

APPROVAL CRITERIA FOR GCE AS AND A LEVEL LAW



JULY 2016

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This is a **Regulatory Document** under **Condition B7** of the *Interim Standard Conditions of Recognition (September 2015)*¹: *Compliance with Regulatory Documents*.

¹ <http://qualificationswales.org/regulation/monitoring-awarding-bodies/?lang=en&>

Introduction

This document sets out the approval criteria for AS and A Level Law qualifications. These have been developed through stakeholder engagement and public consultation. They include the requirements that an awarding body must meet when developing the specification and assessment materials for the qualification.

The approval criteria in this document will come into effect from 18 July 2016.

Qualifications Wales will only approve qualifications that meet all of the requirements set out in this document together with those set out in the *GCE AS and A Level Qualification Approval Criteria*² and *Interim Standard Conditions of Recognition*³. In developing qualifications to meet these requirements awarding bodies must have regard to *Fair Access by Design*⁴.

Where the requirements of the Subject Approval Criteria set out in this document differ from those prescribed in the *GCE AS and A Level Qualifications Approval Criteria* and the *Interim Standard Conditions of Recognition*, the requirements in this document will take precedence.

² <http://qualificationswales.org/regulation/approved-and-designated-qualifications/as-a-level-approval-criteria-july-2016/?lang=en>

³ <http://qualificationswales.org/regulation/monitoring-awarding-bodies/?lang=en&>

⁴ <http://gov.wales/docs/dcells/publications/150727-fair-access-by-design-en.pdf>

Subject aims and objectives

1. AS and A Level Law specifications must enable learners to develop an understanding of both public and private law within the law of England and Wales.
2. AS and A Level Law specifications must enable learners to develop their ability to analyse both legal rules and principles, and factual issues.
3. AS and A Level Law specifications must encourage learners to:
 - 3.1. develop their knowledge and understanding of the Welsh legal system and areas of both private and public law within the law of Wales and England;
 - 3.2. develop an understanding of legal method and reasoning as used by lawyers and the judiciary;
 - 3.3. develop and apply the techniques of legal method and reasoning to analyse and offer answers to problems, based on legal principles, legislation and case law;
 - 3.4. and develop the ability to construct conclusions and communicate legal arguments by reference to appropriate legal authorities.
4. At A2 learners must also develop the ability to:
 - 4.1. communicate persuasive legal arguments by reference to appropriate legal authorities;
 - 4.2. evaluate the strength of legal arguments;
 - 4.3. and be able to demonstrate critical awareness of the influence and operation of the law in society.

Subject content

5. At AS, specifications must require learners to demonstrate their knowledge and understanding of the following three areas of study:
 - 5.1. nature of law;
 - 5.2. Welsh legal system;
 - 5.3. law of tort.
6. At A2, specifications must require learners to study two of the following three areas of law:
 - 6.1. human rights law;

- 6.2. law of contract;
 - 6.3. criminal law.
7. At A2, specifications must offer learners a choice from all three of these areas of law in paragraph 6.
8. In each area of law studied at A2, learners must be required to demonstrate their understanding of the pervasive nature of law and society, law and morality and law and justice.

Nature of law

9. Learners must demonstrate knowledge and understanding of the nature of law. This must include:
- 9.1. the distinction between enforceable legal rules and principles and other rules and norms of behaviour;
 - 9.2. and criminal and civil law and the different sources of law, i.e. custom, statutory law and the common law.

Welsh legal system

10. Learners must demonstrate knowledge and understanding of the following:
- 10.1. the rule of law;
 - 10.2. law making, which must include:
 - 10.2.1. historical context of law making in Wales;
 - 10.2.2. the process of law making in Wales and the United Kingdom (UK); the legislative process; the influences of the Welsh Legislature and the UK Parliament; the advantages and disadvantages of influences on law making;
 - 10.2.3. the Devolution Settlement in Wales including the role of the Supreme Court;
 - 10.2.4. delegated legislation including types of delegated legislation in Wales and the UK; the control of delegated legislation; the reasons for the use of delegated legislation and advantages and disadvantages of delegated legislation;
 - 10.2.5. statutory interpretation including the various approaches to statutory interpretation of statutes;

- 10.2.6. judicial precedent, including the doctrine of precedent, the advantages and disadvantages of precedent; the hierarchy of the courts in Wales and England;
- 10.2.7. law reform including the Law Commission; and
- 10.2.8. the impact of European Union law on the law of Wales and England.

10.3. The legal system in Wales including court and tribunal structures and legal personnel which must include:

- 10.3.1. the civil courts and other forms of dispute resolution including civil courts and the appeal system;
- 10.3.2. the criminal process including the criminal courts; appeals, sentencing and court powers; the role of lay people within the criminal process;
- 10.3.3. legal personnel including barristers, solicitors, legal executives, regulation of the legal professions, the judiciary;
- 10.3.4. and access to justice and funding, both public and private.

Law of tort

11. Learners must demonstrate knowledge and understanding of the law of tort including:

- 11.1. the rules and theory of the law of tort;
- 11.2. liability in negligence for injury to people and damage to property including the duty of care; breach of duty; and damage, including factual and legal causation;
- 11.3. occupiers' liability including in respect of lawful visitors and trespassers;
- 11.4. and remedies, including damages, mitigation of loss and injunctions.

Human rights law

12. Learners must demonstrate knowledge and understanding of human rights law including:

- 12.1. the rules and theory of human rights law;
- 12.2. the debate relating to the entrenched nature of the Human Rights Act 1998;
- 12.3. specific provisions within the European Convention on Human Rights including Article 8; Article 10; and Article 11;
- 12.4. restrictions, including restrictions permitted by the European Convention on Human Rights; public order offences, police powers, interception of

communications, duty of confidentiality, obscenity, torts of defamation and trespass, harassment;

- 12.5. enforcement, including role of domestic courts, the process of judicial review and the role of the European Court of Human Rights;
- 12.6. and the debate relating to the protection of human rights in the UK.

Law of contract

- 13. Learners must demonstrate knowledge and understanding of the law of contract including:
 - 13.1. the rules and theory of the law of contract;
 - 13.2. the essential requirements of contract, including privity of contract;
 - 13.3. express and implied terms, conditions, warranties and innominate terms, exclusion and limitation clauses;
 - 13.4. misrepresentation and economic duress;
 - 13.5. discharge of contract including breach of contract, performance and frustration;
 - 13.6. and remedies including damages and equitable remedies.

Criminal law

- 14. Learners must demonstrate knowledge and understanding of criminal law including:
 - 14.1. the rules and theory of criminal law;
 - 14.2. general elements of liability: *actus reus* and *mens rea*, conduct, voluntary and involuntariness, causation, consequences, fault, intention, recklessness, negligence and strict liability;
 - 14.3. offences against the person, including Offences Against the Person Act 1861; the fatal offences of murder, voluntary manslaughter and involuntary manslaughter; and non-fatal offences of assault, battery, assault occasioning actual bodily harm, wounding and grievous bodily harm with intent;
 - 14.4. property offences, including theft and robbery;
 - 14.5. defences, including capacity defences of insanity and intoxication, and necessity defences of self-defence, duress, and duress of circumstances;
 - 14.6. and preliminary offences of attempt.

Legal Skills

15. AS and A Level specifications must require learners:

- 15.1. to develop competence in using legal skills in their study of the nature of law, legal issues and the Welsh legal system, and the private and public areas of substantive law;
- 15.2. to demonstrate their ability to analyse a factual scenario by identifying the key facts from which legal issues arise;
- 15.3. when formulating a legal argument, to be able to analyse legislation by applying the rules and principles of statutory interpretation, and to analyse case law by applying the doctrine of precedent;
- 15.4. in respect of each area of substantive law they study, to analyse, apply and evaluate the legal rules and principles of that area of law. Analysis and application must include the ability to apply legal principles to a hypothetical scenario. Evaluation must require learners to support a particular proposition by reference to the relevant legal rules and principles that support that argument;
- 15.5. and to construct legal arguments substantiated by legal authority and using appropriate legal terminology. In addition, at A2, learners must be required to construct a persuasive argument including instances where they have recognised that there are no clear legal precedents or conflicting precedents to solve a problem.

16. At A2, learners must also be required to analyse and critically evaluate legal issues by identifying different perspectives, including the Welsh legal system, supporting their identification of the strongest viewpoint and demonstrating the ability to counter alternative viewpoints.

Assessment objectives

17. The assessment of the knowledge, understanding, and skills required in the specification must target the following assessment objectives in line with the indicated weightings:

Objective	Requirements	Weighting		
		AS	A2	Full A Level
AO1	Demonstrate knowledge and understanding of legal rules and principles	40-50%	30-40%	30-40%
AO2	Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology	25-35%	25-35%	25-35%
AO3	Analyse and evaluate legal rules, principles, concepts and issues	20-30%	30-40%	30-40%

Scheme of assessment

18. AS and A Level Law will be formally assessed through examinations only.

Further information

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