GCE A Level Examiners' Report

Law

A Level

Summer 2026

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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.***

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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
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Executive Summary

Overall, student performance across the three components demonstrated a sound understanding of many areas of the specification, although there remain several areas where greater precision, application and use of legal authority would improve outcomes. The strongest responses consistently combined accurate legal knowledge with effective application and evaluation, whilst weaker responses often relied on broad descriptions or failed to focus sufficiently on the specific demands of the question.

Performance in **Component One** was mixed across the paper. In Question 1, the most successful candidates clearly understood the distinction between intrinsic and extrinsic aids to statutory interpretation. They accurately identified intrinsic aids such as long titles, preambles, schedules and interpretation sections, and explained how these assist judges in determining parliamentary intention. However, some candidates confused intrinsic and extrinsic aids, incorrectly referring to Hansard or discussing the rules of interpretation rather than addressing the specific question.

Question 2 required candidates to explain Parliamentary Sovereignty. Strong responses were structured around Dicey's three principles and demonstrated a secure grasp of the constitutional doctrine. By contrast, weaker answers often confused Parliamentary Sovereignty with the separation of powers or provided general comments about Parliament without explaining the legal principle itself.

Question 3 was generally well answered. Strong candidates effectively applied methods of law reform, including pressure groups, e-petitions, media campaigns and Private Members' Bills, to the scenario. The best responses also evaluated the likely effectiveness of each method.

In Question 4, stronger candidates successfully linked the legislative stages of a Private Member's Bill to the practical challenges faced by a backbench MP. Less successful responses tended to describe the legislative process without applying it to the scenario.

Question 5(a), which focused on jury selection, was less successfully answered. Many candidates lacked accurate knowledge of jury eligibility requirements and the selection process. In Questions 5(b) and 6(b), stronger responses focused clearly on representativeness and diversity, using evidence, statistics and relevant examples to support balanced evaluation.

Overall, future success will depend on greater accuracy, stronger application skills and careful attention to question focus.

The **Component Two** examination highlighted the importance of structured legal analysis, accurate legal authority and effective application.

In Contract Law, stronger candidates distinguished clearly between fraudulent, negligent and innocent misrepresentation, applying statutory provisions and relevant case law effectively. Responses on consideration and promissory estoppel were strongest where candidates balanced common law principles with equitable doctrines, supported by authorities such as *Foakes v Beer* and *Central London Property Trust v High Trees House*.

In Tort Law, successful responses adopted a methodical approach to private nuisance and *Rylands v Fletcher*, testing each legal element against the facts and supporting conclusions with relevant authority. Negligence was generally answered well, although many candidates missed the opportunity to apply *Robinson v Chief Constable of West Yorkshire Police* as the modern starting point for establishing a duty of care.

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In Criminal Law, the stronger candidates demonstrated a detailed and secure understanding of bail provisions and the defences to murder, particularly self-defence and loss of control. In this series, bail was assessed through an application-based question, which candidates generally handled effectively, applying the relevant legal principles accurately to the factual scenario provided.

Human Rights responses showed stronger performance where candidates balanced statutory restrictions against Convention rights and supported arguments with relevant authority.

Across the component, the strongest answers integrated statutory provisions, case law and factual application throughout. The key discriminator between middle and higher mark bands was the quality of AO2 skills, particularly precise legal citation and issue-by-issue analysis.

Centres are reminded that any topic on the specification can be examined.

Performance on the essay-based **Component Three** paper was generally strong. High-scoring candidates demonstrated the ability to sustain evaluation throughout their essays while supporting arguments with relevant legal authority.

In Contract Law, stronger responses on discharge of contracts and privity of contract evaluated the balance between fairness and legal certainty, making effective use of case law and statutory developments such as the Contracts (Rights of Third Parties) Act 1999.

In Tort Law, the best Occupiers' Liability essays addressed both the 1957 and 1984 Acts, while successful responses on remedies in tort considered a range of remedies, including injunctions as well as damages.

In Criminal Law, the strongest essays on insanity focused on criticisms of the M'Naghten Rules and their apparent disconnect from modern medical understanding. Theft essays were most effective when candidates evaluated all elements of the offence rather than concentrating solely on appropriation.

Human Rights Act 1998 responses were strongest where candidates analysed key statutory provisions alongside supporting case law. Essays on obscenity demonstrated strong engagement with the balance between freedom of expression and the protection of public morals.

Key Areas for Improvement

Across all components, the highest-performing candidates demonstrated strong legal knowledge, accurate use of authority, sustained evaluation and clear application to the question set.

To improve further, students should focus on:

- Using a wider range of relevant case law and statutory authority.
- Reading questions carefully and addressing all aspects of the issue raised.
- Developing AO2 and AO3 skills through structured application and evaluation.
- Avoiding descriptive responses and instead analysing the significance of legal principles.
- Supporting arguments with contemporary developments, statistics and policy considerations where appropriate.

Continued emphasis on legal authority, analytical reasoning and precise question focus will help students access the highest mark bands across all components.

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GCE EDUQAS A LEVEL LAW

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COMPONENT 1

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 excellent performance of many candidates.

Component 1 tested candidates' knowledge and understanding of the nature of law and the English legal system, together with their ability to apply legal rules and principles to given scenarios and to analyse and evaluate legal concepts and issues. The paper covered a range of familiar specification areas, including statutory interpretation, constitutional principles, law reform, the legislative process, juries, magistrates and the legal profession. Feedback was positive the overall standard of performance was consistent with previous series.

As noted in preceding series, the logistics of online marking restrict examiners from reviewing whole scripts collectively, which makes sweeping generalisations difficult. Even so, clear and repeatable trends in candidate approach, core strengths, and common pitfalls were readily observable across all options on the paper. Overall, candidates appeared to engage with the paper and most attempted the required questions. Stronger responses were characterised by accurate legal knowledge, clear structure, relevant supporting legal authority and, where required, sustained focus on the scenario or the precise evaluative issue in the question. These candidates selected material carefully and used it to answer the question set, rather than writing everything they knew about the broader topic.

Less successful responses often demonstrated some general awareness of the relevant topic but lacked specific focus on the narrow concepts required of the question. In a number of answers, candidates drifted into other areas of the specification which were not the focus of the question. This was particularly evident where candidates confused intrinsic aids with extrinsic aids, parliamentary sovereignty with separation of powers, or the legislative process with wider law reform methods. Centres are encouraged to continue helping candidates distinguish between closely related topics and to practise identifying the exact focus of a question before beginning their answer. There was also evidence of a continuing need to develop examination technique. In the lower tariff questions, some candidates wrote too broadly or included irrelevant material, rather than providing a concise and focused answer. In the 15-mark application questions, some responses were descriptive and "chatty", with limited use of legal terminology or examples. In Section B, some evaluation was not sufficiently directed towards the specific wording of the question, meaning that candidates sometimes discussed general strengths and weaknesses of a topic rather than the issue being assessed.

Centres should remind candidates that legal authority and accurate examples remain important. While detailed facts of cases are not required, candidates should be able to use case names, statutes, examples and statistics appropriately to support points. Stronger candidates did this effectively, particularly where they linked examples directly to the question. Weaker responses often made general assertions without support, which limited access to the higher mark bands.

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Comments on individual questions/sections

Q.1 This question asked candidates to explain, with examples, the intrinsic aids used by judges when interpreting statutes. It was intended to be a focused 5-mark AO1 question requiring candidates to identify and explain aids found within the statute itself.

Stronger candidates understood that intrinsic aids are internal to the Act and were able to refer accurately to examples such as the long title, short title, preamble, headings, schedules, marginal notes and interpretation sections. These responses were clear and concise, often explaining how each aid could assist a judge in identifying the purpose, scope or meaning of a statutory provision.

Weaker responses showed some confusion between intrinsic and extrinsic aids. A common error was to cite Hansard as an intrinsic aid. This misunderstanding prevented candidates from remaining focused on the question and often led them into discussion of wider statutory interpretation material which could not be credited. There was also some confusion with the rules of interpretation. Candidates who wrote about the literal, golden, mischief or purposive approaches were generally not answering the question asked and were not awarded marks.

Some candidates spent disproportionate time discussing punctuation and commas. While punctuation can be relevant as an intrinsic aid, it did not need the level of detail seen in some responses, particularly given the tariff of the question. Candidates should be encouraged to match the depth of their answer to the marks available.

Notes for Centres

- Candidates should be reminded that compulsory 5-mark questions may test a narrow area of the specification. A successful answer should address that narrow focus directly and avoid drifting into related but distinct areas.
- Centres should reinforce the distinction between **intrinsic aids** and **extrinsic aids**, using examples of each. Candidates should also understand that rules of interpretation are a separate topic and should not be used unless the question specifically requires them.

Q.2 This question asked candidates to explain the principle of Parliamentary Sovereignty. It was a focused AO1 question and required knowledge of the constitutional principle rather than a broader discussion of constitutional theory.

Stronger candidates were able to explain Dicey's principles clearly: that Parliament can make or unmake any law on any subject, that no Parliament can bind a future Parliament, and that no court can question the validity of an Act of Parliament. Some stronger responses also referred briefly to possible erosions or limitations, such as devolution, the Human Rights Act 1998, membership of the European Union or relevant constitutional case law such as Miller. Where used accurately and briefly, this material helped to develop the answer.

Weaker responses confused Parliamentary Sovereignty with separation of powers. Some candidates wrote about the roles of the legislature, executive and judiciary, which was not the focus of this question. Others provided general comments about Parliament or democracy without explaining the legal principle of sovereignty. In some responses, candidates appeared to understand that Parliament has law-making power but did not develop this into a clear legal explanation.

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Notes for Centres

- Candidates should be encouraged to learn clear definitions of the core constitutional principles and to practise distinguishing between them. Parliamentary Sovereignty, separation of powers and the rule of law are connected topics, but they are not interchangeable.
- For a 5-mark question, candidates should aim for a concise explanation supported by accurate terminology. Dicey's three principles provide a helpful structure.

Q.3 This question required candidates to advise Oliver as to the methods he could use to try to influence Parliament to change the law in relation to the sale of petrol and diesel cars. It assessed AO2 skills and required candidates to apply their knowledge of law reform to the scenario. This was the most popular application question on the paper.

Stronger candidates considered a range of methods, such as pressure groups, e-petitions, media campaigns and Private Members' Bills. These candidates usually supported each method with examples and made some assessment of whether the method would be effective for Oliver. For example, candidates who referred to environmental pressure groups such as Greenpeace were often able to apply their knowledge convincingly to the scenario. Some candidates also used relevant contemporary examples of successful campaigns, such as upskirting, Marcus Rashford's campaigning or Jamie Oliver's work, to show how public pressure can influence law reform.

The best answers went beyond describing methods. They considered the strengths and weaknesses of each route. For example, pressure groups can raise awareness and mobilise support, but direct action or illegal tactics may undermine public sympathy. E-petitions are accessible and can reach a wide audience, but even petitions with very large numbers of signatures do not guarantee legislative change. Media campaigns can attract public attention, but there are concerns about declining newspaper readership, online misinformation and sensational reporting.

Weaker responses tended to be predominantly descriptive and lacked supporting examples or evidence. In some cases, answers adopted an overly conversational tone, relying on broad assertions such as launching a campaign or calling for legislative change. These responses often failed to employ appropriate legal terminology or demonstrate an understanding of established mechanisms and processes for law reform.

Several candidates spent too long discussing the Law Commission. While the Law Commission is an important law reform body, it was not the most relevant method for an individual such as Oliver, particularly where the answer did not explain how Oliver could realistically access or influence that process.

Some candidates showed good scenario awareness, recognising that environmental issues may have a wider national significance and therefore might attract more support than a purely local concern. This was credited where it was linked to a relevant method of reform.

Notes for Centres

- Candidates should practise applying law reform methods to specific individuals in scenarios. A useful approach is to explain the method, support it with an example, and then apply it to the person in the scenario in terms of the chances of success/effectiveness of that method.

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- Centres should encourage candidates to evaluate the accessibility and likely effectiveness of each method. Examples should not be bolted on at the end but used to support the advice being given.

Q.4 This question required candidates to advise Klaudia, a backbench MP, on how her Private Members' Bill could become law and the challenges she may face during the legislative process. It assessed AO2 and required both knowledge of the stages of the legislative process and application to the specific context of a Private Members' Bill.

Many candidates were able to describe some stages of the legislative process, such as First Reading, Second Reading, Committee Stage, Report Stage, Third Reading, the House of Lords and Royal Assent. Stronger candidates set out the stages accurately and linked them to Klaudia's position as a backbench MP introducing a Private Members' Bill. These responses recognised that Private Members' Bills face difficulties, including limited parliamentary time, the need to win the ballot, the possibility of insufficient cross-party support, and the risk that the Bill may fail to progress through the required stages.

The best responses integrated the challenges throughout the answer. For example, candidates explained that the Second Reading may present a difficulty if the main principles of the Bill do not attract support, or that amendments at Committee or Report Stage may alter the Bill significantly. Some candidates also made creditworthy points about pressure groups or commercial interests potentially challenging or opposing Klaudia's proposals, provided this was tied to the progress of the Bill through Parliament.

Less successful responses simply described the legislative process with little reference to the challenges Klaudia may face. This limited AO2 because the question was not asking for a purely descriptive account. Some candidates also gave inaccurate stages or confused the order of the process.

A few candidates treated the question as a general law reform question and wrote about pressure groups, petitions or media campaigns as methods for changing the law, rather than focusing on how a Bill becomes an Act of Parliament. Others referred to pre-legislative processes such as Green Papers and White Papers. This was generally not convincing in the context of a Private Members' Bill and often led to weak application. Some candidates mistakenly approached the question as if it concerned delegated legislation and discussed controls, which was not relevant.

Notes for Centres

- Candidates should be taught to distinguish clearly between **law reform methods**, **the legislative process**, and **delegated legislation**. These areas are related but are assessed differently.
- For application questions, candidates should avoid writing a generic sequence of stages. They should connect each stage to the scenario and identify specific challenges faced by the person named in the question.

Q.5 (a) This question asked candidates to explain how a jury is selected for a trial in the Crown Court. It required accurate AO1 knowledge of jury eligibility and the selection process.

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Performance on this part was surprisingly weak in many responses. Stronger candidates explained that potential jurors are selected at random from the electoral register and referred to relevant eligibility requirements, including age, residence and the role of the Jury Central Summoning Bureau.

Some candidates also accurately referred to the Juries Act 1974, the Criminal Justice Act 2003, the Criminal Justice and Courts Act 2015 or more recent developments affecting participation.

Weaker responses lacked legal authority and often provided only a general account of "random selection". Some candidates were uncertain about the current eligibility criteria, including the age range for jury service. There was also some outdated knowledge, particularly around categories of people who are now eligible to serve. Candidates should be reminded that police officers, judges and legal professionals are no longer automatically ineligible.

Some answers confused jury selection with the role of the jury during a trial. Others focused on broad ideas of fairness or representativeness without explaining the actual selection process.

(b) This question asked candidates to analyse and evaluate the extent to which lay magistrates are representative of society. Stronger responses kept the focus on representativeness and used relevant evidence to support their evaluation. These candidates discussed the appointment process, local advisory committees, advertising and recruitment, the six key qualities, age, gender, ethnicity and social background. The strongest answers used statistics appropriately and reached a reasoned judgement about the extent to which magistrates are representative.

Less successful responses were often very general and lacked legal substance. Some candidates relied on broad assertions about magistrates being "middle class" or "out of touch" without supporting evidence or explanation. There was also some use of outdated diversity statistics, which weakened the quality of evaluation.

A common issue was lack of focus on the wording of the question. Some candidates discussed inconsistency in sentencing or the strengths and weaknesses of lay magistrates generally. While these may be valid issues in other questions, they did not directly address representativeness and therefore could not be highly rewarded here.

Notes for Centres

- Candidates should ensure that evaluation is tightly focused on the precise issue in the question. For this question, the focus was representativeness, not general effectiveness, sentencing consistency or competence.
- Centres should encourage candidates to learn a small number of current and accurate statistics for topics where diversity or representativeness may be assessed.
- Candidates should also be reminded to use legal authority and relevant appointment criteria to add substance to their analysis.

Q.6 (a) This question asked candidates to explain the role of solicitors and barristers in the legal system of England and Wales. Stronger candidates were able to distinguish clearly between the two branches of the legal profession and explain their respective roles.

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Good responses explained that solicitors are often the first point of contact for clients, provide legal advice, prepare cases and may have rights of audience in some courts. Stronger candidates also recognised that solicitors may work in private practice, in-house, for public bodies or organisations such as the CPS. In relation to barristers, stronger responses explained advocacy, rights of audience, chambers, clerks, self-employment, the cab rank rule and the distinction between junior barristers and King's Counsel.

Weaker responses tended to provide a very general comparison, often stating that solicitors "do paperwork" and barristers "go to court". While this contains a basic distinction, it lacks the detail required for higher marks. Some candidates did not explain modern developments in rights of audience and therefore presented an overly simplistic or outdated distinction.

(b) This question required candidates to analyse and evaluate the extent to which the training of solicitors and barristers achieves a diverse legal profession. Stronger responses addressed both branches of the profession and linked training routes to diversity. These candidates discussed traditional training routes, the Solicitors Qualifying Examination, apprenticeships, the cost of qualification, access to pupillage, the cost of the Bar course, and the continuing impact of social background on access to the profession.

The strongest answers used statistics to support their evaluation and recognised that the solicitor route may now offer a wider range of access points, particularly through apprenticeships and the SQE. By contrast, candidates often identified the Bar as a more difficult profession to access because of the cost of training, limited availability of pupillage and geographical or financial barriers. Better responses reached a balanced judgement, recognising progress in some areas while acknowledging that barriers remain.

Weaker answers tended to describe how to become a solicitor or barrister without evaluating diversity. Some responses listed the stages of training but did not explain whether those stages make the profession accessible. Others focused only on gender or ethnicity and did not consider socio-economic background, disability, age or the financial implications of training.

Notes for Centres

- Candidates should be encouraged to connect training routes directly to diversity. It is not enough to describe the qualification process; candidates need to evaluate whether that process widens or restricts access.
- Centres should also remind candidates that diversity is multi-faceted. Stronger answers consider gender, ethnicity, disability, age, geography and socio-economic background, supported by relevant evidence where possible.

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GCE EDUQAS A LEVEL LAW

GCE A level

Summer 2026

COMPONENT 2

Overview of the Component

As this report is primarily designed to assist centres in targeting areas for future development, it naturally features observations that are critical in nature. These findings should not be assumed to apply uniformly to all centres, nor should they diminish the generally excellent standard of work achieved by many candidates this year.

Feedback following the Summer 2026 Component 2 examination was largely encouraging, with the overall standard of performance remaining consistent with previous sittings. Candidates encountered a familiar layout, requiring them to answer three 25-mark questions selected from the core areas of Human Rights, Contract, Tort, and Criminal Law. The fixed tariff allocated 10 marks for knowledge and understanding (AO1) alongside 15 marks for application (AO2).

As noted in preceding series, the logistics of online marking restrict examiners from reviewing whole scripts collectively, which makes sweeping generalisations difficult. Even so, clear and repeatable trends in candidate approach, core strengths, and common pitfalls were readily observable across all options on the paper.

Time management was generally handled well, with most candidates adhering to the rubric and completing one question from each of the three mandatory sections. Despite this, poor handwriting remains a troubling and recurring obstacle during the marking window. Centres must take a proactive approach by identifying candidates with illegible handwriting at the start of the course so that appropriate access arrangements, such as the use of a word processor, can be put in place.

It is also vital for centres to reinforce that **any element of the syllabus** is eligible for examination. Candidates must be cautioned against over-relying on memorised model answers. Although pre-prepared answers can provide a helpful layout, they rarely match the exact focus of the question set and often cap a candidate's marks, especially when the material is outdated, too broad, or lacks direct interaction with the specific factual scenario.

The most successful scripts this year were defined by a logical progression, an excellent integration of legal authorities, and continuous, focused application. In contrast, less successful scripts often defaulted to pure description or struggled to link the legal theory to the practical issue in front of them.

Ultimately, candidate performance tracked closely with the trends of recent years. Most candidates showed a secure grasp of foundational legal concepts and made appropriate use of relevant statutes and case law. Strong scripts stood out by blending knowledge with focused, continuous application.

The main dividing line between average and excellent marks was the depth and precision of the application. While many scripts displayed an abundance of legal knowledge, they faltered when it came to tailoring that information to resolve the precise issue raised by the question. A significant number of candidates still choose to give generic overviews rather than dealing directly with the facts provided.

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While this approach secures solid AO1 marks, it lacks the explicit, tailored application needed to score highly for the AO2 assessment objective.

Comments on individual questions/sections

Section A Contract Law

Question 1 – Misrepresentation scenario

This question focused on the law of misrepresentation within a commercial-consumer leasing context, requiring candidates to evaluate several pre-contractual statements and actions against statutory frameworks and common law principles.

While many candidates successfully recognised that the scenario cantered on misrepresentation and could articulate clearly its definition, performance across the cohort was highly varied. The most successful scripts demonstrated a clear, structured approach, systematically looking at each of Jane's statements. regarding the insulation and suitability of the studio, the existence of an eager alternative tenant, and the false claim of thorough research into local art demand.

Stronger answers made a commendable effort to evaluate whether these statements were representations of fact, opinion, or mere sales puff, noting that Jane's position as a landlord could elevate seemingly subjective comments into actionable statements of fact or imply underlying factual basis. The best answers thoughtfully explored the full spectrum of misrepresentation, distinguishing between fraudulent misrepresentation regarding the concealed roof leaks, negligent misrepresentation under Section 2(1) of the Misrepresentation Act 1967 regarding the exaggerated research data, and innocent misrepresentation regarding the failed safety inspection. before matching each category to its specific remedies.

However, several persistent errors and areas for improvement heavily restricted scripts to the lower mark bands. A major concern was the pervasive absence of specific legal authority. A significant number of candidates discussed misrepresentation purely in colloquial, layperson terms without supporting their arguments in the Misrepresentation Act 1967 or case law. Candidates frequently failed to cite *Derry v Peek (1889)* when identifying Jane's deliberate concealment of the roof defects as fraudulent and completely omitted *Royscot Trust Ltd v Rogerson (1991)* or *Doyle v Olby (1969)* when advising Lisa on the different measures of damages available. Without these vital authorities, answers remained restricted regardless of how well-written they were.

Furthermore, while candidates generally identified "misrepresentation" as an abstract concept, many failed to adequately differentiate and apply the distinct types in a systematic way. Weaker responses tended to lump all of Jane's misstatements together as a single collective breach or only focused on one type, completely missing the opportunity to analyse how different statements carry entirely different legal burdens and remedies. Even when specific categories were mentioned, the application of their individual elements to Jane's actions was often vague.

Candidates frequently failed to explicitly state the core requirements, such as a false statement of material fact, reliance, and inducement. before directly linking them to the facts of the scenario. For instance, weaker scripts rushed past the point of Jane's false claim about a competing tenant, failing to analyse whether this pressure directly induced Lisa to sign the lease, which is a crucial element for establishing an actionable claim.

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To achieve high marks in future series, candidates must move away from generic, descriptive summaries of "what happened" and instead practice a disciplined, statement-by-statement analysis that explicitly addresses the specific type of misrepresentation and its corresponding statutory or case law recourse.

Question 2 – Consideration and promissory estoppel scenario

This question focused on the law of consideration and promissory estoppel, requiring candidates to balance common law rules of part-payment against equitable interventions and past consideration. Performance was heavily dictated by coverage. The strongest answers addressed both parts of the question with clear structure and good use of case law, while weaker responses were imbalanced, often focusing exclusively on consideration while completely omitting promissory estoppel. A minority of candidates provided a generic overview of contract formation, completely lacking focus on the specific question.

In relation to the unpaid £2000, candidates were generally able to define consideration, but many lacked case law to support their definitions. Stronger candidates accurately applied *Pinnel's Case (1602)* and *Foakes v Beer (1889)* to show that an agreement to accept a lesser sum is generally not binding because the debtor provides no consideration to waive the balance. Silas gave nothing extra in return for Mo accepting £3000, meaning Mo was legally entitled to demand the remainder. Excellent scripts used *Re Selectmove (1995)* and *MWB v Rock Advertising (2016)* to correctly conclude that the "practical benefits" doctrine from *Williams v Roffey (1990)* does not extend to part-payment of a debt.

The application of promissory estoppel was the main difference between candidates achieving the higher mark bands. Strong responses recognised that Silas would use estoppel as a defence. They evaluated the criteria from *Central London Property Trust v High Trees House (1947)*: a clear promise to waive rights, reliance on that promise, and it being inequitable to go back on the word. Candidates noted that while Mo made a promise and Silas relied on it during financial difficulties, Mo could argue it was no longer inequitable to demand the balance since Silas's business became profitable, ending the suspensory effect under *Tool Metal Manufacturing v Tungsten Electric (1955)*. Weaker scripts treated estoppel superficially, failing to explain its requirements or incorrectly describing it as a cause of action rather than a shield.

The second part of the scenario regarding free advertising required candidates to focus on past consideration. Stronger answers identified that because Silas made the promise after Mo had designed the website, Mo's work was past consideration. Candidates applied *Roscorla v Thomas (1842)* to explain that past consideration is no consideration, making Silas's promise a non-binding goodwill gesture. The best responses tested whether the exception in *Pao On v Lau Yiu Long (1980)* could apply, though they ultimately concluded the promise was entirely gratuitous. Weaker scripts missed this entirely, ignoring the advertising issue or treating it as a standard breach.

To improve future performance, candidates must avoid using pre-prepared notes on contract formation and instead practice an issue-by-issue analysis.

Section B The Law of Tort

Question 3 – Private nuisance scenario

This was the least popular of the two tort questions, and the responses were highly varied. Candidates were given full credit whether they tackled the scenario using a straight private nuisance approach or focused purely on the rule in *Rylands v Fletcher*.

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The marking framework was intentionally designed to accommodate both approaches fairly, meaning that an answer which completely omitted *Rylands v Fletcher* was treated as equally valid provided it offered a clear, reasoned application of private nuisance principles.

However, across both approaches, the primary issues across the cohort remained a distinct lack of supporting case law and weak application to the facts of the question.

Candidates who approached the question through private nuisance generally established the basic definition of an unlawful, indirect interference with a person's use or enjoyment of land. Stronger responses correctly identified Ben as the claimant with a proprietary interest in the land and Lily as the creator or adopter of the nuisance. However, a key area of weakness was the failure to properly evaluate the core element of unreasonableness. Strong answers used factors of locality, duration, and utility to determine whether the interference was actionable, noting that a single, sudden flooding event rarely constitutes a continuing nuisance unless it stems from an ongoing dangerous state of affairs on the defendant's land, as seen in *Spicer v Smee (1946)*. Weaker answers treated the flooding as an automatic breach, completely ignoring the requirement to prove that the interference was substantial and unreasonable.

For candidates who recognised the scenario as a potential strict liability claim under *Rylands v Fletcher (1868)*, performance was heavily dictated by how methodically they worked through the established requirements. Stronger scripts identified that storing large volumes of water in a tank meets the threshold of bringing and keeping something likely to do mischief if it escapes. They then analysed whether a large water tank in a residential garden constituted a non-natural or extraordinary use of land, citing *Rickards v Lothian (1913)* to distinguish ordinary domestic water storage from an exceptional accumulation. Candidates noted that the element of escape was satisfied as the water did in fact move from Lily's property onto Ben's land, and the best responses applied *Cambridge Water Co v Eastern Counties Leather (1994)* to show that the damage to Ben's garden must be a reasonably foreseeable consequence of that escape.

The main discriminator between mark bands under both approaches was how candidates handled the contractor's negligence and potential defences. Weaker responses frequently concluded that Lily could not be liable because the overflow was caused entirely by the independent contractor's poor construction. Stronger scripts noted that *Rylands v Fletcher* is a tort of strict liability, meaning under the original precedent a defendant remains liable for an escape even if the accumulation was built by an independent contractor.
Furthermore, regarding the heavy rainfall, weaker scripts accepted this as an automatic defence of Act of God, excellent answers applied *Nichols v Marsland (1876)* to argue that standard heavy rainfall does not meet the legal threshold of an exceptional, unprecedented natural event, meaning the defence would likely fail.

To improve future performance, candidates must move away from simply descriptive accounts of the rules and ensure they explicitly test every element of a tort using relevant case law to support.

Question 4 – Negligence scenario

This question was done well overall, with many excellent scripts systematically working through the establishing elements of duty of care, breach of duty, standard of care, several risk factors, and both factual and legal causation before reaching a comprehensive conclusion. These strong responses used an excellent selection of case law to support each stage of Tom's claim. However, a major weakness in less successful answers was the failure to cite *Robinson v Chief Constable of West Yorkshire Police (2018)*. Candidates must understand that omitting *Robinson* limits their ability to achieve full marks, even if the older *Caparo* test and all other elements are done well.

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Candidates must explain the modern test for a duty of care as clarified in *Robinson*, which dictates that where an established category of duty exists, such as the well-recognised relationship between employer and employee, the courts do not apply the three-stage *Caparo* test and instead look directly to existing precedent. The *Caparo* test should only be introduced and applied if the scenario presents a completely novel legal situation.

In addressing the duty of care, successful responses correctly identified that the employer-employee relationship is a settled category of law. This led smoothly into the evaluation of breach of duty and the standard of care, where strong candidates excelled by evaluating the objective standard of a reasonable employer. They thoroughly analysed several relevant risk factors to demonstrate that the standard had been breached, citing *Latimer v AEC Ltd (1953)* to show that the cost and practicality of precautions were minimal compared to the known danger, and *Paris v Stepney Borough Council (1951)* to highlight that the employer's awareness of Tom's pre-existing condition increased the seriousness of the potential harm, thereby raising the standard of care required. Because Tom had repeatedly raised concerns about the broken guard for weeks and the employer failed to act, candidates correctly argued that a reasonable employer would have taken the machine out of service or repaired it immediately.

The analysis of causation further differentiated the mark bands. Stronger candidates initiated their evaluation with factual causation, successfully applying the "but-for" test and citing *Barnett v Chelsea & Kensington Hospital Management Committee (1969)* to prove that but for the employer's failure to repair the safety guard, Tom would not have suffered the hand injury. In terms of legal causation and remoteness of damage, strong answers applied the *Wagon Mound (No 1) (1961)* to show that physical injury to a hand while operating kitchen machinery was a reasonably foreseeable consequence of a broken safety guard. Crucially, excellent responses identified Tom's pre-existing condition and applied the "eggshell skull " rule, citing *Smith v Leech Brain & Co (1962)* to explain that the employer had to take his victim as he found him. They correctly concluded that the employer remained legally liable for the full, severe extent of Tom's injury and recovery, despite his susceptibility. Weaker responses, by contrast, tended to treat the pre-existing condition descriptively or suggested it might reduce the employer's liability, lacking the legal authority to support their claims.

To improve future performance, centres must train candidates to explicitly utilise *Robinson* as the starting point for duty of care and ensure they avoid applying novel tests to long-established legal relationships.

Section C Criminal Law

Question 5 – Bail Scenario

This question focused on the law of bail, requiring candidates to evaluate the distinct criteria for both police bail and court bail within a scenario involving a suspect with no prior criminal record but a minor past police warning. Bail has not been asked as a scenario question before, having only appeared as an essay topic in previous series. Centres are reminded that any topic on the specification can be assessed.

This question produced some excellent answers, where candidates fully used the Bail Act 1976, key provisions of PACE 1984, LASPO 2012, the Police, Crime, Sentencing and Courts (PCSC) Act 2022, and relevant amendments. However, for the weaker responses, the main issue was a total lack of legal authority, with candidates discussing David's situation in everyday terms rather than using statutory frameworks.

In relation to police bail, stronger responses applied Sections 37 and 38 of PACE 1984 to analyse the custody officer's powers, correctly noting that bail can be granted post-arrest or extended for further questioning subject to conditions.

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Candidates evaluated the condition requiring David to report to the station every Friday, assessing whether it was reasonable and proportionate given his lack of a criminal record. Strong answers also integrated the PCSC Act 2022, demonstrating clear knowledge that custody officers can now authorise pre-charge bail for an initial period of three months, with further extensions requiring higher ranks, such as an Inspector up to six months, a Superintendent up to nine months, and judicial approval thereafter. Weaker responses frequently failed to discuss the role of the independent custody officer or overlooked the statutory time limits entirely.

For court bail high-performing candidates explicitly cited Section 4 of the Bail Act 1976, which establishes the general presumption in favour of bail, and linked this directly to the protection of David's Article 5 right to liberty under the ECHR. They then methodically balanced David's specific factors against the refusal criteria in Schedule 1, contrasting the strength of the witness evidence against his stable address, lack of convictions, and strong community ties. Excellent answers also showed good contemporary knowledge by applying Section 90 of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012, using the "No Real Prospect Test" to argue that if a custodial sentence is unlikely for this specific burglary scenario, the court's power to refuse bail is strictly limited.

Furthermore, strong responses drew on the Criminal Justice and Public Order Act 1994 and the Criminal Justice Act 2003 to discuss conditions and risk of harm, while supporting their arguments with relevant case examples such as *R v Gary Weddell (2008)* or *Jonathan Vass*. Weaker scripts completely missed these statutory developments and case illustrations, often erroneously treating David's past minor police warning as an automatic bar to release.

Question 6 – Murder- defences

This question focused on defences to a charge of murder, specifically requiring candidates to balance the complete defence of self-defence against the partial defence of loss of control, while also considering the impact of intoxication within a nightclub setting. 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, the unlawful killing of a human being under the King's peace with an intention to kill or cause grievous bodily harm, applying these elements to James's actions when striking Mark with the bottle. This foundational discussion was vital for setting up the subsequent analysis of defences, as establishing that a murder charge could be brought is a necessary precursor for discussing defences that completely acquit the defendant or reduce the charge to manslaughter.

The best answers then explored the complete defence of self-defence and the partial defence of Loss of Control under the Coroners and Justice Act 2009. They demonstrated a good understanding of the tests for each, applying the facts, such as Mark's physical pushes, humiliating insults, and intimidating gestures, to the specific legal requirements. Where self-defence was discussed, stronger candidates accurately articulated the two-part test, evaluating James's honest belief in the necessity of force alongside whether striking Mark with a glass bottle constituted reasonable and proportionate force in the circumstances. Credit was also given to candidates who recognised the nightclub context and integrated a discussion of voluntary intoxication, assessing how a drunken state of mind interacts with the subjective elements of these defences.

However, several common errors and areas for improvement restricted scripts from achieving top marks. A frequent issue, mirroring trends from previous series, was the omission or very brief discussion of the base offence of murder at the outset, with candidates jumping straight into defences without establishing the structural foundation of the crime. Furthermore, while the scenario clearly pointed towards Loss of Control and self-defence, many candidates either omitted one of these or discussed them superficially.

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Conversely, a significant number of responses incorrectly went through a checklist of all available defences on the specification, discussing irrelevant concepts like diminished responsibility or duress. This scattered approach suggested a reliance on pre-prepared model answers rather than a careful reading and precise application to the specific facts of the scenario.

A pervasive problem across a substantial number of scripts was the absence of specific legal authority. Candidates frequently discussed the elements of the defences without referencing statutory provisions or citing crucial case law that defines key terms. For instance, in self-defence, weaker answers failed to reference Section 76 of the Criminal Justice and Immigration Act 2008 or cases like *R v Palmer (1971)* to support the rules on instinctive, proportionate force. Similarly, for Loss of Control, scripts routinely omitted sections 54 and 55 of the Coroners and Justice Act 2009, failing to cite cases like *R v Dawes (2013)* when evaluating whether Mark's mocking behaviour and threats to "sort him out" amounted to a qualifying trigger of a grave character that caused James to lose his self-control.

Even when the relevant defences were identified, the application of their specific elements to James's situation was often generic or incomplete. Candidates needed to systematically work through each legal requirement and link it directly to the facts provided. For example, within the Loss of Control analysis, weaker responses failed to test the objective component of whether a person of James's sex and age, with a normal degree of tolerance and self-restraint, might have reacted in a similar way when subjected to the same combination of public humiliation and intimidation. When evaluating self-defence, many candidates struggled with the "reasonable force" element, failing to weigh up James's sudden panic within the objective evaluation of proportionality, or failing to realise that using a weapon against verbal taunts and a hand on the shoulder would likely fail the necessity threshold. To improve, candidates must follow a structured approach, starting with the baseline elements of murder, thoroughly exploring only the highly relevant defences, and ensuring every step is supported by statutory law and case law.

Section D Human Rights Law

Not many candidates chose this question, but there were some excellent answers seen across the cohort. Strong scripts were well done, systematically working through the mechanics of the OSA 1989 with excellent use of relevant statutory sections and supporting case law to evaluate Rebecca's position. Conversely, where answers fell short, the main issue was a distinct lack of supporting law, with weaker responses relying on general political commentary about whistleblowing rather than specific legal frameworks.

In addressing the statutory liability, stronger responses demonstrated clear AO1 knowledge of the purpose of the OSA 1989 in protecting classified information. They applied the specific sections to Rebecca's role as a journalist, focusing on Section 5, which governs unauthorised disclosures by non-Crown servants who receive information from an anonymous whistleblower. Candidates linked this with Section 2, identifying that the leaked documents directly concerned defence and armed forces funding, a strictly protected category under the Act. High-performing answers applied these sections to show that because Rebecca published the classified material, she had committed an unauthorised disclosure. The main discriminator here was the recognition that the OSA 1989 contains no public interest defence. Stronger candidates pointed out that while Rebecca's intention to expose government misconduct carried moral weight, it offered no legal justification under the strict terms of the Act.

The evaluation of Rebecca's counterargument under Article 10 ECHR further separated the mark bands. Successful answers recognised the tension between protecting state secrets and the public's right to know.

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Stronger candidates applied the two-part test for Article 10, balancing the right to freedom of expression under Article 10(1) against the strict limitations permitted under Article 10(2).

They evaluated whether the government's interference via Rebecca's arrest was prescribed by law and pursued the legitimate aim of protecting national security.

The integration of case law was crucial for securing the highest marks. Strong responses effectively utilised the House of Lords decision in *R v Shayler (2002)* to reinforce that disclosures breaching national security laws are rarely protected by a general appeal to the public interest, as the statutory framework itself is deemed compliant with human rights standard mechanisms. Weaker scripts completely missed out case law, often erroneously concluding that Article 10 provides an absolute shield for journalists regardless of the subject matter.

Question 8 – Police powers

There were some excellent responses to this question, with candidates demonstrating excellent use of the sections of PACE and outstanding application skills. Overall, candidates generally understood the task of advising Morgan 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, premises search, and 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 specific actions in the scenario were unlawful.

However, several common errors and areas for improvement restricted a significant number of scripts to the lower mark bands. A major concern, echoing performance trends from previous series, was the complete omission of any discussion regarding the legality of Morgan's arrest. Many candidates jumped straight from the initial search to custody issues without first addressing whether PC Sullivan had a valid power of arrest under Section 24 of PACE, including the crucial necessity criteria. Furthermore, while most candidates identified the initial stop and search, many responses did not fully apply the "reasonable suspicion" requirement under Section 1 of PACE and Code A, failing to note that merely "appearing anxious" in a crowded area is insufficient to form reasonable grounds. Candidates also routinely overlooked the procedural necessities of Section 2 of PACE, which states that an officer must provide their name, station, and the grounds for the search before it commences, leaving these initial police actions underdeveloped in weaker scripts.

A pervasive issue across the cohort was the absence of specific section numbers from PACE 1984, with candidates referring generically to "PACE" or "the Act" when discussing police powers. For a question heavily reliant on statutory authority, precise citation is essential for higher marks. This precision was frequently lacking when evaluating the legality of the residential search and the subsequent detention. Stronger answers correctly identified that the search of Morgan's flat after his arrest was governed by Section 18 or Section 32 of PACE, evaluating whether the officer had the proper authorisation or immediate justification to look for stolen luxury handbags.

Conversely, weaker answers struggled to detail the rules governing Morgan's 41-hour detention. While many noted that 41 hours was excessive, lower-scoring scripts failed to apply Section 41, which caps initial detention without charge at 24 hours, and failed to explain the strict conditions under Sections 42 to 44 where extensions up to 36 or 96 hours require authorisation from a Superintendent or a warrant from a Magistrates' court. The complete absence of references to periodic detention reviews by a review officer under Section 40 further weakened these responses.

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Similarly, the denial of Morgan's basic rights in custody was frequently treated in a descriptive manner rather than an analytical one. Morgan being refused access to a solicitor and denied permission to contact his sister were clear prompts for a discussion of Section 58 (right to legal advice) and Section 56 (right to have someone informed of arrest).

Weaker responses sometimes accepted the police's actions without question or failed to realise that delaying these rights under Code C is only permissible in exceptional circumstances involving indictable offences, and even then, requires the authorisation of a high-ranking officer.

To improve performance in future series, candidates must commit key PACE section numbers to memory and practice a disciplined, step-by-step analysis that measures every police action against its corresponding statutory requirements.

Summary of key points

- Candidates should be encouraged to engage closely with the precise wording of the scenario questions. Across several questions, responses demonstrated secure legal knowledge but did not fully address the specific issues identified within the question, often because they relied on pre-prepared summaries rather than dealing directly with the facts provided.
- AO2 (analysis and evaluation through application) remains the principal discriminator between the middle- and upper-mark bands. The strongest responses developed balanced, issue-by-issue arguments throughout the scenario, systematically mapping factual details to specific legal requirements rather than reserving their application for a summary at the end.
- Legal authority should be used to support legal argument. The highest-scoring responses integrated relevant case law, precise statutory provisions, and, where appropriate, contemporary legal developments, such as the recent amendments to bail time limits, to support their analysis rather than simply describing legal principles.
- Candidates should ensure that legal authority is sufficiently broad and detailed. Several responses relied on a limited range of cases or omitted key statutory provisions, particularly where the question heavily required the precise citation of specific sections, such as under the Police and Criminal Evidence Act 1984 or the Coroners and Justice Act 2009.
- Where a scenario encompasses multiple elements or parties, candidates should ensure that all aspects of the topic are addressed. Focusing disproportionately on one element or jumping straight to custody issues while completely omitting a discussion on the legality of an arrest or the core requirements of a contract, restricted the breadth of the analysis and limited access to the higher mark bands.

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GCE EDUQAS A LEVEL LAW

GCE A level

Summer 2026

COMPONENT 3

Overview of the Component

Component 3 continues to assess candidates' ability to demonstrate both secure legal knowledge and sophisticated analysis across the four optional areas of study: Contract Law, Tort Law, Criminal Law and Human Rights Law. Candidates are required to answer three 25-mark essay questions, selecting one question from each of three different sections of the paper. Each response is assessed through AO1 (10 marks) for knowledge and understanding and AO3 (15 marks) for analysis and evaluation.

Overall, candidate performance was comparable with previous examination series. Most candidates demonstrated a sound understanding of the core legal principles within their chosen topics and there was generally good use of relevant statutory provisions and case law. The strongest responses combined detailed legal knowledge with sustained analysis and evaluation, maintaining a clear focus on the precise wording of the question throughout.

As in previous years, the principal discriminator between the middle and upper mark bands was the quality of evaluation. Many candidates demonstrated substantial legal knowledge but were less successful in adapting that knowledge to address the specific issue identified within the question. There remained a tendency for some candidates to reproduce prepared essays or descriptive accounts of the law, rather than engaging critically with the statement provided. Whilst these responses often demonstrated sound AO1 knowledge, they lacked the sustained evaluative discussion required to access the highest marks.

The most successful candidates used legal authority purposefully to support their arguments. Relevant case law, statutory provisions, Law Commission reports and contemporary legal developments were integrated into discussion rather than simply cited. These candidates consistently developed balanced arguments, considered competing viewpoints and reached substantiated judgements supported by legal authority.

Candidates generally managed their time effectively and there was little evidence of rubric infringements. Centres should, however, continue to encourage candidates to develop a structured approach to extended essay writing, ensuring that responses remain focused on the question throughout and that analysis and evaluation are integrated rather than confined to a concluding section.

As in previous examination series, a small number of scripts presented difficulties due to handwriting that was difficult to decipher. Centres are encouraged to identify candidates who may require appropriate access arrangements at an early stage to ensure that their legal knowledge and understanding can be fully demonstrated.

Comments on individual questions/sections

Question 1 – Discharge of Contracts

This question proved to be a popular choice and was generally answered well. Most candidates demonstrated a secure understanding of the ways in which contracts may be discharged, with particular emphasis placed on the doctrine of frustration.

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Responses generally remained focused on the wording of the question, and many candidates were able to consider whether the current law continues to provide a fair and effective means of bringing contractual obligations to an end.

The strongest responses demonstrated detailed knowledge of the development of the doctrine of frustration, supported by relevant case law. These candidates were able to evaluate the extent to which the law has evolved from its strict common law origins to provide a more flexible and equitable approach. They considered both the strengths and limitations of the current doctrine, analysing issues such as commercial certainty, fairness to the contracting parties and the continuing need for reform before reaching well-supported conclusions.

A common weakness was the limited use of legal authority. Whilst many candidates demonstrated sound knowledge of the legal principles governing discharge by frustration, some responses lacked sufficient supporting case law or relied upon only a small number of authorities. As a result, otherwise accurate discussions were often less persuasive and were unable to access the highest mark bands.

Centres are encouraged to continue emphasising the importance of supporting evaluative arguments with relevant legal authority. The most successful responses did not simply explain the doctrine of frustration but used case law effectively to develop analysis and justify their conclusions regarding whether the current law remains fit for purpose.

Question 2 – Privity of Contract

This question was also a popular choice and was generally answered to a good standard. Most candidates demonstrated a secure understanding of the doctrine of privity of contract, including the traditional common law rule and the impact of the Contracts (Rights of Third Parties) Act 1999. Responses generally remained well focused on the issue of whether the current law successfully balances fairness with legal certainty.

The strongest responses demonstrated detailed knowledge of both the common law position and the statutory reforms introduced by the 1999 Act. These candidates evaluated the extent to which the legislation has addressed the perceived injustices of the traditional doctrine whilst preserving the principle of contractual certainty. They supported their discussion with a range of relevant case law and considered both the benefits and remaining limitations of the current legal framework before reaching well-reasoned and substantiated conclusions.

A common weakness was the limited use of legal authority. Whilst many candidates demonstrated sound understanding of the doctrine and its development, some responses lacked sufficient supporting case law or relied upon only a small number of authorities. This restricted the depth of analysis and often prevented candidates from accessing the highest mark bands.

Centres are encouraged to continue emphasising the importance of supporting evaluative discussion with appropriate legal authority. The strongest responses combined accurate legal knowledge with well-selected case law and sustained evaluation, enabling candidates to engage critically with the balance between fairness and legal certainty rather than simply describing the development of the law.

Question 3 – Occupiers' Liability

This question produced responses of a mixed standard. Most candidates demonstrated a sound understanding of the Occupiers' Liability Acts 1957 and 1984 and were able to explain the duties owed by occupiers.

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However, the quality of responses often depended upon how effectively candidates engaged with the full scope of the question and supported their discussion with relevant legal authority.

The strongest responses recognised that the question required consideration of both lawful visitors and trespassers and therefore addressed the operation of both the Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984. These candidates evaluated the extent to which the current law balances the interests of occupiers with the protection afforded to different categories of entrants, considering issues such as personal responsibility, public policy and the development of the common law. Their arguments were supported by a broad range of relevant statutory provisions and case law, enabling them to reach well-reasoned and substantiated conclusions.

A common weakness was the tendency for candidates to focus predominantly on either visitors or trespassers, rather than considering the protection afforded to both groups as required by the question. In addition, many responses lacked sufficient reference to the relevant statutory provisions and supporting case law. Whilst legal principles were often explained accurately, the limited use of authority restricted the depth of analysis and evaluation and prevented some candidates from accessing the highest mark bands.

Candidates should be encouraged to read evaluative questions carefully and ensure that every aspect of the question is addressed. Where a question expressly refers to both the 1957 and 1984 Acts, responses should demonstrate knowledge of both statutory regimes and use relevant legal authority to support a balanced evaluation of whether the current law achieves an appropriate balance between the rights of occupiers and the protection of visitors and trespassers.

Question 4 – Remedies in Tort

This question proved to be an accessible option and was generally answered well. Most candidates demonstrated a secure understanding of the principal remedies available in tort and were able to explain how these seek to compensate claimants for the loss they have suffered. The broad nature of the question allowed candidates to explore a range of remedies and consider their effectiveness in achieving justice.

The strongest responses considered the full range of remedies available, including both damages and equitable remedies such as injunctions. These candidates evaluated the extent to which different remedies provide justice in different circumstances, recognising that whilst damages are intended to restore claimants to the position they would have been in had the tort not occurred, financial compensation cannot always fully remedy serious personal injury or other non-financial losses. Many also considered wider issues such as the availability of funding, contributory negligence, the purpose of exemplary damages and the practical effectiveness of injunctions in preventing continuing harm.

A common weakness was the tendency for candidates to focus almost exclusively on damages, with little or no consideration of alternative remedies. Whilst damages inevitably formed the central part of many responses, candidates who omitted discussion of injunctions and other available remedies were often unable to provide the breadth of analysis required by the question.

Candidates should be encouraged to consider the precise wording of evaluative questions before planning their responses. Where a question refers to the **remedies** available in tort, candidates should address the full range of available remedies and evaluate their effectiveness in providing justice to claimants, rather than focusing solely on financial compensation. Supporting analysis with relevant statutory provisions, case law and wider policy considerations will enable candidates to access the higher mark bands.

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Question 5 – Insanity

This question produced some good responses, with many candidates' demonstrating sound knowledge of the defence of insanity and the key principles established by the M'Naghten Rules. Most candidates were able to explain the legal requirements of the defence, including defect of reason, disease of the mind and the need for the defendant either not to know the nature and quality of the act or not to know that the act was legally wrong.

The strongest responses engaged directly with the wording of the question and focused on the disconnect between the legal definition of insanity and modern medical understanding of mental disorders. These candidates used relevant case law to illustrate the potentially problematic or "absurd" outcomes produced by the current law, particularly in relation to the distinction between internal and external causes, the treatment of conditions such as diabetes and epilepsy, and the narrow interpretation of "wrong" as legally wrong. They were also able to evaluate whether reform is needed and reach a clear judgement.

A common weakness was the tendency to provide a general description of the defence without sufficiently addressing the specific issue raised in the question. Some candidates explained the M'Naghten Rules accurately but did not develop the evaluative argument around medical understanding, outdated terminology or problematic outcomes. As a result, otherwise sound AO1 responses did not always access the higher AO3 bands.

Candidates should be encouraged to identify the precise evaluative focus of the question before beginning their response. In this case, the strongest answers were those that did not simply explain insanity but used the law and supporting case law to assess whether the current defence remains disconnected from medical reality and whether this leads to unjust or illogical results.

Question 6 – Theft

This question proved to be an accessible option and was generally answered well. Most candidates demonstrated a secure understanding of the offence of theft under the Theft Act 1968 and were able to explain the constituent elements of the offence. There was generally good knowledge of the statutory definition, and many candidates supported their responses with relevant case law.

The strongest responses adopted a structured approach, considering each of the elements of theft in turn before evaluating the extent to which, collectively, they distinguish between legitimate appropriation and criminal conduct. These candidates demonstrated detailed knowledge of concepts such as appropriation, property, belonging to another, dishonesty and intention permanently to deprive, and supported their discussion with a broad range of relevant legal authority. Evaluation was sustained throughout the essay, with candidates considering both the strengths of the current offence and areas where judicial interpretation has created uncertainty or attracted criticism.

A common weakness was the tendency for candidates to focus almost exclusively on appropriation. Whilst this is an important and often controversial element of theft, candidates who confined their discussion to appropriation failed to address the wider wording of the question, which required evaluation of the elements of the offence. As a result, many otherwise well-written responses lacked the breadth of knowledge and analysis necessary to access the higher mark bands.

Candidates should be encouraged to consider the scope of the question carefully before planning their response. Where a question refers to the elements of an offence, candidates should ensure that all the relevant elements are addressed and that evaluation is developed across the topic, rather than focusing disproportionately on one issue.

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The most successful responses demonstrated both breadth of legal knowledge and sustained evaluation supported by appropriate statutory provisions and case law.

Question 7 – Human Rights Act 1998

This question proved to be an accessible option and was generally answered well. Most candidates demonstrated a secure understanding of the Human Rights Act 1998 and were able to explain its purpose in incorporating Convention rights into domestic law. Many responses recognised the significance of the Act in enabling individuals to enforce Convention rights before the domestic courts and considered its wider constitutional impact.

The strongest responses moved beyond a general explanation of the Human Rights Act 1998 and focused on the specific mechanisms through which it protects human rights. These candidates made effective reference to the key provisions of the Act, including sections 2, 3, 4, 6 and 7, and evaluated their practical significance using a broad range of relevant case law. They demonstrated an appreciation of both the strengths and limitations of the current framework, considering issues such as parliamentary sovereignty, judicial interpretation and the effectiveness of declarations of incompatibility before reaching balanced and well-supported conclusions.

A common weakness was the limited reference to the provisions of the Human Rights Act itself. Whilst many candidates demonstrated sound knowledge of Convention rights and the general operation of the Act, a significant number failed to incorporate the key statutory sections into their analysis and evaluation. In addition, some responses contained only limited supporting case law, restricting the depth of legal analysis and preventing candidates from accessing the highest mark bands.

Candidates should be encouraged to support evaluative discussion of the Human Rights Act 1998 with both the relevant statutory provisions and appropriate legal authority. The most successful responses demonstrated not only knowledge of the Convention rights but also a clear understanding of the statutory mechanisms through which those rights are protected and enforced within the UK legal system.

Question 8 – Obscenity

This question produced several excellent responses and was generally answered to a strong standard. Candidates appeared to be well prepared for this topic, with many demonstrating detailed knowledge of the law relating to obscenity and the competing interests that underpin its regulation. There was generally good use of relevant statutory provisions, case law and contemporary examples to support legal discussion.

The strongest responses engaged directly with the wording of the question, evaluating the extent to which the current law successfully balances the protection of public morals with the right to freedom of expression. These candidates demonstrated a secure understanding of the relevant statutory framework and the interaction between obscenity law and Article 10 of the European Convention on Human Rights. They supported their analysis with a wide range of relevant legal authority and considered both the justifications for restricting obscene material and the criticisms of the current legal framework. Balanced evaluation and well-reasoned conclusions were common features of the highest-scoring responses.

Many candidates also demonstrated an awareness of the challenges posed by changing societal attitudes and developments in technology, considering whether the existing law remains effective in regulating obscene material in the modern era. Such discussion often strengthened the evaluative quality of responses where it remained closely linked to the wording of the question.

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Overall, this question demonstrated the importance of combining detailed legal knowledge with sustained analysis and evaluation. The most successful candidates maintained a clear focus on the balance between protecting public morals and safeguarding freedom of expression, using relevant legal authority throughout to support a well-developed and substantiated judgement.

Summary of Key Points

- Candidates should be encouraged to engage closely with the precise wording of the question. Across several questions, responses demonstrated secure legal knowledge but did not fully address the specific issue identified within the statement.
- AO3 (analysis and evaluation) remains the principal discriminator between the middle- and upper-mark bands. The strongest responses developed balanced arguments throughout the essay rather than reserving evaluation for the conclusion.
- Legal authority should be used purposefully to support legal argument. The highest-scoring responses integrated relevant case law, statutory provisions and, where appropriate, contemporary legal developments to support analysis rather than simply describing legal principles.
- Candidates should ensure that legal authority is sufficiently broad. Several responses relied on a limited range of cases or omitted key statutory provisions, particularly where the question required discussion of specific legislation such as the Human Rights Act 1998 or the Occupiers' Liability Acts.
- Where a question encompasses a broad area of law, candidates should ensure that all aspects of the topic are addressed. Focusing disproportionately on one element often restricted the breadth of analysis and limited access to the higher mark bands.
- Centres should continue to develop candidates' extended essay-writing skills. Successful responses demonstrated a clear introduction, a logical and coherent line of argument, sustained evaluation throughout and a conclusion that directly answered the question set.
- Contemporary legal developments, Law Commission reports and academic commentary can strengthen evaluative discussion where they are relevant and used to support legal argument.
- As in previous examination series, centres should identify candidates whose handwriting may present difficulties for examiners and consider appropriate access arrangements where necessary.

Notes to Centres

- Encourage candidates to plan their responses before writing to ensure that they address every aspect of the question and maintain a clear line of argument throughout.
- Reinforce the distinction between AO1 and AO3. Detailed legal knowledge alone will not access the highest mark bands without sustained analysis and evaluation.
- Develop candidates' confidence in integrating evaluation throughout an essay rather than presenting descriptive legal knowledge followed by a brief evaluative conclusion.
- Continue to emphasise the importance of using relevant legal authority. Candidates should explain the legal principles established by cases and statutes and use them to support critical analysis rather than simply listing authorities.
- Encourage candidates to use the wording of the question to shape their response. The strongest essays consistently returned to the issue identified in the statement and reached a clear, substantiated judgement.
- Where appropriate, candidates should demonstrate awareness of contemporary legal developments, reforms and academic debate to enhance the depth of their evaluation.

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