

GCSE

Specification

Law

For exams June 2014 onwards

For certification June 2014 onwards



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1 Introduction

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1.1 Why choose AQA?

AQA is the UK's favourite exam board and more students receive their academic qualifications from AQA than from any other board. But why is AQA so popular?

AQA understands the different requirements of each subject by working in partnership with teachers. Our GCSEs:

- enable students to realise their full potential
- contain engaging content
- are manageable for schools and colleges
- are accessible to students of all levels of ability
- lead to accurate results, delivered on time
- are affordable and value for money.

AQA provides a comprehensive range of support services for teachers:

- access to subject departments
- training for teachers including practical teaching strategies and approaches that really work presented by senior examiners
- 24-hour support through our website and online *Ask AQA*
- past question papers and mark schemes
- comprehensive printed and electronic resources for teachers and students

AQA is an educational charity focused on the needs of the learner. All our income goes towards operating and improving the quality of our specifications, examinations and support services. We don't aim to profit from education – we want you to.

If you are an existing customer then we thank you for your support. If you are thinking of moving to AQA then we look forward to welcoming you.

1.2 Why choose Law?

- AQA's GCSE Law gives students an understanding of the role of law in today's society. In addition to helping students to acquire subject knowledge, studying law helps to develop skills of selection, analysis, critical thinking and decision making, and an awareness of the rights and responsibilities of individuals.
- The strengths of the previous specification have been retained, but the breadth of content has been reduced and more choice has been introduced.
- Teachers are encouraged to teach more than the minimum number of areas of substantive law, but the increased choice gives the opportunity to

tailor the course according to the students' ability and the time available to teach the course.

- The GCSE provides a broad foundation of both knowledge and skills for the continuing study of law at AS or A2, where certain areas can be studied in greater depth.
- Students who do not intend to carry on studying law will nevertheless gain skills and knowledge which can usefully be carried forward into other fields of study and the world of work.

1.3 How do I start using this specification?

Already using the existing AQA Law specification?

- Register to receive further information, such as mark schemes, past question papers, details of teacher support meetings, etc, at **<http://www.aqa.org.uk/rn/askaqa.php>**
Information will be available electronically or in print, for your convenience.
- Tell us that you intend to enter candidates. Then we can make sure that you receive all the material you need for the examinations. You can let us know by completing the appropriate Intention to Enter and Estimated Entry forms. We will send copies to your Exams Officer and they are also available on our website (**http://www.aqa.org.uk/admin/p_entries.php**).

Not using the AQA specification currently?

- Almost all centres in England and Wales use AQA or have used AQA in the past and are approved AQA centres. A small minority are not. If your centre is new to AQA, please contact our centre approval team at **centreapproval@aqa.org.uk**

1.4 How can I find out more?

Ask AQA

You have 24-hour access to useful information and answers to the most commonly-asked questions at **<http://www.aqa.org.uk/rn/askaqa.php>**

If the answer to your question is not available, you can submit a query for our team. Our target response time is one day.

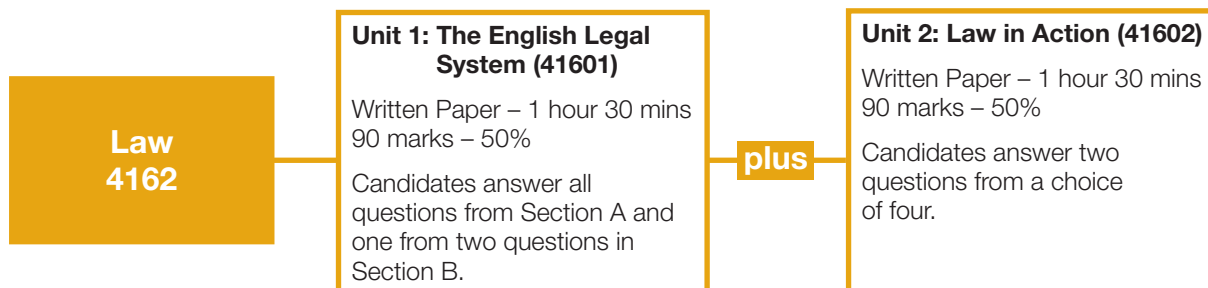
Teacher Support

Details of the full range of current Teacher Support and CPD courses are available on our web site at **<http://web.aqa.org.uk/qual/cpd/index.php>**

There is also a link to our fast and convenient online booking system for all of our courses at **<http://coursesandevents.aqa.org.uk/training>**

2 Specification at a Glance

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For assessments and subject awards after June 2013 there is a requirement that 100% of the assessment is terminal.

3 Subject Content

Teachers should keep themselves aware of changes to the law. When changes occur which affect the specification content, the specification document on the website will be updated, with the changes highlighted, and teachers should ensure that they are always using the latest version. Centres will also be informed of changes through the Examinations Update. Following the enactment of new legislation which has given rise to changes in the specification document, candidates will still receive credit for referring to the previous legislation for one further year.

Across the specification as a whole, candidates should be encouraged to consider how well the law operates and, in simple terms, the advantages and disadvantages of the area of law under discussion. Examination questions on both Unit 1 and Unit 2 will test simple analytical skills and encourage candidates to express their own views on the area of law in question.

3.1 Unit 1: The English Legal System

3.1.1 Introduction to Law

Meaning and definition of law

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

Classifications of law:
(Public and Private;
Civil and Criminal)

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

An understanding of the legal differences between Civil Law and Criminal Law.

3.1.2 Courts and Processes

Hierarchy of the Courts

An outline understanding of both the criminal and civil court hierarchy, including both first instance and major appeal courts.

The Criminal Courts

The Magistrates' Court

Pre-trial:

An outline understanding of the following: the difference between summons and arrest; the role of the Crown Prosecution Service; duty solicitors (at the police station and at court); summary, either-way and indictable offences; bail (both by the police and by the court).

The trial:

An understanding of the role of magistrates in summary trial and trial of either-way offences.

Post-trial:

An outline understanding of the following: sentencing; appeals.

The Crown Court

The trial:

An understanding of the roles of judge and jury in trying indictable offences, including offences triable either-way.

Post-trial:

An outline understanding of the following: sentencing; appeals.

The Civil Courts

The County Court

Pre-trial:

An outline understanding of the following: negotiation; sources of legal advice and funding a civil claim, ie Legal Help, Citizens Advice Bureaux, private finance, Civil Legal Representation, insurance, conditional fees, bringing a civil claim for damages.

The trial:

An understanding of the difference between a Small Claims and a Fast Track hearing in the County Court.

Post-trial:

An outline understanding of the following: civil remedies (damages and injunctions); appeals.

3.1.3 People in the Law

Lay People

Juries

An understanding of the following: qualification and selection; disqualification, discharge and deferral; the role of juries in criminal and civil cases.

Lay Magistrates

An understanding of the following: selection and appointment; their role in criminal, civil, administrative and appeal cases.

Legal Professionals

Solicitors and Barristers

An understanding of the training, work and role of solicitors and barristers.

Judges

An outline understanding of the following: the judges who sit in different courts; the role of the judge in civil, criminal and appeal cases.

3.1.4 Sources of English Law

The making and importance of Acts of Parliament

An outline understanding of Green and White Papers, and the process of a Public Bill through Parliament to becoming an Act.

Case Law and Precedent

An understanding of how the system of judicial precedent operates through the hierarchy of the courts.

An outline understanding of the following: the importance of Law Reports; *ratio decidendi* and *obiter dicta*; binding and persuasive precedents.

Relationship between the different sources of law

An outline understanding of the principle of Parliamentary supremacy, including the impact of European Union membership and the significance of the operation of judicial precedent.

3.2 Unit 2: Law in Action

Candidates must study a minimum of **two** of the following areas, but should be encouraged to study more than two. The examination will consist of **four** questions covering the four areas of the specification, from which candidates will be required to answer any **two** questions.

3.2.1 The Law of Tort

Introduction to Tort	An outline understanding of tort liability based on fault. Comparison of tort with crime.
Negligence	An understanding of the following: duty of care; breach of duty of care; damage (limited to physical injury and damage to property); <i>res ipsa loquitur</i> ; contributory negligence; occupiers' liability; vicarious liability.
Trespass	An understanding of the following: trespass to the person – assault, battery and false imprisonment; trespass to goods (interference with goods) – conversion and trespass to goods; trespass to land – comparison with private nuisance.
Nuisance	An understanding of public nuisance – definition and methods of enforcement; private nuisance – definition and factors to consider (eg malice, reasonableness, repetition).
General Defences in Tort	An outline understanding of the following: statutory authority; consent; inevitable accident; necessity; Act of God.
Remedies in Tort	An outline understanding of the following: damages; injunction.

3.2.2 Criminal Law

Introduction to Criminal Law	An outline understanding of the following: <i>actus reus</i> and <i>mens rea</i> ; strict liability.
Fatal Offences	An understanding of the definition and key elements of the following fatal offences: murder and voluntary manslaughter based on diminished responsibility and loss of control; involuntary manslaughter (constructive and gross negligence).
Non-fatal Offences	An understanding of the definition and key elements of the following non-fatal offences against the person: common assault (assault and battery); assault occasioning actual bodily harm; grievous bodily harm and wounding (s20 and s18).
Property Offences	An understanding of the definition and key elements of the following property offences: theft; robbery; burglary and aggravated burglary; making off without payment.
General Defences	An outline understanding of the following general defences: insanity; automatism; intoxication; duress; duress of circumstances/necessity; self-defence; consent.

3.2.3 Family Law

Marriage	An understanding of the following: requirements of a valid marriage; void and voidable marriage; civil partnerships.
Divorce	An understanding of the following: irretrievable breakdown and proof based on the five facts; <i>decree nisi</i> and <i>decree absolute</i> . An outline understanding of the following: maintenance; child maintenance; the role of the courts and mediation.
Succession	An understanding of the following: requirements of a valid will; privileged wills; revocation of a will; rules of intestacy; personal representatives; family provision.

3.2.4 Rights and Responsibilities

Introduction	An outline understanding that rights are balanced by corresponding duties and that rights are generally restricted by the law.
For buyers and sellers	An outline understanding of the rules relating to offer, to invitation to treat and to acceptance in a consumer contract. An understanding of the key provisions of: the Sale of Goods Act 1979 (as amended), the Supply of Goods and Services Act 1982 and the Consumer Protection Act 1987. An outline understanding of enforcement through Small Claims.
In employment	An outline understanding that employment is based upon a contract. An understanding of the following: discrimination in employment; Health and Safety legislation. An outline understanding of the following: vicarious liability; the role of tribunals in an employment context.
As a citizen	An outline understanding of the Human Rights Act 1998 and the European Convention on Human Rights. An understanding of rights and restrictions in relation to the following: personal liberty; freedom of communication; the right to a fair trial.

4 Scheme of Assessment

4.1 Aims and learning outcomes

GCSE specifications in law should encourage learners to be inspired, moved and changed by following a broad, coherent, satisfying and worthwhile course of study and explore ways in which legal, cultural, historical, moral, political, religious and social factors interact to shape the world in which we live today. They should prepare learners to make informed decisions about further learning opportunities and career choices.

GCSE courses based on this specification should encourage candidates to:

- actively engage in the study of law to develop as effective and independent learners and as critical and reflective thinkers with enquiring minds
- develop an understanding of the role of law in underpinning relationships among individuals, groups and institutions within society
- develop enquiry, critical thinking and decision-making skills through investigation of legal issues that are important, real and relevant to the world in which they live, and base reasoned judgements and arguments on evidence
- know the rights and responsibilities they have as individuals, appreciate their own contribution to society and develop skills that enhance their ability to act in informed roles within different contexts.

4.2 Assessment Objectives (AOs)

The assessment units will assess the following assessment objectives in the context of the content and skills set out in Section 3 (Subject Content).

Assessment Objectives		% Weighting
AO1	Recall, select and communicate knowledge and understanding of legal structures, processes and issues	30–40
AO2	Apply knowledge and understanding in a range of contexts both familiar and unfamiliar	20–30
AO3	Analyse and interpret information, sources and arguments	30–40

Quality of Written Communication (QWC)

GCSE specifications which require candidates to produce written material in English must:

- ensure that text is legible and that spelling, punctuation and grammar are accurate so that meaning is clear
- select and use a form and style of writing appropriate to purpose and to complex subject matter
- organise information clearly and coherently, using specialist vocabulary when appropriate.

In this specification, QWC will be assessed in certain designated questions on each paper.

Weighting of Assessment Objectives

The table below shows the approximate weighting of each of the Assessment Objectives in the GCSE units.

Assessment Objectives	Component weightings (%)		Overall weighting of AOs (%)
	Paper 1	Paper 2	
AO1	26	11	37
AO2	0	28	28
AO3	24	11	35
Overall weighting of components	50	50	100

4.3 National criteria

This specification complies with the following.

- The Subject Criteria for GCSE Law
- Code of Practice
- The GCSE Qualification Criteria
- The Arrangements for the Statutory Regulation of External Qualifications in England, Wales and Northern Ireland: Common Criteria
- The requirements for qualifications to provide access to Levels 1 and 2 of the National Qualification Framework.

4.4 Prior learning

There are no prior learning requirements.

However, any requirements set for entry to a course following this specification are at the discretion of centres.

4.5 Access to assessment: diversity and inclusion

GCSEs often require assessment of a broader range of competences. This is because they are general qualifications and, as such, prepare candidates for a wide range of occupations and higher level courses.

The revised GCSE qualification and subject criteria were reviewed to identify whether any of the competences required by the subject presented a potential barrier to any candidates regardless of their ethnic origin, religion, gender, age, disability or sexual orientation. If this was the case, the situation was

reviewed again to ensure such competences were included only where essential to the subject. The findings of this process were discussed with groups who represented the interests of a diverse range of candidates.

Reasonable adjustments are made for disabled candidates in order to enable them to access the assessments. For this reason, very few candidates will have a complete barrier to any part of the assessment. Further details are given in Section 5.4.

5 Administration

5.1 Availability of assessment units and certification

Examinations and certification for this specification are available as follows:

	Availability of Units	Availability of Certification
June 2012	✓	✓
Jan 2013		
June 2013	✓	✓
Jan 2014		
June 2014	✓	✓

Ofqual's revisions to the Code of Practice mean that from June 2014: assessments (both external assessments and moderation of controlled

assessment) will only be available once a year in June with 100% of the assessment being taken in the examination series in which the qualification is awarded.

5.2 Entries

Please refer to the current version of *Entry Procedures and Codes* for up to date entry procedures. You should use the following entry codes for the units and for certification:

Unit 1: 41601

Unit 2: 41602

GCSE certification – 4162

Candidates have to enter all the assessment units at the end of the course, at the same time as they enter for the subject award.

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5.3 Private candidates

This specification is available to private candidates. Private candidates should write to AQA for a copy of *Supplementary Guidance for Private Candidates*.

5.4 Access arrangements and special consideration

We have taken note of equality and discrimination legislation and the interests of minority groups in developing and administering this specification.

We follow the guidelines in the Joint Council for Qualifications (JCQ) document: *Access Arrangements, Reasonable Adjustments and Special Consideration: General and Vocational Qualifications*. This is published on the JCQ website

(<http://www.jcq.org.uk>) or you can follow the link from our website (<http://www.aqa.org.uk>).

Access arrangements

We can make arrangements so that candidates with special needs can access the assessment. These arrangements must be made **before** the examination. For example, we can produce a Braille paper for a candidate with a visual impairment.

Special consideration

We can give special consideration to candidates who have had a temporary illness, injury or indisposition

at the time of the examination. Where we do this, it is given **after** the examination.

Applications for access arrangements and special consideration should be submitted to AQA by the Examinations Officer at the centre.

5.5 Language of examinations

We will provide units for this specification in English only.

5.6 Qualification titles

The qualification based on this specification is:

- AQA GCSE in Law

5.7 Awarding grades and reporting results

The GCSE qualification will be graded on an eight-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.

We will publish the minimum raw mark for each grade, for each unit, when we issue candidates' results. We will report a candidate's unit results to centres in terms of uniform marks and qualification results in terms of uniform marks and grades.

For each unit, the uniform mark corresponds to a grade as follows.

Each unit (maximum uniform mark = 100)

Grade	Uniform Mark Range
A*	90–100
A	80–89
B	70–79
C	60–69
D	50–59
E	40–49
F	30–39
G	20–29
U	0–19

We calculate a candidate's total uniform mark by adding together the uniform marks for the units. We convert this total uniform mark to a grade as follows.

GCSE Law (maximum uniform mark = 200)

Grade	Uniform Mark Range
A*	180–200
A	160–179
B	140–159
C	120–139
D	100–119
E	80–99
F	60–79
G	40–59
U	0–39

5.8 Examination series

Candidates have to enter all the assessment units at the end of the course, at the same time as they enter for the subject award.

As a consequence of the move to linear assessment, candidates will be allowed to carry forward their controlled assessment unit result(s) following the initial moderation and aggregation during the lifetime of the specification.

Appendices

A Grade Descriptions

Grade descriptions are provided to give a general indication of the standards of achievement likely to have been shown by candidates awarded particular grades. The descriptions 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 (see Section 4) overall. Shortcomings in some aspects of the candidates' performance may be balanced by better performances in others.

Grade A

Candidates recall, select and communicate detailed knowledge and thorough understanding of legal structures, processes and issues. They use terminology accurately and appropriately.

They apply relevant knowledge and understanding accurately in a range of contexts. They recognise, describe and examine in detail legal issues or debates and select appropriate arguments. They recognise and systematically analyse the links between legal structures, processes and issues, to produce substantiated analyses and explanations, and reach valid and reasoned conclusions.

They identify, select and use a wide range of appropriate methods, sources, information and data to investigate questions or issues, and justify their selection. They analyse and interpret accurately and appropriately information and data presented in a variety of forms. They critically evaluate the relevance of evidence to construct valid arguments and reasoned judgements.

Grade C

Candidates recall, select and communicate a sound knowledge and understanding of legal structures, processes and issues. They use appropriate terminology.

They apply a sound knowledge and understanding in a range of contexts. They recognise and describe relevant legal issues or debates and select arguments to examine issues. They identify some straightforward links between legal structures, processes and issues to produce partial analyses and explanations and reach broadly relevant conclusions.

They select and use a range of methods, sources, information and data to find out about legal issues or topics. They examine the main elements of legal issues or debates. They handle a variety of information and data, and evaluate their evidence in relation to the arguments to make reasoned judgements and present plausible conclusions that are supported by evidence.

Grade F

Candidates recall, select and communicate basic knowledge and understanding of some aspects of legal structures, processes and issues. They use some basic terminology.

They apply a basic knowledge and understanding in a range of contexts. They recognise and provide a partial description of some legal issues or debates. They apply a basic understanding of a few legal structures and processes.

They use a limited range of methods, sources, information and data uncritically and in a simple manner to find out about issues or topics. They present simple conclusions that are sometimes supported by evidence.

B Spiritual, Moral, Ethical, Social, Legislative, Sustainable Development, Economic and Cultural Issues, and Health and Safety Considerations

AQA has taken great care to ensure that any wider issues, including those particularly relevant to the education of students at Key Stage 4, have been identified and taken into account in the preparation of this specification. They will only form part of the assessment requirements where they relate directly to the specific content of the specification and have been identified in Section 3: Content.

European Dimension

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

Environmental Education

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 units.

Avoidance of Bias

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

C Overlaps with other Qualifications

GCSE Citizenship Studies

D Wider Key Skills

The replacement of Key Skills with Functional Skills

The Key Skills qualifications have been replaced by the **Functional Skills**. However, centres may claim proxies for Key Skills components and/or certification in the following series: January, March and June 2012. The **Administration Handbook for the Key Skills Standards 2012** has further details. All Examination Officers in centres offering AQA Key Skills and Wider Key Skills have been sent a letter outlining the details of the end dates of these subjects. Copies of the letters have also been sent to the Head of Centre and Key Skills coordinator. This is a brief outline of that information. It is correct as at August 2011 and replaces the information on the same subject found in other documents on the AQA website:

- **Key Skills Levels 1, 2 and 3 Test and Portfolio**
The final opportunity for candidates to enter for a level 1, 2 or 3 Key Skills test or portfolio was June 2011 with the last certification in 2012.
- **Key Skills Level 4** The last series available to candidates entering for the Key Skills Level 4 test and portfolio was June 2010 with the last certification in the June series 2012.
- **Basic Skills Adult Literacy Levels 1 and 2, Adult Numeracy Levels 1 and 2** AQA Basic Skills qualifications will now be available until, at least, the June 2012 series.

Funding

We have received the following advice on the funding of learners undertaking these qualifications:

- Currently the **Skills Funding Agency** funds Basic Skills in literacy and numeracy for adult, 19 plus, learners only. There are various support funds for learners aged 16-18 administered by the **Young People's Learning Agency (YPLA)**. These include EMA (until the end of the 2010/11 academic year), Care to Learn and discretionary learner support hardship funding for learners living away from home.
- This information is correct at the time of publication. If you would like to check the funding provision post-June 2011, please call the **Skills Funding Agency** helpdesk on 0845 377 5000.
- **Wider Key Skills** The AQA Wider Key Skills qualifications are no longer available. The last portfolio moderation took place in June 2011.

Further updates to this information will be posted on the website as it becomes available.

http://web.aqa.org.uk/qual/keyskills/wider_noticeboard.php



GCSE Law Teaching from September 2012 onwards

Qualification Accreditation Number: 500/4391/2

Every specification is assigned a national classification code indicating the subject area to which it belongs. The classification code for this specification is 4770.

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.

Centres may wish to advise candidates that, if they take two specifications with the same classification code, schools and colleges are very likely to take the view that they have achieved only one of the two GCSEs. The same view may be taken if candidates take two GCSE specifications that have different classification codes but have significant overlap of content. Candidates who have any doubts about their subject combinations should check with the institution to which they wish to progress before embarking on their programmes.

To obtain free specification updates and support material or to ask us a question register with Ask AQA:

www.aqa.org.uk/ask-aqa/register

Support meetings are available throughout the life of the specification.

Further information is available at:

<http://events.aqa.org.uk/ebooking>

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