

LAW SYLLABUS 9345

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Advanced Level Law 9345

This subject may be taken at the May/June examination only.

Introduction

This syllabus provides a satisfying course for those who will end their study of Law at this stage, and lays a secure foundation for those who will continue their studies in this or related subjects. It enables candidates to develop a knowledge and understanding of legal rules and institutions and an appreciation of the function of law in society. It also encourages candidates to develop the skills necessary to appraise and criticise the application of legal principles across different branches of law.

Aims

The syllabus aims to:

1. provide a sound understanding of the nature of law.
2. give an appreciation of the role of law in society.
3. demonstrate the importance of legal institutions and their relationship to other institutions in society.
4. provide a broad understanding of the various branches of law in order to give a fuller picture of the role of law.
5. provide knowledge of the sources of law, in particular statutes and cases, and of how these are applied to the determination of disputes.
6. develop an analytical and critical approach to the application of legal principles.
7. consider the appropriateness of dealing with certain aspects of behaviour within the law.
8. comply with the 1988 resolution of the Council of the European Community by encouraging candidates to acquire a knowledge and understating of the impact of European membership, and the position of the European Court of Human Rights on UK law, institutions and legal process.

Assessment objectives

The examination will test:

1. knowledge of legal rules as defined in the syllabus, including issues of current legal concern.
2. understanding of legal information and concepts, and the ability to identify the appropriate legal processes in different contexts.
3. an ability to evaluate the legal rules, information and concepts defined in the syllabus.

4. an ability to analyse information, select appropriate legal rules and to apply these in a reasoned manner in order to draw conclusions.
5. an ability to organise and present information, ideas, descriptions and arguments clearly and logically, using legal terminology, taking into account the use of grammar, punctuation and spelling.

The scheme of assessment

The examination will consist of two compulsory papers.

About 50% of the overall examination marks will be allocated to Knowledge and Understanding (AO1 and AO2) with the remaining 50% being allocated to Evaluation, Analysis and Application and Organisation and Presentation of information (AO3, AO4 and AO5).

Assessment Objective	Paper 1	Paper 2	Total
1	15%	10%	25%
2	15%	10%	25%
3	15%	12.5%	27.5%
4	-	12.5%	12.5%
5	5%	5%	10%

Paper 1 (3 hours) 50% of total mark. This paper will consist of ten essay questions set on Sections A to D of the paper 1 content. Candidates will be required to answer any *four* questions *two* questions from Part One (Sections A and B) and *two* questions from Part Two (Sections C and D). All questions will carry equal marks.

Paper 2 (3 hours) 50% of total mark. This paper will comprise five sections, Sections A to E, which correspond with the five sections of the Paper 2 syllabus content. Each section will consist of four problem-based questions. Candidates will be required to answer a total of *four* questions chosen from two sections. Candidates must answer *two*, and only *two*, questions from each section. All questions will carry equal marks.

Candidates should answer all questions in continuous prose and the marks awarded will take into account the quality of language used by the candidate.

Syllabus content

Candidates should study Sections A to D of the Paper 1 syllabus content and *two* sections of the Paper 2 syllabus content.

Paper 1

Paper 1 content is divided into four sections. Candidates will be expected to show a knowledge and understanding of law and legal institutions with relevance to their function in society.

Part One

Section A – The Nature of Law

- Rules – what rules are: the relationship between law and morality including the Hart/Devlin debate; why some rules have legal consequences.
- The principal legal theories: e.g. positivism, natural law, and realist theories.
- Nature and origins of law; law in society, its role and function; growth of law in modern society and the appropriateness of creating new laws to solve problems.
- Legal reasoning and analysis.

Section B – The Effect of Law on the Individual

- Rights, duties, liabilities and privileges; how these affect us and how they are enforced.
- The basis of liability in civil law: common law and equitable remedies and the relationship between them.
- The basis of liability in criminal law: sanctions for criminal wrongs; theories of punishment; provision for compensation in criminal cases.
- Remedies for maladministration; judicial review; the role of ombudsmen; review of maladministration in criminal cases.
- The concept of legal personality and corporate liability.

Part Two

Section C – The Sources of Law

- Legislation: Parliamentary and delegated legislation; controls of delegated legislation, advantages and disadvantages; statutory interpretation; rules and canons of construction; the influence of European Union membership; the respective roles of the legislature and the judiciary.
- The English doctrine of binding precedent, its theory and practice within the court system; the development of common law and equity and their relationship in modern law.
- European community and Union law, its nature, interpretation and role: the institutions of the European Community and Union; the legal implications for the UK of this source of law.
- Law reform: the role of political parties, pressure groups, law reform agencies and judges.

Section D – Law Enforcement and Administration

- The differences between civil and criminal law; the commencement of legal proceedings in civil and criminal cases; legal aid and advice and other financial support; conditional fees.
- Dispute settlement; formal and informal methods; the Courts; tribunals; arbitration; conciliation; mediation.
- The role of the police in law enforcement: stop and search; arrest; search; detention and questioning; procedure at the police station.
- The legal profession: organisation, training and discipline; relationship between all the different branches.
- The role of the lay person in the administration of justice: e.g. magistrates, juries, tribunal members and arbitrators; the extension of para-legal services.

Paper 2

Paper 2 comprises five topics. Each topic is sub-divided, and each question will usually involve consideration of more than one aspect of the topic. Candidates will be required to identify and explain underlying principles as well as quoting specific legal examples in their answers.

Section A – The Market: the transfer of goods or the rendering of services for cash or on credit terms.

- The legal rules applying to the making of bargains: an outline of the rules of contract, including freedom and exclusion clauses; vitiating factors: privity and discharge of contract. Contracts for the sale and supply of goods. Remedies.
- Liability in negligence to consumers; strict liability in civil actions under consumer protection legislation. Remedies.
- Criminal liability and offences under consumer protection legislation.
- Outline of consumer credit legislation with particular reference to the content of credit agreements, cancellation, liability for defects, default. Remedies.
- An awareness of the role of extra judicial approaches to solving problems faced by the individual in the market.

Section B – The Workplace: the legal relationship between employers and employees.

- Contractual and tortious duties and liabilities of employers, employees and independent contractors. Statutory protection for employees. Remedies.
- Legal rules relating to restraint of trade for businesses and employees. Remedies.
- Law relating to discrimination and equal pay. Remedies.
- Termination of contract of employment including fair, unfair and wrongful dismissal. Redundancy. Remedies.
- Common law and statutory provisions relating to health and safety at work, including compensation for injuries at work. Remedies.
- Outline of the role and legal position of trade unions in relation to employment matters. Remedies.

Section C – The Family: the family relationship arising from marriage or cohabitation.

- The legal basis of marriage; rights arising from marriage; rights of cohabitants.
- Children’s legal rights and the legal rules for their protection. Adoption. Parental responsibilities.
- Outline of the legal responsibilities of central and local government in relation to family welfare. The role of agencies.
- The law on marital and cohabitation breakdown and family break-up. The law on domestic violence, remedies. The transfer of property after the breakdown of relationships. Inheritance and family provision.

Section D – The Criminal Offender: the essential nature of criminal liability and the study of particular crimes.

- The reasons for the creation of criminal liability. The basis of criminal liability. Types of conduct regarded as criminal. Criminal sanctions. The arguments concerning whether some criminal behaviour would be better dealt with outside the criminal law.
- Parties to a crime.
- Inchoate offences
- General defences
- The law protecting a person from attack, injury or death.
- The law of theft, and related dishonesty offences including burglary, blackmail, deception, making off, robbery and TWOC (taking without owners’ consent), but excluding false accounting and the role of the Serious Fraud Office.
- Criminal damage.
- Sanctions and sentencing.

Section E – The Individual; civil liberties and rights under private law.

- The role of the state and the nature and basis of civil liberties in law. Remedies and procedures for protecting rights and freedoms, including challenges to delegated legislation, judicial review and the role of ombudsmen. The impact of international and European human rights law.
- Freedom of assembly and association; related public meetings; processions; assemblies and demonstrations. Public order offences; sports events. Trespass and nuisance.
- Freedom of speech; defamation; blasphemy; obscene libel; contempt of court; defences and remedies.
- Freedom of person and property: police powers of questioning; detention and arrest; search and seizure; remedies against the police. Legal actions to protect privacy and confidentiality.
- Freedom of information: access to official, government and personal records; data protection.

General Marking Bands

What follows is an attempt to identify the different types of responses in each mark band. It is intended that it should be read in conjunction with the indicative marking content for each question.

Marks 25–22 **An excellent answer.** Presents a well-structured response to the question and demonstrates consistently a thorough knowledge and understanding of legal rules and legal institutions and excellent appreciation of the function of law in society. Shows a thorough understanding of legal classification and an excellent approach to problem solving with a particular strength in the use of legal authority together with a demonstrable awareness of matters of legal controversy and law reform. Demonstrates an ability to appraise and criticise the application of legal principles across different branches of law.

The candidate will express complex ideas extremely clearly and fluently. Sentences and paragraphs will follow on from each other smoothly and logically. Arguments will be consistently relevant and well structured. There will be few, if any, errors of grammar, punctuation and spelling.

Marks 21–17 **A very good answer.** Presents a clearly written answer with a detailed knowledge and understanding of legal rules and also the place and role of institutions, as well as demonstrating a very good appreciation of the role and function of law in society. Shows a good understanding of legal classification and demonstrates a clear grasp of analysis of legal problems, with a real ability to apply rules and use authority. Shows a good understanding of different branches of law and gives evidence of a critical awareness of controversial issues in law and law reform. The majority of relevant legal issues raised by the question are included with appropriate supporting material.

The candidates will express complex ideas extremely clearly and fluently. Sentences and paragraphs will follow on from each other smoothly and logically. Arguments will be consistently relevant and well structured. There will be few, if any, errors of grammar, punctuation and spelling.

Marks 16–13 **A good answer.** Demonstrates a sound knowledge and understanding of legal rules, and the role and function of law in society with some evidence of depth and breadth of argument. Is able, where required, to distinguish between civil and criminal liability, and shows a sound approach to problem solving. Quotes some appropriate legal authority. Demonstrates a sound knowledge of some of the relevant issues raised by the question and shows awareness of current controversies and legal reform. Identifies significant points in the marking scheme but with some imbalance in the treatment of issues raised by the question.

The candidate will express moderately complex ideas clearly and reasonably fluently through well linked sentences and paragraphs. Arguments will be generally relevant and well structured. There may be occasional errors of grammar, punctuation and spelling.

Marks 12-8 **A satisfactory answer.** Presents an answer which demonstrates some knowledge and understanding of legal rules and institutions, and awareness of the role and function of law in society. Demonstrates some ability to solve problems, to identify sources, and to quote relevant authority. Shows knowledge of different branches of law, with some understanding shown also of legal classification. Although awareness of current controversies and reform issues is demonstrated, answers are more descriptive than analytical.

The candidate will express straightforward ideas clearly, if not always fluently. Sentences and paragraphs may sometimes not be well connected. Arguments may sometimes stray from the point or be weakly presented. There may be some errors of grammar, punctuation and spelling, but not such to suggest a weakness in these areas.

Marks 7-4 **A basic answer.** Presents an attempt to deal with the question with a superficial knowledge and understanding of legal rules, institutions and the role and function of law in society. Shows an attempt to deal with legal classification and problem solving and uses legal authority, with a little understanding of appropriate branches of law. Gives evidence of a little awareness of issues of controversy and reform. Answers may be commonsense with simple conclusions and little law.

The candidate will express simple ideas clearly, but may be imprecise and awkward in dealing with complex or subtle concepts. Arguments may be of doubtful relevance or obscurely presented. Errors in grammar, punctuation and spelling may be noticeable and intrusive suggesting weaknesses in these areas.

Marks 3-0 Presents an answer which demonstrates difficulty in understanding the subject. Although struggling, may produce some relevant points. Perhaps produces a social answer with little relevance to law.

Textbooks

The following is by no means exhaustive but candidates may find some of the following useful in their studies: -

Paper 1: Basic reading:

Author	Title	Publisher
Hogan, Seago and Bennett	A level Law	Sweet and Maxwell
Slapper & Kelly	Principles of English Law System	Cavendish, 1997
Lee	Law and Moral	OUP
Harpwood & Burnet	The English Legal System: A Workbook	Cavendish, 1996

Paper 1: Further Reading:

Author	Title	Publisher
Cairns	Introduction to E.U. Law	Cavendish, 1997
Gifford	How to Understand our Legal System	Cavendish, 1997

Paper 2 – The Market: Basic reading:

Author	Title	Publisher
Stone	Principles of Contract	Cavendish, 3 rd Ed. 1997
Dobson	Sale of Goods & Consumer Credit	Sweet & Maxwell, 5 th Ed.
Oughton & Lawry	Consumer Law	Blackstone, 1997

Paper 2: The Market: Further Reading:

Author	Title	Publisher
Lowe & Woodroffe	Consumer Law & Practice	Sweet & Maxwell, 4 th Ed.
Koffman & MacDonald	Law of Contract	3 rd Edition, 1998
Harpwood	Principles of Tort Law	Cavendish, 1997

Paper 2 – The Workplace: Basic reading:

Author	Title	Publisher
Jefferson	Principles of Employment Law	Cavendish, 1997
Honeyball & Bowers	Textbook on Labour Law	Blackstone, 5 th Ed. 1998
Kidner	Statutes on Employment Law	Blackstone, 1998/99

Paper 2 – The Family: Basic reading:

Author	Title	Publisher
Cretney	Family Law	Sweet & Maxwell, 1997

Paper 2 – The Family: Further reading:

Author	Title	Publisher
Standley	Case & Materials on Family Law	Blackstone, 1997

Paper 2 – The Criminal Offender: Basic reading:

Author	Title	Publisher
Seago	Criminal Law	Sweet & Maxwell, 1997
Padfield	Criminal Law	Butterworths Core Texts, 1998

Paper 2 – The Criminal Offender: Further reading:

Author	Title	Publisher
Card, Cross & Jones	Criminal Law	Butterworths, 1998
Smith & Hogan	Case & Materials	Butterworths, 1996

Paper 2 – The Individual: Basic reading:

Author	Title	Publisher
Stott	Principles of Administration Law	Cavendish, 1997
Harpwood	Principles of Tort Law	Cavendish 1997

Paper 2 – The Individual: Further reading:

Author	Title	Publisher
Fenwick	Sourcebook on Civil Liberties	Cavendish, 1997
Barnett	Constitutional & Administration Law	Cavendish, 1997

Contact details

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