the scenario providing an example of where that influence has been used in the past. This included media campaigns (inc social media), pressure groups, parliament, private members bills, petitions, judicial review, protests, lobbying MPs; some answers were well substantiated with relevant examples but these candidates were in the minority.

A number of candidates focused solely on the Law Commission and therefore missed the focus of the question as this is not a valid method.

Q.4 Statutory Interpretation (15 marks)

This was the stronger of the two section A choice responses. There were some excellent answers which illustrate the effort made by some centres to teach their learners how to deal with such an application question. The four rules, were generally explained and case law used to illustrate their application. The most sophisticated responses also considered the narrow and wide approach to the golden rule. Case law was also used well and cases were generally explained rather than just being 'dumped'. Better candidates set the scene explaining the need for statutory interpretation in context. There were some quite sophisticated responses to the scenario, with students drawing not only on the rules but also on the aids and rules of language. Conversely, in a few instances, however, a lack of understanding of the rules themselves was evident in a student's inability to apply them and occasionally candidates mixed up the mischief and purposive approaches. Students frequently lost a mark in the AO1 component due to a lack of detail on the rules themselves.

Some candidates also included evaluation of the rules in their responses but failed to gain additional marks as the question did not accommodate AO3 points.

Section B

Q.5 (a) Explain criminal appeal routes (10 marks)

Though most candidates were able to write in general terms about the criminal court hierarchy, responses to this question were weak. There were few candidates who were able to accurately explain the specific routes of appeal and very limited citation of any legal authority was observed.

(b) Jury evaluation (15 marks)

This question was answered reasonably well albeit a bit nebulously. There were many 'common sense' answers that could have been produced by a student without any legal education. Candidates are to be reminded of the need to include legal authority in the form of cases, statute, examples, statistics to support their evaluation. They should also relate this then back to the question posed. Only a minority achieved this, which is a shame as this was an accessible question on a topic traditionally favoured by candidates.

Also marks were lost because of the lack of evaluation of key issues. It was disappointing to see the number of candidates who still think that those involved with the administration of justice still cannot sit as part of a jury, despite the fact that this was changed by the Criminal Justice Act in 2003.

Better candidates (middle band and above) were able to demonstrate how the expansion of eligibility since 1974 attempted to widen the pool of people who sit, and better candidates were able to argue with some citation and authority, referring to impact of people within the law sitting and adverse influences, as well as case references such as Romford, Twomey, Abdoukoff and Khan. They were then able to link this to the relative strengths and weaknesses of the system. The strongest answers then considered a range of alternatives to the jury.

Q.6 (a) Explain civil appeal routes (10 marks)

As with 5a), there were many general responses without specific reference to the precise appeal routes and even more limited reference to any legal authority. On the whole, very few candidates achieved a top band mark for this question.

(b) Evaluation of tribunals (15 marks)

Weaker candidates achieved a common sense approach but lacked depth in their answers. Most were able to offer a general discussion of the advantages and disadvantages of tribunals, and some made comparisons with ADR and courts. There was little reference to legal authority in answers – the TCEA and the recent Briggs report would have been expected.

Summary of key points

- Candidates need to be encouraged to read and answer the question set – there were a lot of answers that missed the focus of the question. For the evaluation questions on Section B candidates should be assessing and evaluating throughout their answers and not just in the final paragraph.
- Candidates need to be reminded of the importance of supporting their points with relevant legal authority where possible, this will elevate their answers into the higher mark bands.
- The longer 15- mark part b) (section B) answers should be structured with a clear introduction, paragraphed (and linked) main body and a clear conclusion.
- Candidates should not waste time on peripheral context for the short answer responses in section A.

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COMPONENT 2: SUBSTANTIVE LAW IN PRACTICE

General Comments

It was pleasing to note that there were minimal rubric infringements. The vast majority of candidates attempted all required questions which is commendable. Despite the time pressure 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. This is perhaps more evident this year where candidates might have had less opportunity to practice handwriting during COVID restrictions.

Component 2 was generally well received and the questions covered a range of the specification.

Candidates seemed better prepared for some questions rather than others and this was evident in the quality of their responses and the questions selected.

Some candidates seem to be intent on 'writing all they know' about a topic rather than focusing on the question itself; this was more evident in some questions than others, particularly question 4

A Level Law Component 2 is split between Section A , Section B., Section C and Section D. Candidates answer 3 questions from three different sections

There was decent use of legal authority and this is to be encouraged in all questions. Whilst detailed facts of cases are not needed, an explanation of the relevance of the case is desirable.

There was also evidence of weak case citation – for example, 'a case where....'.

Candidates need to be encouraged to read the question – as there were a lot of answers that missed the focus of the question, this was particularly true of question 4.

Comments on individual questions/sections

Section A

Q.1 On the whole, this question was answered better than the second contract law question.

The strongest answers were logically structured, following the order of events in the scenario. Well-structured answers spent an appropriate amount of time talking about: the difference between express and implied terms; the provisions of the CRA 2015 in relation to the supply of goods; the provisions of the CRA relating to the supply of services; the exclusion clause; and remedies available.

Some strong answers also mentioned misrepresentation but understood that this was not the focus of the question and did not dwell unduly on it.

Some excellent knowledge and application of the Consumer Rights Act 2015. Some students were able to correctly cite and apply upwards of 15 sections here.

The strongest answers referred to many sections of CRA 2015, not just the sections relating to the statutory rights under a contract for goods (sections 9-11). Students also explained and applied provisions relating to the remedies available (sections 19-24).

Strong answers also recognised that the CRA 2015 might apply to the poor provision of services carried out by Grant - there was some excellent understanding of sections 49-52.

There was some strong critical analysis about whether Fatou would want the right to repeat performance under section 55, and that a price reduction under section 56 might be preferable.

There was excellent understanding of the incorporation of exclusion clauses, with most students correctly applying the Rule in L'Estrange to Fatou.

Strong answers challenged the validity of the clause in terms of reasonableness (although few referred to the CRA on this).

Weaker answers focused on the formation of a contract (offer, acceptance and consideration), rather than answering the specific question.

Some students wasted time by writing out the whole scenario and talking in the round about it seeming unfair, rather than applying the law.

Some answers focused entirely on whether the statement made to Fatou was an express term or not. There seemed to be a lack of understanding that this was not so important, given the existence of the CRA 2015.

The weakest answers made no reference to any Act of Parliament.

A few answers cited out of date law on The Sale of Goods Act.

Some students were confused by the fact that a statement had been made, and they wrote exclusively about misrepresentation.

Whilst many students correctly identified that an exclusion clause appeared to be incorporated, very few students referred to the CRA s. 62 onwards.

Q.2 On the whole, the answers to this question were not as strong as for the first question on contract law.

The strongest answers recognised that the question was on discharge of contract, and outlined the ways that a contract can come to end, before focusing on the relevant ones (i.e. breach and frustration).

The best answers correctly applied the rules on breach and anticipatory breach to the situation using case law. They discussed the possibility of anticipatory breach and the parties having already left for the holiday home before receiving the phone call.

Many answers recognised that the situation was akin to that in *Taylor v Caldwell*, but the strongest answers also talked about self-induced frustration and the poor maintenance of the cottage.

Strong answers correctly applied The Law Reform (Frustrated Contracts) Act 1943 in providing remedies to David and Kate.

The weakest answers failed to recognise that this question required a discussion of the rules on frustration. Instead, they talked about breach of contract in very general terms and focused on the remedies that David and Kate might receive. It seems that some students may have been confused by the question saying 'Advise Dave and Kate of the rights and remedies' hence their focus on these without addressing the main issue in the question.

Some students wasted time by writing out the scenario.

Very few answers used The Law Reform (Frustrated Contracts) Act to determine remedies available.

Some answers focused almost entirely on remedies, and in particular on payments for loss of enjoyment. There was also some confusion between tort and contract law in some cases.

Some answers correctly identified frustration by impossibility but did not outline any of the other ways that contracts can be frustrated and therefore their case authority was lacking.

Few answers made the point that courts are reluctant to find that contracts have been frustrated.

Section B

- Q.3** This question was answered well by a majority of candidates. Many were able to apply the law on occupiers' liability to the scenario and there was accurate citation of sections of the OLA 1957. Some candidates were able to then confidently consider the provisions of the OLA 1984 and their application here was strong. These candidates also tended to support a good range of case law.

Of the two tort law options, candidates performed better on this than question 4.

- Q.4** This was a straightforward damages question, however many candidates misinterpreted it as a pure negligence scenario and simply explained and applied, duty of care, breach of duty and damages and were therefore not able to gain much of the credit available.

Of those that did focus on the remedies aspect of the question, this was well applied with a good number clearly and correctly distinguishing between the various types of damages.

Some candidates mixed up the terminology associated with each type of damages, special and general in particular.

Overall the question was not answered well with lack of focus on the specifics of the question.

There was a general lack of legal authority but there is less for this question.

Section C

- Q.5** This was one of the strongest responses on the paper and most candidates who attempted this question accurately moved through the law on murder (actus reus, causation, mens rea) and applied this well to the scenario with relevant legal authority. Many picked up on the issue of negligent medical treatment and their legal reasoning then followed from their conclusion on this matter.

Not as many then considered involuntary manslaughter but overall, responses to this question were strong.

- Q.6** As with question 5, responses to this question were also strong – candidates seem to cope well with criminal law questions. Most candidates were able to identify the correct offence for each incident and then, depending on the strength of the candidate, then proceeded to explain and apply the relevant law. Case law was well used, as was reference to the relevant sections of the OAPA 1861. Defences were less well considered and centres and candidates are reminded that, if teaching defences separately, to then return to topics such as fatal and non-fatal and consider how defences also fit.

Weaker candidates failed to include s.47 OAPA 1861 and there was also some confusion between s. 18 and 20 OAPA 1861

Section D

- Q.7** This was the less popular of the two human rights options with most candidates favouring the police powers question. Of the responses seen, answers were generally well structured. There were many excellent answers where candidates were able to apply the law on defamation, including the Defamation Act 2013; serious harm test with cases to support e.g. *Munroe v Hopkins* and *Collins*, and the various defences available, e.g. sections 2, 3 and 4.

Weaker candidates simply discussed Article 8 and 10 of the ECHR with little reference to the law on defamation, though these were in the minority

- Q.8** This was the most popular of the human rights questions.

Overall, this question was answered very well with good citation of the relevant sections of PACE. Arrest was the power applied least well but most candidates moved successfully through stop and search, arrest, detention and interrogation. Stronger candidates made the connection with human rights and this generally made it a more sophisticated response.

To achieve the top mark bands it is vital that sections are included and that they are explained and applied in turn to the scenario

Summary of key points

- Centres are reminded of the need to develop writing skills to address the varying question styles – e.g. application for A02 questions.
- Candidates need to be reminded of the importance of supporting their points with relevant legal authority. This could be case law, statute law or other supporting authorities, depending on the nature of the question.
- Cases – whilst copious facts are not required, candidates need to do more than merely ‘case drop’. Cases should be explained in relation to the point of law that they established.
- Centres should identify candidates with illegible handwriting and put measures in place to provide them with support and adjustments as required.

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COMPONENT 3: PERSPECTIVES OF SUBSTANTIVE LAW

General Comments

Component 3, similar to component 2, has four substantive areas of law from which a candidate must select one essay style question to 3 of the areas studied. The choice of one from two questions allows candidates to focus on areas of strength. Each question is worth 25 marks and is divided into assessment objective 1 (AO1), 10 marks for knowledge and understanding of the English legal system and legal rules and principles. Assessment objective 3 (AO3) 15 marks requires a candidate to analyse and evaluate legal rules, principles, concepts and issues.

Despite this being the first full examination series since 2019, candidates generally managed the demands of the question paper very well. The vast majority of the candidates attempted all required questions. In addition candidates appeared to have organised their time appropriately, between the three required answers, as there was no evidence of timing issues. There was clear evidence of understanding of both law in the required areas and skill ability to analyse and evaluate as required.

There is an issue with the legibility of some candidates' handwriting which may have been exacerbated due to the COVID pandemic and online learning. Legible handwriting gives candidates the best opportunity to clearly convey the point they are trying to make. At times, some handwriting was practically unintelligible and therefore centres are reminded about the importance of legible handwriting as examiners have to be able read the work produced.

Essay skills also need to be refined as, although candidates did well to explain the law clearly, this was not always brought back to the question posed and there were few instances where this evaluative theme was a strong feature of the response. In addition, essays should be structured appropriately with a clear introduction that unpacks the question, a paragraphed and focused main body and a clear conclusion that directly addresses the question posed.

At times, responses need to be longer, reflecting the detail of analysis and evaluation required for this level of qualification and the time of 2 hours 15 minutes available.

Comments on individual questions/sections

Section A Law of Contract

Q.11 Exclusion Clauses

This was the least popular of the two contract options. However, when attempted it generally produced detailed and intelligent answers addressing the area of law in question.

The better answer addressed both common law and statutory regulations. Some answers only focused on one or the other. A well-structured answer would explain the meaning and use of an exclusion clauses and then proceed to deal with the issue of how such clauses were (i) incorporated into a contract and (ii) whether the clause covered the breach. Whilst this was generally well addressed, case law could be increased to provide evidence in support of the points made. Detailed statutory regulation was then expected covering both the Unfair Contract Terms Act 1977 and the Consumer Rights Act 2015. This ensured both trader to consumer and business to business situations were covered.

Throughout the response there should be regular evaluation of the law considered. Some candidates prefer to address all the AO1 aspects of the answer and then comments on the analysis and evaluation AO3. This is a perfectly acceptable approach but it can result in a candidate failing to address all the relevant areas. Regular evaluation after each statement of the law tends to produce more evidence of this higher order skill.

Areas for improvement / Note to Centres:

A plentiful supply of case law is expected in common law areas.

Statutory reference including section numbers are expected when considering legislation.

Candidates should never underestimate the use of naming cases, rather than referring to 'the case where....' (facts recited).

To access the higher mark bands, detail must be provided. General comments will be insufficient.

Copious facts of cases should be avoided in preference for brief details that get interwoven in the explanation of the law.

Q.12 Offer and acceptance

This was the more popular of the two contract options. There were some very detailed answers that tried to address the area in the question. However, at times responses were very brief and lacked not only detail and case law but also evaluation of this area of law.

The focus of the question was whether the law surrounding offer and acceptance was out of date and in urgent need of reform. It was surprising how many responses failed to address this issue. Some answers did include evaluation along the lines of advantages and disadvantages or said something 'was good' or 'bad'. However, it would be appropriate to use the words from the question to discuss if it is 'out of date' and if so why.

Where a candidate is suggesting something needs reforming, a better response would try to summarise suggested reform. This could be formal proposals from bodies such as The Law Commission or even ideas from the candidate. This is then directly addressing the question, rather than providing a review and general evaluation of the area of law.

One area which was not well addressed related to the use of modern technology to form a contract. This flowed from the 'out of date' aspect in the question. At times this was not present in an answer, even where the postal rule was considered.

The better answer would include explanations or definitions of key terms, such as offer, acceptance and invitation to treat. Then proceed to consider the requirements for a valid offer and the aspects that could cause problems. This allowed for consideration of AO3 at regular intervals. The same should then appear for acceptance.

On rare occasions, answers also included essential elements of a contract, other than offer and acceptance. Hence where consideration and privity of contract were also included it was considered irrelevant to the mark scheme.

Areas for improvement / Note to Centres:

Candidates should address the actual question, rather than produce a summary of the area of law concerned.

It would be good practice to follow each AO1 point with some AO3 evaluation. This will allow the practice of referring to the question to become habit.

Answers should be lengthy, full of detail and discussion. The exam allows for 45 minutes per essay and two sides of writing is, generally, insufficient for an answer at this level.

Section B The law of Tort

Q.13 Vicarious liability

This was a popular question and one that was answered well by a majority of candidates in terms of explaining the relevant law on vicarious liability. Most answers started with an explanation of the term vicarious liability and then went on to examine the tests to establish if the tort was committed in the course of employment. This produced answers that varied in detail. Some were very short with little development or case law in support. However, a detailed examination of the tests were expected with reference to the fairness of them on the employer. For example, where the employer controlled the work and organisation of the employer then training and profit making would also lie in their domain. Hence, suggesting vicarious liability was fair on employers.

There was generally good citation of case law but candidates tended to just cite the cases rather than use the relevant part of the facts to support the points made. Stronger candidates manage to get the balance right between not citing all the facts of a case but extracting the relevant parts that develop understanding and evaluation.

Many answers contained the law concerning when an employer is on a 'frolic of their own'. However, often it was not followed by any evaluation of the fairness, or otherwise, of the law on an employer. The same can be said for the explanation of when an employer is carrying out an authorised/unauthorised act in an authorised/unauthorised manner. It is important to keep referring back to the wording in the question to make sure it is being addressed throughout the answer.

Areas for improvement / Note to Centres:

Candidates should address the question rather than write all they know about the topic of vicarious liability.

A variety of case law should be used as supportive evidence for the points made with sufficient detail of the facts to enhance an answer.

Evaluation should be more than generally superficial with discussion of why the points raised were fair or not on an employer.

Evaluation should be developed to go beyond stating that something 'is good'. But, rather development of how it is beneficial or who is it beneficial for and why. Inevitably in law an advantage to one party will result in a disadvantage to another. Hence, both sides of the discussion should be considered.

Q.14 Negligence

The demands of this question were to evaluate the development of negligence and not evaluate the tort of negligence per se. The better response considered each element of negligence, duty of care, breach of the duty and foreseeable damage, in turn and in appropriate detail. The developments of each element should be considered through a range of case law with evaluative comments about them.

At times, despite detailed consideration of the developments in the tort of negligence there was little evidence of evaluation. Alternatively, evaluation focused on advantages and disadvantages of negligence in general. Sometimes this included the issues of the cost of litigation and problems over funding through no win no fee arrangements. Rather than discussion of the developments in the tort there appeared discussion about the appropriateness of judge made law.

When evaluation of the developments of negligence did appear, there were some detailed discussion of the need to move from the wide ranging neighbour test in *Donoghue v Stevenson* to the 3 stage test in *Caparo*. It was pleasing to see some detailed discussion of the fair, just and reasonable aspect, particularly with its impact on public bodies such as the police and fire service.

Rather disappointingly, there was not a great deal of discussion or even general information about the recent development in *Robinson v Chief Constable of West Yorkshire*. Often this development failed to appear or there was only a brief mention of the case with little about its impact on the tort. However, occasionally there were some sophisticated discussions of the effect of the *Robinson* decision, which was pleasing to see.

The discussion of a breach of a duty of care saw some developed evaluation of the reasonable man test and the decisions in cases such as *Nettleship v Weston* and *Mullins v Richards*. Sometimes, damage was omitted from an answer, or if it did appear often there was no evaluation on either the causation aspect nor the remoteness test.

Areas for improvement / Note to Centres:

It is important to be up to date on developments in the area of law under consideration.

Try to prepare candidates with the skills to use their knowledge to answer any question on the topic and not just to produce a pre-planned response.

Discussion of all the law in the area indented in the question is appropriate.

Section C Criminal Law

Q.15 Murder

This was one of the strongest responses on the paper and most candidates who attempted this question accurately moved through the law on murder (actus reus, causation, mens rea) and evaluated well with relevant legal authority. Better responses included the Law Commission's proposals for reform, including having degrees of murder.

It was pleasing to see some responses considered both positive and also negative comments about the law on murder. Positive aspects included the constant updating of the law through case law and a mandatory life sentence to reflect the seriousness of the offence. The negative concerns included, inter alia, the mandatory life sentence restricting judicial sentencing, the one charge only for murder no matter what the motive and intention to cause grievous bodily harm being sufficient for a murder mens rea.

There were a variety of ways candidates might have approached this question. For instance, answers that considered the law on one aspect of murder at a time and then evaluated it, seemed to score highly. An equally valid approach was for a candidate to explain their understanding of the offence of murder followed by a number of evaluative issues. However, the strongest responses brought their discussion back to the question of the law on murder being in a 'mess'. A discussion of the reform proposals was needed in order to achieve the top marks.

Areas for improvement / Note to Centres:

Where reform proposals are available, they should be included in an evaluative question.

Questions should regularly be brought back to the actual question and comments feature throughout upon the agreement or otherwise of the statement in the question.

Candidates do not have to agree with any statement in the question. A valid response would be to argue against it or to argue from both sides of the question.

Q.16 Strict liability

As with the previous criminal law question, responses to this question were also strong. Answers tended to be very well structured, particularly in terms of explaining the Gammon factors. Weaker answers provided too many facts of cases and went beyond using them to support the point made. Some sophisticated answers not only evaluated the rules on determining strict liability cases but also included comments about judicial interpretation being against parliamentary supremacy.

At times, weaker aspects included a failure to link to the question and a discussion of the advantages/disadvantages and any reform proposals. As a result, few achieved the top band for A03. Whilst answers were well structured in terms of providing a clear introduction and context on strict liability then proceeding to consider the Gammon factors with case law, too much time was perhaps spent on this to the detriment of the evaluation.

The weakest answers showed confusion over the correct names of cases and their facts. Also occasionally very weak responses confused strict availability with judicial precedent.

Areas for improvement / Note to Centres:

Centres are reminded that evaluation is worth 15 of the 25 marks and timing during the examination should be allocated accordingly.

Case facts are best used when supporting the point being made rather than full details of what happened.

Section D Human Rights Law**Q.17 Police powers**

Police powers has traditionally been asked as a Component 2 'application' question but it could quite as possibly feature on component 3 as it has this year. Candidates seemed well prepared for this question having perhaps just revised it for Component 2. Most were able to explain a wide range of police powers moving from stop and search to arrest, detention and interrogation. There was generally good citation of legal authority.

AO1 was again stronger than AO3 but there were some good attempts to draw the discussion back to the question posed and the central issue of the protection of the rights of suspects. Stronger responses also included statistics on stop and search to support the evaluative points made.

As this is on the human rights section of the specification, it was expected that candidates would refer to human rights issues such Article 5 and Article 6 ECHR and case law such as Gillan and Quinton, Taylor, Osman and O'Hara.

Some of the weaker answers failed to provide detail on the powers of the police, providing only a brief overview and omitting the full power or the corresponding safeguards. Only the very weakest of responses failed to correct identify the year of the Police and Criminal Evidence Act as 1984, and sometimes it was referred to as the Police Powers Act.

Areas for improvement / Note to Centres:

Full knowledge of police powers and their corresponding safeguards are expected, including legislative authority with relevant and accurate section number and Code of Practice.

Knowledge of legislation subsequent to the Police and Criminal Evidence Act 1984 is expected, including reference to human rights law.

Q.18 Bill of rights

Another popular choice on the human rights option. This is a well-rehearsed essay but performance of candidates was weaker in comparison to the police powers option. Candidates were expected to move through the development of the law on human rights from the residual freedoms of the ECHR to the protection afforded by the Human Rights Act 1998. However, few then focused on the central issue which was the arguments for and against a Bill of Rights in the UK. This needed to be the dominant argument although some context of the ECHR and, of course, the HRA was needed in order to do this.

Perhaps rather disappointingly, very few responses were up to date with the recent developments on this matter although the law remains in a state of flux and so credit was given where it could be taking into account this uncertainty.

Areas for improvement / Note to Centres:

Where topics are politically current, an understanding of recent developments, in an answer, would allow a response to stand out and be worthy of a high mark band.

Summary of key points

- Centres are reminded of the need to develop the higher order thinking skills of analysis and evaluation required for AO3. This includes the need to focus on the wording in the question with constant reference back to the focus.
- Legibility of handwriting is a real issue.
- Appropriate use of case law rather than full repetition of case facts will enhance an answer.
- Where possible, reform proposals should be included in a Component 3 essay.



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