



ASSESSMENT and
QUALIFICATIONS
ALLIANCE

General Certificate of Secondary Education

Law 3161

2009

Material accompanying this Specification

- Specimen and Past Papers and Mark Schemes
- Reports on the Examination
- A Teacher's Guide

SPECIFICATION

This specification will be published annually on the AQA Website (www.aqa.org.uk). If there are any changes to the specification centres will be notified in print as well as on the Website. The version on the Website is the definitive version of the specification.

| Vertical black lines indicate a significant change or addition to the specification published for 2008.

Further copies of this specification booklet are available from:

AQA Logistics Centre, Unit 2, Wheel Forge Way, Ashburton Park, Trafford Park, Manchester, M17 1EH.

Telephone: 0870 410 1036 Fax: 0161 953 1177

or

can be downloaded from the AQA Website: www.aqa.org.uk

Copyright © 2007 AQA and its licensors. All rights reserved.

COPYRIGHT

AQA retains the copyright on all its publications. However, registered centres for AQA are permitted to copy material from this booklet for their own internal use, with the following important exception: AQA cannot give permission to centres to photocopy any material that is acknowledged to a third party even for internal use within the centre.

Set and published by the Assessment and Qualifications Alliance.

Contents

Background Information

1	The Revised General Certificate of Secondary Education	5
2	Specification at a Glance	7
3	Availability of Assessment Units and Entry Details	8

Scheme of Assessment

4	Introduction	9
5	Aims	11
6	Assessment Objectives	12
7	Scheme of Assessment	14

Subject Content

8	Summary of Subject Content	17
9	The nature and institutions of law (Legal structures)	18
10	Legal processes (How law is made and enforced)	20
11	Law in action (Legal issues)	23

Key Skills and Other Issues

12	Key Skills – Teaching, Developing and Providing Opportunities for Generating Evidence	26
13	Spiritual, Moral, Ethical, Social, Cultural and Other Issues	31

Centre-Assessed Component

14	Nature of the Centre-Assessed Component	34
15	Guidance on Setting the Centre-Assessed Component	36
16	Assessment Criteria	42
17	Supervision and Authentication	47
18	Standardisation	49
19	Administrative Procedures	50
20	Moderation	51

Awarding and Reporting

21	Grading, Shelf-Life and Re-Sits	52
-----------	---------------------------------	----

Appendices

A	Grade Descriptions	53
B	Record Forms	55
C	Overlaps with Other Qualifications	56

Background Information

1

The Revised General Certificate of Secondary Education

Following a review of the National Curriculum requirements, and the establishment of the National Qualifications Framework, all the unitary awarding bodies have revised their GCSE syllabuses for examination in 2003.

1.1 Changes at GCSE

Key Skills

All GCSE specifications must identify, as appropriate, opportunities for generating evidence on which candidates may be assessed in the “main” Key Skills of Communication, Application of Number and Information Technology at the appropriate level(s). Also, where appropriate, they must identify opportunities for developing and generating evidence for addressing the “wider” Key Skills of Working with Others, Improving own Learning and Performance and Problem Solving.

Spiritual, moral, ethical, social, cultural, environmental, health and safety and European Issues

All specifications must identify ways in which the study of the subject can contribute to an awareness and understanding of these issues.

ICT

The National Curriculum requires that students should be given opportunities to apply and develop their ICT capacity through the use of ICT tools to support their learning. In each specification candidates will be required to make effective use of ICT in ways appropriate to the needs of the subject. In the course of study for this GCSE in Law there are many opportunities for the use of ICT in teaching and learning (see pages 17 and 34).

Tiering

In most subjects the scheme of assessment must include question papers, targeted at two tiers of grades, ie A* - D and C – G.

A safety net of an allowed Grade E will be provided for candidates entered for the higher tier who just fail to achieve Grade D. The questions will still be targeted at A* - D.

Citizenship

From 2002, students in England will be required to study Citizenship as a National Curriculum subject. Each GCSE specification must signpost, where appropriate, opportunities for developing citizenship knowledge, skills and understanding.

1.2 Changes to the Social Sciences (Law) Criteria

Changes to the subject criteria for Social Sciences (Law) were minimal. Consequently, the specification retains the key features of the established SEG GCSE Law (1177) syllabus.

Two, relatively minor, changes should, however, be noted.

1. The mark for Quality of Written Communication (formerly Spelling, Punctuation and Grammar) has now been incorporated into the general subject assessment criteria (see Assessment Objective 3).
2. There has been a slight shift in weighting of the Assessment Objectives between the current SEG syllabus and the new AQA Specification. The current syllabus allocates 70% of the total marks to knowledge, understanding and application. This will reduce to 61% in this Specification (see Assessment Objective 1). The skills of selection, interpretation and evaluation (Assessment Objective 2) are increased from 30% to 34%. Language skills, including use of specialist terms (Assessment Objective 3) will be weighted at 5%, in line with the former SEG syllabus.

2

Specification at a Glance

Law

This is the only specification in this subject offered by AQA. There are two tiers of assessment: Foundation (G-C) and Higher (D-A*).

GCSE 3161	
Written Paper	80 % of total marks
Foundation Tier	2 hours
Higher Tier	2 hours
Each paper comprises multi-part questions drawn from all three sections of the specification Subject Content.	
Coursework	20 % of total marks
Candidates are required to submit one piece of coursework of between 2000 and 2500 words in length.	
The coursework is assessed by the centre and moderated by AQA.	

Foundation Tier	←
3161F	
Higher Tier	
3161H	

3

Availability of Assessment Units and Entry Details

-
- 3.1 Availability of Assessment Units** Examinations based on this Specification are available in the June examination series only.
-
- 3.2 Entry Codes** Normal entry requirements apply, but the following information should be noted.
- The **Subject Code** for entry to the GCSE award is 3161.
-
- 3.3 Classification Codes** Each specification is assigned to a national classification code, indicating the subject area to which it belongs.
- Centres should be aware that candidates who enter for more than one GCSE qualification with the same classification code, will have only one grade (the highest) counted for the purpose of the School and College Performance Tables.
- The classification code for this specification is 4770.
-
- 3.4 Private Candidates** This specification is available to private candidates. Private candidates should write to AQA for a copy of “Supplementary Guidance for Private Candidates”.
-
- 3.5 Access Arrangements and Special Consideration** AQA pays due regard to the provisions of the Disability Discrimination Act 1995 in its administration of this specification.
- Arrangements may be made to enable candidates with disabilities or other difficulties to access the assessment. An example of an access arrangement is the production of a Braille paper for a candidate with a visual impairment. Special consideration may be requested for candidates whose work has been affected by illness or other exceptional circumstances.
- Further details can be found in the Joint Council for Qualifications (JCQ) document:
- Access Arrangements and Special Consideration Regulations and Guidance Relating to Candidates who are Eligible for Adjustments in Examination*
GCE, AEA, VCE, GCSE, GNVQ, Entry Level & Key Skills
- This document can be viewed via the AQA web site (www.aqa.org.uk)
- Applications for access arrangements and special consideration should be submitted to AQA by the Examinations Officer at the centre.
-
- 3.6 Language of Examinations** All assessment will be through the medium of English. Assessment materials will not be provided in Welsh or Gaelge.
-

Scheme of Assessment

4

Introduction

4.1 National Criteria

This GCSE Law Specification complies with the following:

- the GCSE Subject Criteria for Social Sciences (Law);
- the GCSE, GCE, GNVQ and AEA Code of Practice April 2007;
- the GCSE Qualification Specific Criteria;
- the Arrangements for the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland: Common Criteria.

4.2 Rationale

This specification has been designed to encourage more than the acquisition of factual knowledge about the law. It is important that candidates should see law as a process which changes in response to society's changing needs. Candidates are encouraged to use, as a resource, their own experience of the operation of the law within society, and to explore different points of view about particular legal issues.

Candidates are also encouraged to reflect on law in a wider context and, in particular, to understand how English law has developed as a result of international influences.

Candidates are also encouraged both to study and reflect upon law and legal issues with an understanding of how law operates against a spiritual, moral, ethical, cultural and environmental background. These issues are further developed in Section 13 of this specification.

The Law specification will also allow candidates opportunities to generate evidence of the use of Key Skills, particularly Communication and Information Technology amongst the main skills. Further opportunities exist in relation to the wider Key Skills.

The specification also addresses Citizenship issues. Again this will be explored in more depth in Section 13.

The specification will be assessed at both Higher and Foundation levels, with examinations targeted at appropriate ranges of ability to enable candidates to demonstrate fully what they know, understand and can do. Assessment, both in examinations and coursework, will be designed to assess and reward positive achievement.

Finally, although GCSE Law is not a pre-requisite for AS/A Level Law, candidates who have studied this specification will find they have a sound basis for further study in law.

4.3 Prior level of attainment and recommended prior learning No prior learning or level of attainment is necessary for candidates to undertake a course of study based on this specification. However, candidates will be expected to demonstrate skills of literacy and numeracy commensurate with having followed a programme of study at Key Stage 3.

4.4 Progression This qualification is a recognised part of the National Qualifications framework. As such, GCSE provides progression from Key Stage 3 to post-16 studies.

It lays an appropriate foundation for further study of Law or related subjects.

In addition it provides a worthwhile course for candidates of various ages and from diverse backgrounds in terms of general education and lifelong learning.

5

Aims

A course based on this specification should enable the following to be achieved:

- a. an understanding of law as a body of rules which change in response to society's changing needs and European influences;
- b. the development of a critical interest in legal matters;
- c. an understanding of law as a body of rules affecting the interdependence of individuals, groups and institutions within society in Britain, and within a European context;
- d. the ability to acquire, select and handle information (making use of ICT where appropriate), to analyse critically its nature and source and to base judgements and arguments on evidence;
- e. opportunities for candidates to reflect on their own experience and acquire knowledge and develop skills which enhance their ability to play an informed role within the community;
- f. the provision of a sound basis for further study.

Note. Not all of the Aims can be translated readily into Assessment Objectives.

6

Assessment Objectives

The examination will require candidates to:

-
- 6.1 Knowledge, understanding and application (A01)** demonstrate knowledge and understanding, and the ability to apply this knowledge and understanding, in respect of the following:
- legal structures – including the institutions of the legal system, law enforcement arrangements, the main classifications of law and the social structures which the law supports;
 - legal processes – including the nature of law making, dispute resolution (with reference to a number of areas of substantive law), the application and interpretation of law, and the provision of legal services;
 - legal issues – including the balance between the rights and obligation of individuals and groups, consistency in law enforcement and the connections between legal and social developments.
-
- 6.2 Acquisition, selection, handling and interpretation of information (A02)** take a questioning approach to evidence and issues and develop the skills to acquire, select and handle information and interpret and evaluate it effectively.
- Candidates will be required to apply critical understanding to the prescribed subject matter while demonstrating that they can:
- acquire information for different purposes by direct collection of information and by acquiring information from existing sources;
 - interpret information presented in different forms and evaluate its relevance and accuracy;
 - use information to examine issues and construct and evaluate arguments and conclusions.
-
- 6.3 Quality of Written Communication (A03)** present relevant information in a form that suits its purpose, ensure text is legible and that spelling, punctuation and grammar are accurate, so that meaning is clear, and use specialist terms appropriately.

Assessment Objective 1 is weighted at 61%; Assessment Objectives 2 and 3 are weighted at 39%, as illustrated in Section 7.2.

6.4 Quality of Written Communication

Where candidates are required to produce extended written material in English, they will be assessed on the quality of written communication. Candidates will be required to:

- present relevant information in a form that suits its purposes;
- ensure that text is legible and that spelling, punctuation and grammar are accurate, so that meaning is clear.

Quality of written communication will be assessed in both the written paper and coursework.

7

Scheme of Assessment

7.1 Assessment Units

The Scheme of Assessment comprises two components per Tier.

EITHER

Written Paper (Foundation Tier)

2 hours

80 % of the marks

84 marks

Section A

This Section contains two compulsory, multi-part questions, which may be set on any aspects of the Subject Content. Each question requires candidates to relate specific situations to a given legal definition. The questions are designed primarily to test Assessment Objective 1.

Section B

This Section contains a choice of **one** from two multi-part questions. The questions are set principally on Sections 9 and 10 of the specification and are preceded by stimulus material such as extracts from newspaper articles or textbooks. The questions will test all three Assessment Objectives.

Section C

In this Section, candidates answer **one** of four multi-part questions. These questions are set on material from Section 11 of the specification. In each question, candidates are presented with legal definitions and a legal problem, and are required to apply their knowledge and understanding to specific aspects of the problem. The questions will test all three Assessment Objectives.

OR	Written Paper (Higher Tier)	2 hours
	80 % of the marks	105 marks

Section A

This Section contains two compulsory, multi-part questions, which may be set on any aspects of the Subject Content. Each question requires candidates to relate specific situations to a given legal definition. The questions are designed primarily to test Assessment Objective 1.

Section B

This Section contains a choice of **one** from two multi-part questions. The questions are set principally on Sections 9 and 10 of the Specification and are preceded by stimulus material such as extracts from newspaper article or textbooks. The questions will test all three Assessment Objectives.

Section C

In this Section, candidates answer **one** of four multi-part questions. One question is set on each of the four sub-sections of Section 11 of the Subject Content. In each question candidates are presented with legal definitions and a legal problem, and are required to apply their knowledge and understanding to specific aspects of the problem. The questions will test all three Assessment Objectives.

AND	Coursework	
	20 % of the marks	63 marks

All candidates are required to submit one pieces of written work. The coursework will mainly test Assessment Objective 2. The work will be internally assessed and externally moderated.

As a guide, the work should be between 2000 and 2500 words in length. It is the quality of the work which is important rather than its length.

Although all three Assessment Objectives are also tested in the Written Paper, the approach in the coursework is different and will benefit candidates in that:

- (a) it requires them to reflect, without time constraints, on the adequacy of the law;
- (b) it provides them with the opportunity to study legal issues from the Subject Content which are of particular contemporary relevance or controversy and which, by their nature, could not otherwise be subject to assessment.

7.2 Weighting of Assessment Objectives

The approximate relationship between the relative percentage weighting of the Assessment Objectives (Aos) and the overall Scheme of Assessment is shown in the following table.

Assessment Objectives	Component Weightings (%)		Overall Weighting of Aos (%)
	Written Paper	Coursework	
Knowledge, understanding and application (AO1)	58	3	61
Acquisition, selection, handling and interpretation of information (AO2)	18	16	34
Quality of Written Communication (AO3)	4	1	5
Overall Weighting of Units (%)	80	20	100

Candidates' marks for each assessment unit are scaled to achieve the correct weightings.

Subject Content

8

Summary of Subject Content

The areas of Subject Content to be examined are specified below. Certain themes appear in more than one Section of the Subject Content and it may be desirable to adopt a thematic approach in the course of study.

The Sections of the Subject Content represent some clear divisions in the material: there is no suggestion that the Sections are equal in terms of workload.

It should be noted that all questions in Section A are compulsory and may be taken from any part of the Subject Content. Teachers are, therefore, strongly advised to ensure that they teach all of the Subject Content.

It is anticipated that during the course teachers will draw upon real-life situations, including their candidates' own experiences, and will use real and fictionalised cases in order to tease out issues and enhance their candidates' personal involvement in the learning process.

In many areas of the Subject Content, there is ample scope for the use of ICT. For example, information from the Lord Chancellor's Department and the Home Office, judgements in cases, new Acts of Parliament, changes in Legal Aid arrangements and sources of legal advice can all be retrieved from the internet and worked with. A list of web sites and other resources is available from the Subject Officer and further guidance is given in the Teachers' Guide.

There is no distinction between the material studied for Foundation and Higher Tiers. Thus, differentiation in the examination will be by task and outcome. Particular care will be taken to ensure that language is appropriate for the range of grades covered.

9

The nature and institutions of law (Legal structures)

9.1 The nature of law in society

Why society needs law: an introduction

An appreciation and understanding of the meaning of law, and the necessity for a reliable system of law in a free society.

Classifications of law: public/private, civil/criminal

A basic understanding of the legal differences between Public Law (criminal, constitutional and administrative law) and Private Law (contract, tort and family law).

How and why law needs to change:
General, Legal, Social and European issues

An appreciation of how law needs to change as the moral, political and religious values of a society change.

Freedom under the law:

- individual rights and freedoms, and their limitations and restrictions;
- freedoms of movement, speech, assembly and procession;
- freedom from racial, sexual and disability discrimination.

An understanding of the freedoms, with an awareness that a freedom may be restricted by civil and public law.

Restrictions to include:
arrest; remand; sentencing; defamation; Official Secrets legislation; controls on the media and entertainment; public order restrictions; unlawful assembly; trespass; public nuisance.

In particular, with reference to discrimination in the area of employment. Legislation in the areas of equal pay, sex discrimination, race relations and disability discrimination.

Protection of rights and freedoms:

- by Parliament;
- by the Courts;
- by the European Convention on Human Rights.

The Rule of Law.

For example, the writ of *habeas corpus*.

The Human Rights Act 1998. Enforcement of the Convention.

9.2 Legal Institutions

- The Courts – their composition and jurisdiction

Hierarchy of courts An outline of the work of the House of Lords; Court of Appeal (Civil and Criminal Divisions); High Court. The titles of the relevant judges.

County Court, including small claims function Its jurisdiction based initially on locality, Small Claims and fast-track procedures. Circuit and District Judges.

Magistrates' Court Lay magistrates and District Judges (Magistrates' Courts). Summary trials; preliminary hearings; youth courts and civil jurisdiction.

Crown Court Judges who sit; function of judge and jury.

Tribunals Administrative, domestic and employment tribunals.

- Personnel of the law – their role

Laymen in the law: juries and magistrates Their appointment and qualifications. Their function in the legal system. The advantages and disadvantages of Lay personnel.

Legal professions: barristers, solicitors and legal executives The training and work of each profession.

Legal processes

(How law is made and enforced)

10.1 Modern sources of English law

- Statute

An outline of the pre-legislative procedure (eg Green Papers, White Papers). The process of a Public Bill through Parliament to become a statute.

The making and importance of Acts of Parliament

The “supremacy of Parliament”. European influences, including EU Law and the effects of the Human Rights Act 1998.

- Delegated legislation

Its various forms

Statutory instruments by Ministers of the Crown, Orders in Council and By-Laws.

Advantages and disadvantages

The need for delegated legislation and the disadvantages.

- European Union (European Community) Law. An outline of the role of the major EU institutions

An outline understanding of the role of the Council, Parliament, Commission, European Court of Justice.

The effects on English law of EU (EC) treaties, regulations, directives, and decisions

The application of EU (EC) legislation and how it affects Parliament and the courts.

- Case law

Ratio decidendi and *Obiter dicta*

The meaning, and effect on future cases.

Binding and persuasive precedent

The importance of law reports and binding precedent. The hierarchy of the courts (*stare decisis*). The meaning of distinguishing, overruling and reversing a decision.

Advantages and disadvantages of judicial precedent

An understanding of the advantages and the need for case law, with an awareness of the disadvantages.

10.2 The Prosecution process

Process by Summons	An outline of the relevant procedures.
Powers of arrest	An outline of police powers of arrest with or without a warrant. An outline of citizens' powers of arrest. Relevant legislation governing both.
Complaints against the police	An outline of the relevant procedures.
Pre-trial procedures in the Magistrates' Court	Role of the Crown Prosecution Service.
Legal advice/representation in criminal cases	Form of assistance available. Financial and other considerations. Role of the duty solicitor. Access to Justice Act 1999.
Bail	Unconditional Bail. Objections to Bail. Bail conditions. Custody. Bail Act 1976 (as amended).
Summary Trial	An understanding of the procedures in court.
Either way offences	Plea before venue. Committal for trial or sentence.
Trial on Indictment	An understanding of the procedure for trial on indictment.
Sentencing	The Criminal Justice Acts 1991 and 2003. Discharges, fines, community sentence (including major requirements) and custodial sentences.
Appeals (in outline)	To the Divisional Court; Crown Court; Court of Appeal; House of Lords. Grounds for appeal.
European influences	An understanding of the significance of the Human Rights Act 1998 on criminal procedures.

10.3 The Civil process

Pre-trial procedures in the County Court	An understanding of how a simple common law action is brought through Small Claims. Civil Procedure Act 1997.
Advice and funding in civil cases	Legal Help/Representation. Financial Limits. Contingency fees, insurance. Other sources (eg CAB, Law centres). Access to Justice Act 1999.

Hearings in the County Court	The differences between small claims and fast track.
Alternative methods of dispute resolution	An outline understanding of negotiation, mediation, conciliation and arbitration.
Civil remedies	Damages, injunction, specific performance.
Appeals (in outline)	To the Court of Appeal and House of Lords. Grounds for appeal.

11

Law in action (Legal issues)

11.1 Contract

Offer and acceptance	Rules of offer and acceptance – invitation to treat and offer by advertisement – termination of offer – use of postal and other means of communication.
Consideration	Rules of consideration – privity of contract.
Intention to create legal relations	Distinction of legal intention as applied to domestic and social agreements.
Capacity of minors	Effect of Minors' Contracts Act 1987 – binding, voidable and unenforceable contracts.
Discharge of a contract	By performance, breach and frustration. Effect of Law Reform (Frustrated Contracts) Act 1943.
Consumer Protection	Conditions and warranties. Implied terms in Sections 12-15 Sale of Goods Act 1979 (as amended). Unfair Contract Terms Act 1977. Unfair Terms in Consumer Contracts Regulations 1999. Supply of Goods and Services Act 1982. Consumer Protection Act 1987.
Contracts of employment: legal requirements; rights and duties of employer and employee	Nature of contract – written statement. Duties of employer and employee. Discrimination on the grounds of sex, race and disability. Employment tribunals. Health and Safety legislation.
Contract remedies	Repudiation, damages, injunction, specific performance.

11.2 Tort

The nature of tortious liability	Understanding of tortious liability and strict liability/liability based on fault.
Comparison of tort with crime	General understanding.
Vicarious liability	Liability of an employer for torts committed by employees.

General defences	Statutory authority, consent, inevitable accident, necessity, Act of God, remoteness of damage.
Remedies	Damages, injunction, abatement, forcible ejection.
Negligence	Duty of care, breach of duty of care, damage, <i>Res ipsa loquitur</i> . Contributory negligence. Occupiers' liability for dangerous premises.
Defamation	Definition; innuendo; libel and slander; publication; actionable ' <i>per se</i> '. Defences of justification, fair comment, absolute and qualified privilege, apology and offer of amends.
Trespass	To the person: assault, battery and false imprisonment. To goods: Torts (Interference with Goods) Act 1977. To land: comparison with private nuisance. Specific defences for trespass to land.
Nuisance	Public nuisance; definition and methods of enforcement. Private nuisance; definition and factors to consider (eg malice and reasonableness). Specific defences.

11.3 Criminal Law

Nature of criminal liability	<i>Mens rea</i> and <i>actus reus</i> ; strict liability.
General defences	Insanity, automatism, mistake, intoxication, duress, duress of circumstances, necessity, consent.
Theft; robbery; burglary	Definition and understanding of theft; taking a conveyance; robbery and burglary.
Assault and battery (Common assault)	Definition and understanding of each offence. Specific defences.
Aggravated assault	Section 47 Offences against the Person Act 1861.
Grievous bodily harm and wounding	Understanding of the different requirements of Sections 18 and 20 of the 1861 Act.
Murder; Manslaughter	Definition of murder and specific defences of diminished responsibility and provocation. Constructive and gross negligence manslaughter.

11.4 Family Law

Elements of a valid marriage	Requirements and formalities of a valid marriage.
Civil partnerships	Registration of a relationship under the Civil Partnership Act 2004.
Void and voidable marriages	Reasons for a void and voidable marriage. The effect on a marriage.
Judicial separation	Grounds for a judicial separation and its effect on a marriage.
Divorce	Facts which establish breakdown of marriage. <i>Decrees nisi</i> and <i>absolute</i> . The courts. An outline understanding of maintenance.
Succession – wills and intestacy	Requirements of a valid will. Privileged wills. Revocation of a will. Rules of intestacy. Personal representatives. Family provision.
Parents and children	Parental responsibility of parents for children. Maintenance of children (an outline of the operation of the Child Support Agency).

Key Skills and Other Issues

12

Key Skills – Teaching, Developing and Providing Opportunities for Generating Evidence

12.1 Introduction

The Key Skills Qualification requires candidates to demonstrate levels of achievement in the Key Skills of *Application of Number, Communication and Information Technology*.

The units for the ‘wider’ Key Skills of *Improving own Learning and Performance, Working with Others* and *Problem Solving* are also available. The acquisition and demonstration of ability in these ‘wider’ Key Skills is deemed highly desirable for all candidates, but they do not form part of the Key Skills Qualification.

Copies of the Key Skills Units may be down loaded from the QCA web site (www.qca.org.uk/keyskills).

The units for each Key Skill comprise three sections:

- A What you need to know.
- B What you must do.
- C Guidance.

Candidates following a course of study based on this Specification for Law can be offered opportunities to develop and generate evidence of attainment in aspects of the Key Skills of *Communication, Information Technology, Improving own Learning and Performance, Working with Others* and *Problem Solving*. Areas of study and learning that can be used to encourage the acquisition and use of Key Skills, and to provide opportunities to generate evidence for Part B of the units, are signposted below.

12.2 Key Skills Opportunities in Law

There are opportunities for developing and generating evidence of the application of all of the main and ‘wider’ Key Skills in this course, with the exception of the Application of Number, both in preparation for the written papers and in the coursework, as illustrated below

Communication Level 1

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
C1.1 Take part in discussions		✓	✓	✓	✓
C1.2 Read and obtain information		✓	✓	✓	✓
C1.3 Write different types of documents		✓	✓	✓	✓

Communication Level 2

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
C2.1a Contribute to discussions		✓	✓	✓	✓
C2.1b Give a short talk		✓	✓	✓	✓
C2.2 Read and summarise information		✓	✓	✓	✓
C2.3 Write different types of documents		✓	✓	✓	✓

Information Technology Level 1

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
IT1.1 Find, explore and develop information		✓	✓	✓	✓
IT1.3 Present information, including text, numbers and images		✓	✓	✓	✓

Information Technology Level 2

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
IT2.1 Search for and select information		✓	✓	✓	✓
IT2.2 Explore and develop information and derive new information		✓	✓	✓	✓
IT2.3 Present combined information, including text, numbers and images		✓	✓	✓	✓

Working with Others Level 1

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
WO1.1 Confirm what needs to be done and who is to do it		✓	✓	✓	✓
WO1.2 Work towards agreed objectives		✓	✓	✓	✓
WO1.3 Identify progress and suggest improvements		✓	✓	✓	✓

Working with Others Level 2

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
WO2.1 Plan work and confirm working arrangements		✓	✓	✓	✓
WO2.2 Work cooperatively towards achieving identified objectives		✓	✓	✓	✓
WO2.3 Exchange information on progress and agree ways of improving work with others		✓	✓	✓	✓

Improving Own Learning and Performance Level 1

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
LP1.1 Confirm short-term targets and plan how these will be met		✓	✓	✓	✓
LP1.2 Follow plan to meet targets and improve performance		✓	✓	✓	✓
LP1.3 Review progress and achievements		✓	✓	✓	✓

Improving Own Learning and Performance Level 2

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
LP2.1 Help set short-term targets and plan how these will be met		✓	✓	✓	✓
LP2.2 Use plan and support from others, to meet targets		✓	✓	✓	✓
LP2.3 Review progress and identify evidence of achievements		✓	✓	✓	✓

Problem Solving Level 1

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
PS1.1 Confirm understanding of given problems		✓	✓	✓	✓
PS1.2 Plan and try out ways of solving problems		✓	✓	✓	✓
PS1.3 Check if problems have been solved and describe the results		✓	✓	✓	✓

Problem Solving Level 2

What you must do ...	Signposting of Opportunities for Generating Evidence in Subject Content				
	Section	9	10	11	Coursework
PS2.1 Identify problems and come up with ways of solving them		✓	✓	✓	✓
PS2.2 Plan and try out options		✓	✓	✓	✓
PS2.3 Apply given methods to check if problems have been solved and describe the results		✓	✓	✓	✓

12.3 Further Guidance

More specific guidance and examples of tasks that can provide evidence of single Key Skills, or composite tasks that can provide evidence of more than one Key Skill are given in the AQA specification support material, particularly the Teachers' Guide.

13

Spiritual, Moral, Ethical, Social, Cultural and Other Issues

13.1 Spiritual, Moral, Ethical, Social, Cultural and Other Issues

Spiritual Issues

Within the Subject Content, candidates will be required to study the legal formalities and requirements of a valid marriage which, in part, has a religious context. In addition, the study of the anti-discrimination laws in the United Kingdom will help promote both a recognition and understanding of the value of other individuals in the community.

On a more general level, concepts such as proof, truth and certainty underlay law teaching both at this and any other level.

Moral and Ethical Issues

Within the Subject Content, candidates will be required to address both moral and ethical issues in the context of Law Reform (Section 9.1).

On a more general level, candidates will continually be exposed to the notions of right and wrong set against generally accepted codes of behaviour.

Candidates will also have the opportunity to study cases in areas of ethical sensitivity. These can include reactions to domestic violence, self-defence and the issue of reasonable force, freedom of the Press and personal privacy and the implications of divorce for both spouses and children. Other such issues will arise naturally from a growing interest and understanding of legal matters.

Social Issues

Within the Subject Content, candidates will be required to consider social issues in the context of Law Reform (Section 9.1). Within the same Section, candidates will be required to demonstrate an understanding of the differences between Public and Private Law – fundamental concepts in how society orders the relationships between citizen and State and also between individuals.

Section 11.4 of the Subject Content (Family Law) will also provide an appropriate backdrop to a development of an understanding of social issues.

Cultural

Within the Subject Content (Section 9.2), candidates will be required to demonstrate an understanding of discrimination and how the law has developed to support the general principle of equality. Such a study will inevitably impact upon a candidate's appreciation of other groups within society and distinctions in cultural identity.

13.2 European Dimension

AQA has taken account of the 1988 Resolution of the Council of the European Community in preparing this specification and associated specimen papers.

No course of study of English Law would be complete without students being given the opportunity to study the effect of European influences on the English legal system.

Within the Subject Content, candidates will be required to study the roles of the major European Union Institutions and also consider the effects of European Union legislation on both Parliament and the courts (Section 10.1).

Candidates will also need to be aware of how Community legislation has influenced the development of English law in a number of other areas. These include: Discrimination (Section 9.1); Consumer Protection (Section 11.1) and Employment law (Section 11.1).

Candidates will also have to consider the significance of the European Convention on Human Rights and its implementation into English law as a result of the Human Rights Act 1998. The impact of this legislation will also have to be considered in other areas of the Specification, eg the Criminal Process (Section 10.2).

13.3 Environmental Issues

AQA has taken account of the 1988 Resolution of the Council of the European Community and the Report “*Environmental Responsibility: An Agenda for Further and Higher Education*” 1993 in preparing this specification and associated specimen papers.

The ways in which English law seeks to protect the environment may not be central to the Subject Content of the Specification, but candidates can still be given the opportunity to reflect on such matters.

For example, illustrations of the various sources of law (Section 10.1) can be chosen to illustrate the need for environmental protection. In addition, Section 11.2 (Tort) provides a number of opportunities for teachers and candidates to explore environmental issues such as noise pollution. Section 11.3 contains the important concept of strict liability.

13.4 Citizenship

It would be difficult to imagine another GCSE Specification which can more fully provide candidates with opportunities to acquire the underpinning knowledge necessary for their participation as citizens in a modern society.

It can be argued that every section of the Law Specification plays a significant part in this process, with the following given as examples.

Section 9 – The nature and institutions of law – requires candidates to consider both the rights and responsibilities involved in the concept of civil liberties and how the law seeks to protect both the individual’s and society’s basic freedoms.

Section 10 – Legal Processes – requires candidates to consider their democratic role in the law-making process and how laws are enforced through both the civil and criminal process. This Section also encourages candidates to consider how they may be able to contribute to that enforcement process – perhaps as a member of a jury, and also introduces them to the part played by voluntary service within the justice system – as lay magistrates.

Section 11 – Law in Action – requires candidates to re-visit the concept of rights and responsibilities through the vehicle of four substantive areas of law; contract, tort, crime and family. This Section covers themes such as children and the law, consumer protection, employment rights and responsibilities, civil duties owed towards fellow citizens, offences against people and property, marriage and divorce, and the law on succession.

13.5 Avoidance of Bias

AQA has taken great care in the preparation of this specification and associated specimen papers to avoid bias of any kind.

13.6 Health and Safety

Within the Subject Content (Section 11.1), candidates will be required to study the general principles of the Health and Safety at Work Act 1974 and the duties specified as regards both employers and employees. The role and powers of the Health and Safety Inspectorate will also need to be addressed.

Direct enforcement of the Act can be addressed in Section 10.2 (The Prosecution Process) and an awareness of sanctions for breach is also relevant, as is the notion of strict liability (Section 11.3).

Indirect enforcement through civil action will also be relevant in Section 11.2 (Negligence and Vicarious Liability) and Section 10.3 (The Civil Process).

Centre-Assessed Component

14

Nature of the Centre-Assessed Component

Candidates are required to submit one piece of work of between 2000 and 2500 words in length (excluding references). An assignment of fewer words than the word limit should not be discounted; it should be assessed in accordance with the marking criteria and an appropriate mark awarded. It is the quality of the work which is important. An assignment which significantly exceeds the word limit will inevitably fail to meet the selection criterion within the summary and will therefore not attract as much credit as one which keeps to the word limit.

The work submitted must be written during the course. The work may be handwritten, typed or word-processed. Indeed, the use of ICT is to be encouraged in the assignments. Not only are there a host of web sites available for research, but students can enhance the presentation of their work by employing a variety of word processing techniques. The assignment must be the candidate's own work. The amount of assistance acceptable is outlined in Section 17.2.

The work presented must deal with a topic or topics of the law which are included in the Subject Content of the specification. The work must meet all three Assessment Objectives and should be designed to allow candidates to:

- () Demonstrate knowledge and understanding, and the ability to apply this knowledge and understanding, in respect of the following:

Legal structures – including the institutions of the legal system, law enforcement arrangements, the main classifications of law and the social structures which the law supports;

Legal processes – including the nature of law making, dispute resolution (with reference to a number of areas of substantive law), the application and interpretation of law, and the provision of legal services;

Legal issues – including the balance between the rights and obligation of individuals and groups, consistency in law enforcement and the connections between legal and social developments.

- Take a questioning approach to evidence and issues and develop the skills to acquire, select and handle information and interpret and evaluate it effectively.

Candidates will be required to apply critical understanding to the prescribed subject matter while demonstrating that they can:

- acquire information for different purposes by direct collection of information and by acquiring information from existing sources;
- interpret information presented in different forms and evaluate its relevance and accuracy;
- use information to examine issues and construct and evaluate arguments and conclusions.

All of the above aspects are important and candidates should start the work by summarising the background to the particular topic, and then place the emphasis upon explaining the extent to which they consider the law to be adequate or in need of change.

The nature of the 'background' may vary from topic to topic. The introductory background may take different forms, such as an explanation of the law on a particular topic, or a summary of the facts of a specific crime or an exposition of the role of specific legal personnel.

Candidates are advised to find material for their assignment from a range of textbooks and should utilise a wide range of other sources, such as case reports, court visits, personal accounts and comparisons of accounts in newspapers and other media. Leaflets are a useful source of information on a wide range of topics such as legal aid, small claims court, how to make a will, etc, and are usually available from public libraries and organisations such as the CAB.

If a candidate produces more than one piece of work meeting the examination requirements, the best one may be submitted for moderation. Teachers may mark the work and return it to the candidates during the course. The work must not, however, be redrafted once it has been marked.

Guidance on Setting the Centre-Assessed Component

15.1 Selection of titles

Teachers may choose whether to allow individual candidates to attempt different assignments, or whether to set a specific assignment for a group of candidates, or for the whole class.

Where candidates are attempting different assignments, teachers may allow the candidates to choose titles, subject to their approval. Alternatively, teachers may set a series of titles from which the candidates will select. Teachers should guide candidates into attempting assignments appropriate to their own individual capabilities. If more than one candidate attempts the same title, teachers must ensure that candidates each produce their own individual work.

Teachers may wish to encourage candidates to choose relevant, contemporary topics or controversial issues within the law Subject Content, thereby demonstrating the changing nature of law. Candidates may wish to select topics which have particular appeal because of a local situation or the availability of information. Candidates may take the opportunity to use a situation personal to them where it exists. It must be stressed, however, that only legal issues covered in the Subject Content of the specification may serve as a basis for internally-assessed work. Coursework submitted on topics which are completely outside the specification should be awarded no marks, and it is, therefore, vitally important that teachers check every title before candidates start on particular pieces of work, to ensure they are within the specification.

An assignment title may take the form of a question or a heading, but it must relate to a specific and clearly defined aspect of law. Titles which are too wide prevent candidates from being able to focus on a discussion, by raising too many issues. Titles which are too narrow preclude a discussion, by failing to raise any worthwhile issues. When a suitable title has been chosen, candidates should be aware of the danger of straying away from the law Subject Content into irrelevant areas.

Teachers will find it advantageous to set questions in two parts, which will thereby lead candidates into covering both the main Assessment Objectives required for the centre-assessed work (see examples below). This will also help teachers to standardise their marking.

15.2 Examples of suitable titles

The nature and institutions of law (Legal structures)**The nature of law in society (Subject Content Section 9.1)**

- (a) Describe the law relating to sex, race and disability discrimination in employment and education.
 - (b) Discuss its fairness and make suggestions to improve the law in this area.
- OR
- (a) Describe the main “Freedoms” for a subject of this country.
 - (b) Discuss whether or not the restrictions attached to these Freedoms are necessary.
- OR
- In Britain today laws can be made or changed in a variety of ways.
- (a) Describe how this can be done.
 - (b) Discuss the advantages and disadvantages of these law-making methods.

Legal Institutions (Subject Content Section 9.2)

- (a) Describe the work of the County Court including its role in relation to small claims.
 - (b) Discuss the effectiveness of the County Court.
- OR
- (a) Describe the range of work covered in the Magistrates’ Court.
 - (b) Discuss the effectiveness of the Magistrates’ Court.
- OR
- (a) Describe the ways that exist for resolving civil disputes other than using the courts.
 - (b) Discuss the advantages and disadvantages these alternatives have over the traditional courts.
- OR
- (a) Describe the composition and range of work of tribunals.
 - (b) Discuss the advantages and disadvantages of using tribunals rather than the ordinary court system to settle disputes.

- OR
- (a) Describe the range of work undertaken by lay magistrates.
 - (b) Discuss the advantages and disadvantages of using ordinary members of the public as judges in the Magistrates' Court.
- OR
- (a) Describe the system of trial by jury within the English Legal System.
 - (b) How effective is trial by jury? Consider any alternatives and suggest improvements.
- OR
- (a) Describe the use of lay men and women within the Criminal court system.
 - (b) Discuss the advantages and disadvantages of using ordinary members of the public in this way.
- OR
- (a) Describe the main differences between solicitors and barristers with regard to training and work.
 - (b) Discuss the advantages and disadvantages of having a single legal profession.

Legal processes (how law is made and enforced)

Modern sources of English law (Subject Content Section 10.1)

- (a) Describe, with examples, the process of creating both primary and delegated legislation.
 - (b) Discuss the advantages and disadvantages of both of these forms of law making.
- OR
- (a) Explain the different ways in which European Union Law is made.
 - (b) Assess the impact of Britain's membership of the European Union on Parliament and the courts.
- OR
- (a) Describe how the system of judicial precedent operates.
 - (b) Discuss the advantages and disadvantages of this method of law making.
- OR
- (a) Describe the main sources of English law.
 - (b) Discuss their advantages and disadvantages.

The Prosecution process (Subject Content Section 10.2)

- (a) Describe the powers of the police and private citizens with regard to arrest.
 - (b) Comment on the adequacy and appropriateness of these powers.
- OR
- (a) Describe the legal help and representation available in civil and criminal cases.
 - (b) Discuss the purpose of the systems and consider whether or not the present schemes fulfil their purposes.
- OR
- (a) Describe the main provisions of the Bail Act 1976 (as amended).
 - (b) Discuss the problems associated with the bail system and any improvements which could be made.
- OR
- (a) Describe the main sanctions available to the criminal courts.
 - (b) Discuss the effectiveness of these sanctions.
- OR
- (a) Describe the main civil remedies and the purposes behind them.
 - (b) Discuss the effectiveness of these remedies.

Law in action (Legal Issues)**Contract (Subject Content Section 11.1)**

- (a) Describe how the law relating to both **capacity** and **intention to create legal relations** affects minors entering into a contract.
 - (b) Comment on whether or not the law is appropriate in these two areas.
- OR
- (a) Describe the main ways in which employment legislation protects employees against discrimination.
 - (b) Comment on how successful this legislation is.
- OR
- (a) Explain the rights and duties of employers and employees to each other, including the duties under the Health and Safety at Work Act 1974.
 - (b) Comment on the appropriateness of these statutory rights and duties.

- OR
- (a) Describe the protection available to consumers under the law of contract.
 - (b) Comment on the adequacy of this protection.
- OR
- (a) Explain the main remedies for breach of contract.
 - (b) Comment on the advantages and disadvantages of each of the remedies you have described.

Tort (Subject Content Section 11.2)

- (i) Explain the general defences available in tort.
 - (b) Comment on how appropriate these defences are.
- OR
- (a) Describe the elements of the tort of negligence.
 - (b) Comment on the problems which may occur when bringing a personal injuries case before the courts.
- OR
- (a) Describe the elements of the tort of defamation, distinguishing between libel and slander.
 - (b) Discuss the problems of suing someone for defamation.
- OR
- (a) Describe the differences between nuisance and trespass to land.
 - (b) Comment on why there are two separate torts for protecting interests in land and whether the law of tort is the best way of settling neighbour disputes.

Criminal Law (Subject Content Section 11.3)

- (a) Explain the elements of *actus reus* and *mens rea* in the law of homicide.
 - (b) Comment on the importance of these two elements in relation to murder and manslaughter.
- OR
- (a) Describe the general defences available to a person charged with a crime.
 - (b) Discuss the problems these defences may raise.
- OR
- (a) Describe the special defences to murder of diminished responsibility and provocation.
 - (b) Comment on how suitable these defences are for victims of domestic violence.

Family Law (Subject Content Section 11.4)

- (a) Describe the legal requirements of a valid marriage.
 - (b) Comment on the adequacy of these laws.
- OR
- (a) Describe the requirements that have to be satisfied in order to succeed in bringing a divorce petition under English Law.
 - (b) Comment critically on the adequacy of these laws and the proposed changes to the system.
- OR
- (a) Describe the legal requirements for making a will and the legal implications of not doing so.
 - (b) Discuss the advantages of making a will and the legal problems surrounding an intestacy.

15.3 Candidates in Wales and Northern Ireland

All of the exemplar assignments are suitable for candidates in Wales and Northern Ireland. Currently, the Law in Wales is identical to English Law in all respects. The substantive law in Northern Ireland is broadly similar to English law, but there are significant differences in (amongst other things):

- (i) the structure of the High Court;
- (ii) procedure in the Crown Court (where there are no juries in some cases – the so-called ‘Diplock Courts’);
- (iii) the Magistrate’s Court, where all courts are presided over by a single Resident Magistrate who is either a barrister or a solicitor.

Although assignments should relate to the law of England and Wales, it is perfectly acceptable for candidates to discuss differences between the law in England and Wales and that in Northern Ireland, for the purposes of comparison.

15.4 Coursework Advisers

Coursework Advisers will be available to assist teachers with any matters relating to centre-assessed work. Details will be provided to centres by AQA.

Assessment Criteria

16.1 Introduction

Candidates are required to submit one piece of work of between 2000 and 2500 words in length.

The work should consist of two sections:

- (a) **a summary** of the background to the particular topic;
- (b) **a commentary** on the extent to which the law on the particular topic is adequate or is in need of reform.

Each candidate's work will be marked out of 63, using the banding definitions given on the following pages.

Teachers should familiarise themselves thoroughly with the banding definitions before the commencement of marking. It is recognised that the banding definitions require a relatively subjective interpretation. Consequently, teachers should appreciate the progression of attainment reflected throughout the bands. It is important to view the scale as a whole and to judge where within the scale the work is to be placed, rather than to attempt a precise definition of the terms of each band.

The banding definitions represent the minimum requirements for a given mark. Thus, an answer might exceed the minimum requirements of one band but it should remain within that band if it fails to meet the minimum requirements of the next band.

Answers should be given a mark within a band according to the extent to which they exceed its minimum requirements. Teachers should mark positively, looking for the strengths within answers.

The principle underlying the banded approach to marking assignments is that a decision is taken about the overall **quality** of the work in relation to each Assessment Objective. The assessment is **not** conducted on the quantitative basis of awarding a mark on each occasion when a creditworthy point is made.

Annotations to be recorded on assignments

- Whole marks must be used: fractions of marks are not allowed. Detailed corrections are not necessary.
- Whenever a creditworthy point is made, a tick should be placed in the margin. It is stressed that a tick does not represent a mark: ticks simply identify parts of answers which are creditworthy. These points should be taken into account when finalising marks.
- At the end of an assignment teachers are asked to write brief comments on the quality of the coursework. Comments written in the margin within the answer are also useful.

16.2 Mark band definitions

(a) The Summary

This section is to be assessed in relation to Specification Assessment Objectives:

- 1 knowledge and understanding of the law, its structures, processes, issues;
and
- 2 acquisition, selection and handling of information.

With regard to Assessment Objective 1, 0-6 marks are to be awarded according to the depth of knowledge and understanding demonstrated in the assignment.

With regard to Assessment Objective 2, 0-18 marks are to be awarded according to the suitability of the information selected, in relation to the topic, and the skill with which it is used to provide a relevant, clearly understood summary of the background to the topic, within the stated word limit.

Marks

- | | |
|-----|--|
| 0 | Totally irrelevant information is presented. There are inaccuracies with regard to structures and processes and a lack of awareness of legal issues. |
| 1-4 | There is only a tenuous link between information presented and the title. Within the material there are a number of inaccuracies but some evidence of very limited knowledge of structures and processes and some awareness of issues raised. |
| 5-9 | The material presented reflects basic knowledge of legal processes and structures. There is evidence of some general understanding of relevant issues. There might be references to case law or statute where appropriate. |

- 10-15 The material presented is generally accurate and relevant and displays an **adequate** knowledge of legal structures and processes. A reasonable understanding of certain issues is evident and some reference to case law or statute, where appropriate, is made.
- 16-20 The material presented is accurate and relevant and shows a **sound** level of knowledge with regard to structures and processes. There is a satisfactory understanding of legal matters and appropriate reference to case law or statute where necessary.
- 21-24 **Comprehensive** account. The material presented shows good accurate knowledge of legal structures and processes. Clear understanding of pertinent issues. Suitable case law or statute where appropriate.

In addition, with regard to Assessment Objective 2, 0-6 marks are to be awarded for the systematic use of information selected to provide a relevant summary of the background to the topic.

Marks

- 0 No attempt to organise information. No use of terminology.
- 1-2 Basic arrangement. Limited attempt at organising information. Some appropriate terminology.
- 3-4 Satisfactory handling of relevant information but summary lacks focus. Perhaps no clear conclusion. Appropriate terminology.
- 5-6 A systematically structured summary with correct information. Accurate and well reasoned use of terminology, where appropriate.

(b) Commentary

This section is to be assessed in relation to Specification Assessment Objectives:

- 1 application of knowledge and understanding of the law to legal issues and problems;
and
- 2 interpretation and evaluation.

With regard to Assessment Objective 1, 0-6 marks are to be awarded for the skill with which the candidate has applied knowledge and understanding of the law to explain legal issues and problems.

Marks

- | | |
|-----|--|
| 0 | No attempt to apply knowledge and analyse issues. |
| 1-2 | Ability to apply knowledge to and explain at least one issue/problem. |
| 3-4 | Ability to apply knowledge to and explain more than one issue/problem. |
| 5-6 | Ability to apply knowledge to and explain central issues/problems. |

With regard to Assessment Objective 2, 0-24 marks are to be awarded according to the critical understanding demonstrated in the comments made and the skill with which these comments have been argued, interpreted and evaluated.

Marks

- | | |
|-------|--|
| 0 | There are no critical comments on the legal issues raised in the topic. |
| 1-4 | The work is largely descriptive although there are a few points which suggest a limited critical awareness. These points are arranged in a slightly ordered form. No reference to authority to support arguments. |
| 5-9 | The work includes some analysis of issues but the comments made are of simplistic nature and placed in a basic order or made separately, eg numbered points or a list. Some authority given in support of arguments, where appropriate. |
| 10-15 | The work identifies the main issues and analytical comments may show thoughtfulness. An attempt to develop a basic argument with points based on suitable authority, where appropriate. |

- 16-20 The work identifies **most** of the issues and provides a rational and systematically presented analysis with an attempt at an evaluative conclusion. Good reference to supporting authority, where appropriate.
- 21-24 The work provides a **penetrating**, wide-ranging analysis of the issues under review with a comprehensive and well substantiated commentary and clearly reasoned, evaluative conclusion.

Quality of Written Communication (AO3)

For the centre-assessed component, centres will provide a single assessment for each candidate, including Quality of Written Communication. The assessment of Quality of Written Communication will be in terms of the three levels defined below.

High Performance	Candidates spell, punctuate and use the rules of grammar with almost faultless accuracy, deploying a range of grammatical constructions; they use a wide range of specialist terms adeptly and with precision.	3 marks
Intermediate Performance	Candidates spell, punctuate and use the rules of grammar with considerable accuracy; they use a good range of specialist terms with facility.	2 marks
Threshold Performance	Candidates spell, punctuate and use the rules of grammar with reasonable accuracy; they use a limited range of specialist terms appropriately.	1 mark
Below Threshold Performance		0 marks

16.3 Evidence to Support the Award of Marks

Teachers should keep records of their assessments during the course, in a form which facilitates the complete and accurate submission of the final assessments at the end of the course.

When the assessments are complete, the marks awarded under each of the assessment criteria must be entered on the Candidate Record Form, with supporting information given in the space provided. A specimen Candidate Record Form appears in Appendix B; the exact design may be modified before the operational version is issued and the correct year's Candidate Record Forms should always be used.

17

Supervision and Authentication

17.1 Supervision of Candidates' Work

Candidates' work for assessment must be undertaken under conditions which allow the teacher to supervise the work and enable the work to be authenticated. If it is necessary for some assessed work to be done outside the centre, sufficient work must take place under direct supervision to allow the teacher to authenticate each candidate's whole work with confidence.

17.2 Guidance by the Teacher

The work assessed must be solely that of the candidate concerned. Any assistance given to an individual candidate which is beyond that given to the group as a whole must be recorded on the Candidate Record Form.

It is appreciated that teachers are asked to make a fine distinction between their responsibility to provide candidates with proper guidance during the course of study and the requirement to ensure that the material submitted is the candidate's own work. It is hoped that the following guidelines will be helpful.

It is **acceptable** for the teacher to:

- make suggestions concerning the range of reading and other study materials available for specific titles;
- discuss with candidates any problems concerned with the process of study for specific titles;
- give general advice on the correct way to write answers;
- advise candidates about weaknesses in work previously marked, so that they might avoid making similar mistakes in subsequent work.

It is **not acceptable** for the teacher to:

- influence the specific answers of candidates, for example by giving advice about the structure of particular pieces of work or offering detailed notes in class geared to specific titles;
- discuss the redrafting of work already written by candidates and submitted for marking.

Advice about answering techniques

When writing their answers, it is essential that candidates should endeavour to use information to make points, rather than simply presenting material unprocessed.

Throughout their answers, candidates should seek to maintain relevance to their title.

Very little credit should be given where the answer is so heavily derivative that the candidate has performed a 'scissors and paste' exercise, with material virtually copied out of books and other sources.

The recommended length of the assignment is between 2000 and 2500 words. It should be appreciated that work which is too short may not allow sufficient points to be made or to be fully developed, while overlong work may ramble into repetition and irrelevance.

Presentation

On the front page of the work to be submitted, candidates should give the following information, with the assignment commencing on the second page:

- (a) the candidate's name and examination number;
- (b) the centre's name and number;
- (c) the component code (3161/C);
- (d) the examination session;
- (e) the title of the piece of work;
- (f) a list of sources on which the answer is based (excluding those of marginal relevance).

Marking the assignments

Where there is more than one teacher of candidates entering the examination in one centre, teachers must standardise their marking before commencing assessment, using the marking criteria which appear on pages 43 to 46. These include the marking criteria for quality of written communication including spelling, punctuation and grammar.

Method of Moderation

Moderation will be by post with AQA-appointed moderators re-marking samples of candidates' work from centres.

17.3 Unfair Practice

At the start of the course, the supervising teacher is responsible for informing candidates of the AQA Regulations concerning malpractice. Candidates must not take part in any unfair practice in the preparation of coursework to be submitted for assessment, and must understand that to present material copied directly from books or other sources without acknowledgement will be regarded as deliberate deception. Centres must report suspected malpractice to AQA. The penalties for malpractice are set out in the AQA Regulations.

17.4 Authentication of Candidates' Work

Both the candidate and the teacher are required to sign declarations confirming that the work submitted for assessment is the candidate's own. The teacher declares that the work was conducted under the specified conditions, and records details of any additional assistance.

18

Standardisation

18.1 Standardising Meetings

Annual standardising meetings will usually be held in the autumn term. Centres entering candidates for the first time must send a representative to the meetings. Attendance is also mandatory in the following cases:

- where there has been a serious misinterpretation of the specification requirements;
- where the nature of tasks set by a centre has been inappropriate;
- where a significant adjustment has been made to a centre's marks in the previous year's examination.

After the first year, attendance is at the discretion of centres. At these meetings support will be provided for centres in the development of appropriate assignments and assessment procedures.

18.2 Internal Standardisation of Marking

The centre is required to standardise the assessments across different teachers and teaching groups to ensure that all candidates at the centre have been judged against the same standards. If two or more teachers are involved in marking a component, one teacher must be designated as responsible for internal standardisation. Common pieces of work must be marked on a trial basis and differences between assessments discussed at a training session in which all teachers involved must participate. The teacher responsible for standardising the marking must ensure that the training includes the use of reference and archive materials such as work from a previous year or examples provided by AQA. The centre is required to send to the moderator the Centre Declaration Sheet, duly signed, to confirm that the marking of centre-assessed work at the centre has been standardised. If only one teacher has undertaken the marking, that person must sign this form.

A specimen Centre Declaration Sheet appears in Appendix B.

19

Administrative Procedures

19.1 Recording Assessments

The candidates' work must be marked according to the assessment criteria set out in Section 16. The marks and supporting information must be recorded in accordance with the instructions in Section 16. The completed Candidate Record Form for each candidate must be attached to the work and made available to AQA on request.

19.2 Submitting Marks and Sample Work for Moderation

The total component mark for each candidate must be submitted to AQA on the mark sheets provided or by Electronic Data Interchange (EDI) by the specified date. Centres will be informed which candidates' work is required in the samples to be submitted to the moderator.

19.3 Factors Affecting Individual Candidates

Teachers should be able to accommodate the occasional absence of candidates by ensuring that the opportunity is given for them to make up missed assessments.

Special consideration should be requested for candidates whose work has been affected by illness or other exceptional circumstances. Information about the procedure is issued separately.

If work is lost, AQA should be notified immediately of the date of the loss, how it occurred, and who was responsible for the loss. AQA will advise on the procedures to be followed in such cases.

Where special help which goes beyond normal learning support is given, AQA must be informed so that such help can be taken into account when assessment and moderation take place.

Candidates who move from one centre to another during the course sometimes present a problem for a scheme of internal assessment. Possible courses of action depend on the stage at which the move takes place. If the move occurs early in the course the new centre should take responsibility for assessment. If it occurs late in the course it may be possible to accept the assessments made at the previous centre. Centres should contact AQA at the earliest possible stage for advice about appropriate arrangements in individual cases.

19.4 Retaining Evidence and Re-using Marks

The centre must retain the work of all candidates, with Candidate Record Form attached, under secure conditions, from the time it is assessed, to allow for the possibility of an enquiry upon results. The work may be returned to candidates after the issue of results provided that no enquiry upon result is to be made which will include re-moderation of the internally-assessed component. If an enquiry upon result is to be made, the work must remain under secure conditions until requested by AQA.

Candidates re-taking the examination may carry forward their moderated coursework marks. These marks have a shelf-life which is limited only by the shelf-life of the specification, and they may be carried forward an unlimited number of times within this shelf-life.

20

Moderation

20.1 Moderation Procedures

Moderation of the internally-assessed work is by inspection of a sample of candidates' work, sent by post from the centre to a moderator appointed by AQA. The centre marks must be submitted to AQA and the sample of work must reach the moderator by the specified date in the year in which the qualification is awarded.

Following the re-marking of the sample work, the moderator's marks are compared with the centre marks to determine whether any adjustment is needed in order to bring the centre's assessments into line with standards generally. In some cases it may be necessary for the moderator to call for the work of other candidates. In order to meet this possible request, centres must have available the assignments and Candidate Record Form of every candidate entered for the examination and be prepared to submit it on demand. Mark adjustments will normally preserve the centre's order of merit but, where major discrepancies are found, AQA reserves the right to alter the order of merit.

20.2 Post-Moderation Procedures

On publication of the GCSE results, the centre is supplied with details of the final marks for the internally-assessed component.

The candidates' work is returned to the centre after the examination with a report form from the moderator giving feedback to the centre on the appropriateness of the tasks set, the accuracy of the assessments made, and the reasons for any adjustments to the marks.

Some candidates' work may be retained by AQA for archive purposes.

Awarding and Reporting

21

Grading, Shelf-Life and Re-Sits

21.1 Qualification Titles	The qualification based on this specification has the following title: AQA GCSE in Law.
21.2 Grading System	<p>The qualification will be graded on an 8-point grade scale: A*, A, B, C, D, E, F and G. Candidates who fail to reach the minimum standard for grade G will be recorded as U (unclassified) and will not receive a qualification certificate.</p> <p>Candidates must be entered for either the Foundation Tier or Higher Tier. For candidates entered for the Foundation Tier, grades C–G are available. For candidates entered for the Higher Tier A*–D are available. There is a safety net for candidates entered for the Higher Tier, where an allowed Grade E will be awarded where candidates just fail to achieve Grade D. Candidates who fail to achieve a Grade E on the Higher Tier or Grade G on the Foundation Tier will be reported as unclassified.</p>
21.3 Re-Sits	Individual components may not be retaken, but candidates may retake the whole qualification more than once.
21.4 Minimum Requirements	Candidates will be graded on the basis of work submitted for assessment.
21.5 Carrying Forward of Centre-Assessed Marks	Candidates re-taking the examination may carry forward their moderated coursework marks. These marks have a shelf-life which is limited only by the shelf-life of the specification, and they may be carried forward an unlimited number of times within this shelf-life.
21.6 Awarding and Reporting	This specification complies with the grading, awarding and certification requirements of the GCSE, GCE, GNVQ and AEA Code of Practice April 2007 and will be revised in the light of any subsequent changes for future years.

Appendices

A

Grade Descriptions

The following grade descriptors indicate the level of attainment characteristic of the given grade at GCSE. They give a general indication of the required learning outcomes at each specific grade. The descriptors should be interpreted in relation to the content outlined in the specification; they are not designed to define that content.

The grade awarded will depend in practice upon the extent to which the candidate has met the Assessment Objectives (as in Section 6) overall. Shortcomings in some aspects of the examination may be balanced by better performances in others.

Grade A Candidates deploy a breadth of relevant knowledge to produce substantiated analyses and explanations of a variety of legal structures, models or processes outlined in the specification. They show precise understanding of, and apply accurately, appropriate legal concepts, terms and theories. They recognise appropriate legal issues or debates, substantiate them with evidence and reach valid conclusions. They analyse links between legal structures, processes and issues.

Candidates identify and use appropriate methods, sources, information and data for a particular purpose and justify their selection. They interpret information and data presented in a variety of forms, critically evaluate its relevance in relation to the arguments and reach substantiated conclusions.

Grade C Candidates recall, describe and give a partial analysis of a variety of legal structures, models or processes outlined in the specification. They show understanding of, and apply a variety of, legal concepts, terms and theories. They recognise and describe relevant legal issues or debates and select appropriate arguments in relation to the issues, theories and evidence. They make straightforward links between legal structures, processes and issues.

Candidates use a range of methods, sources, information and data to find out about legal issues or topics and can indicate why they were chosen. They handle and evaluate information and data to make reasonable judgements and present plausible conclusions which are supported by relevant evidence.

Grade F Candidates recall and recognise some legal structures, models or processes outlined in the specification and give a partial description of them. They show a basic understanding of, and apply in a superficial way, a few legal concepts, terms and theories. They recognise and describe relevant legal issues or debates.

Candidates use a limited range of methods, sources, information and data uncritically and in a simple manner to find out about legal issues or topics. They demonstrate a limited ability to interpret information, make judgements and reach conclusions.

B

Record Forms

Candidate Record Forms and Centre Declaration Sheets are available on the AQA Website in the Administration area. They can be accessed via the following link

http://www.aqa.org.uk/admin/p_course.php.

C

Overlaps with other Qualifications

Some overlaps exist between this specification and AQA GCSE Social Science. These are shown below.

Links with AQA GCSE Social Science

Section 3: Crime and Legal Systems
(Purposes of Law)

Section 9.1	The nature of law in society (Why society needs law)
-------------	---

Section 3: Crime and Legal Systems
(Courts and sentencing)

Section 9.2	Legal Institutions (The Courts)
Section 10.2	The prosecution process (Sentencing)

Section 3: Crime and Legal Systems
(Law making)

Section 10.1	Modern sources of English law (The effects on English law of EU (EC) treaties, regulations, directives)
--------------	--