

SYLLABUS

Cambridge AS & A Level
Law

9084

For examination in June and November 2017, 2018 and 2019

Changes to syllabus for 2017, 2018 and 2019

This syllabus has been updated. The latest syllabus is version 2, published February 2017.

Changes to the syllabus

Page 11, Unit 2: Machinery of justice, Section 2: 'enquiries' changed to 'inquiries'

Page 11, Unit 2: Machinery of justice, Section 4: 'House of Lords' changed to 'Supreme Court' to reflect changes resulting from the Constitutional Reform Act 2005*

Page 11, Unit 3 Legal Personnel, Section 1: 'training and education' added to the syllabus content to clarify that 'recruitment' includes not only acquiring a job as a barrister or solicitor but also the training and education required

Page 12, Unit 2: Contents of contracts, Section 3: Consumer Rights Act 2015 added to the syllabus content to reflect the introduction of a significant piece of new legislation in this area*

*These syllabus changes will not disadvantage candidates as responses will receive credit whether refer to the old or new legislation.

|| Significant changes to the syllabus are indicated by black vertical lines either side of the text. ||

You are advised to read the whole syllabus before planning your teaching programme.

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1. Introduction

1.1 Why choose Cambridge?

Cambridge International Examinations is part of the University of Cambridge. We prepare school students for life, helping them develop an informed curiosity and a lasting passion for learning. Our international qualifications are recognised by the world's best universities and employers, giving students a wide range of options in their education and career. As a not-for-profit organisation, we devote our resources to delivering high-quality educational programmes that can unlock learners' potential.

Our programmes set the global standard for international education. They are created by subject experts, are rooted in academic rigour, and provide a strong platform for progression. Over 10 000 schools in 160 countries work with us to prepare nearly a million learners for their future with an international education from Cambridge.

Cambridge learners

Cambridge programmes and qualifications develop not only subject knowledge but also skills. We encourage Cambridge learners to be:

- **confident** in working with information and ideas – their own and those of others
- **responsible** for themselves, responsive to and respectful of others
- **reflective** as learners, developing their ability to learn
- **innovative** and equipped for new and future challenges
- **engaged** intellectually and socially, ready to make a difference.

Recognition

Cambridge International AS & A Levels are recognised around the world by schools, universities and employers. The qualifications are accepted as proof of academic ability for entry to universities worldwide, although some courses do require specific subjects.

Cambridge AS & A Levels are accepted in all UK universities. University course credit and advanced standing is often available for Cambridge International AS & A Levels in countries such as the USA and Canada.

Learn more at www.cie.org.uk/recognition

1.2 Why choose Cambridge International AS & A Level?

Cambridge International AS & A Levels are international in outlook, but retain a local relevance. The syllabuses provide opportunities for contextualised learning and the content has been created to suit a wide variety of schools, avoid cultural bias and develop essential lifelong skills, including creative thinking and problem-solving.

Our aim is to balance knowledge, understanding and skills in our programmes and qualifications to enable students to become effective learners and to provide a solid foundation for their continuing educational journey. Cambridge International AS & A Levels give learners building blocks for an individualised curriculum that develops their knowledge, understanding and skills.

Schools can offer almost any combination of 60 subjects and learners can specialise or study a range of subjects, ensuring a breadth of knowledge. Giving learners the power to choose helps motivate them throughout their studies.

Cambridge International A Levels typically take two years to complete and offer a flexible course of study that gives learners the freedom to select subjects that are right for them.

Cambridge International AS Levels often represent the first half of an A Level course but may also be taken as a freestanding qualification. The content and difficulty of a Cambridge International AS Level examination is equivalent to the first half of a corresponding Cambridge International A Level.

Through our professional development courses and our support materials for Cambridge International AS and A Levels, we provide the tools to enable teachers to prepare learners to the best of their ability and work with us in the pursuit of excellence in education.

Cambridge International AS & A Levels have a proven reputation for preparing learners well for university, employment and life. They help develop the in-depth subject knowledge and understanding which are so important to universities and employers.

Learners studying Cambridge International AS & A Levels have opportunities to:

- acquire an in-depth subject knowledge
- develop independent thinking skills
- apply knowledge and understanding to new as well as familiar situations
- handle and evaluate different types of information sources
- think logically and present ordered and coherent arguments
- make judgements, recommendations and decisions
- present reasoned explanations, understand implications and communicate them clearly and logically
- work and communicate in English.

Guided learning hours

Cambridge International A Level syllabuses are designed on the assumption that learners have about 360 guided learning hours per subject over the duration of the course. Cambridge International AS Level syllabuses are designed on the assumption that learners have about 180 guided learning hours per subject over the duration of the course. This is for guidance only and the number of hours required to gain the qualification may vary according to local curricular practice and the learners' prior experience of the subject.

1.3 Why choose Cambridge International AS & A Level Law?

Cambridge International AS & A Level Law is accepted by universities and employers as proof of an understanding of the main principles of the law in England and Wales. Successful Cambridge International AS & A Level Law students gain lifelong skills, including:

- Knowledge and understanding of the English Legal System and, at A Level, Contract Law and Tort Law;
- Ability to analyse realistic scenarios by applying legal concepts, rules and precedents;
- Greater command of language to express interpretation, reasoning, comment and judgement.

Prior learning

Candidates beginning this course are not expected to have studied Law previously.

Progression

Cambridge International A Level Law provides a suitable foundation for the study of Law or related courses in higher education. Equally it is suitable for candidates intending to pursue careers or further study in Law, or as part of a course of general education.

Cambridge International AS Level Law constitutes the first half of the Cambridge International A Level course in Law and therefore provides a suitable foundation for the study of Law at A Level and thence for related courses in higher education. Depending on local university entrance requirements, it may permit or assist progression directly to university courses in Law or some other subjects. It is also suitable for candidates intending to pursue careers or further study in Law, or as part of a course of general education.

1.4 Cambridge AICE (Advanced International Certificate of Education) Diploma

Cambridge AICE Diploma is the group award of the Cambridge International AS & A Level. It gives schools the opportunity to benefit from offering a broad and balanced curriculum by recognising the achievements of candidates who pass examinations in different curriculum groups.

Learn more about the Cambridge AICE Diploma at www.cie.org.uk/aice

1.5 How can I find out more?

If you are already a Cambridge school

You can make entries for this qualification through your usual channels. If you have any questions, please contact us at info@cie.org.uk

If you are not yet a Cambridge school

Learn about the benefits of becoming a Cambridge school at www.cie.org.uk/startcambridge. Email us at info@cie.org.uk to find out how your organisation can register to become a Cambridge school.

2. Teacher support

2.1 Support materials

We send Cambridge syllabuses, past question papers and examiner reports to cover the last examination series to all Cambridge schools.

You can also go to our public website at **www.cie.org.uk/alevel** to download current and future syllabuses together with specimen papers or past question papers and examiner reports from one series.

For teachers at registered Cambridge schools a range of additional support materials for specific syllabuses is available from Teacher Support, our secure online support for Cambridge teachers. Go to **<https://teachers.cie.org.uk>** (username and password required).

2.2 Endorsed resources

We work with publishers providing a range of resources for our syllabuses including print and digital materials. Resources endorsed by Cambridge go through a detailed quality assurance process to ensure they provide a high level of support for teachers and learners.

We have resource lists which can be filtered to show all resources, or just those which are endorsed by Cambridge. The resource lists include further suggestions for resources to support teaching.

2.3 Training

We offer a range of support activities for teachers to ensure they have the relevant knowledge and skills to deliver our qualifications. See **www.cie.org.uk/events** for further information.

3. Syllabus content at a glance

Candidates for Advanced Subsidiary Level should study the Core syllabus **only**.

Candidates for Advanced Level should study the Core syllabus **and** the Extended syllabus.

| | Core topics | Extension topics |
|---|--|--|
| | <i>All candidates study these topics:</i> | <i>A Level candidates also study:</i> |
| Sources of law | <ul style="list-style-type: none"> Nature and classification of law Common Law and Equity Doctrine of precedent Legislation Statutory interpretation Delegated legislation Human rights Law reform | |
| Machinery of justice | <ul style="list-style-type: none"> Civil courts Alternative methods of dispute resolution Criminal process Criminal courts Sentencing principles and sanctions of courts | |
| Legal personnel | <ul style="list-style-type: none"> Barristers and solicitors Judiciary Crown Prosecution Service Role of lay personnel Lord Chancellor | |
| Formation of valid contracts | | <ul style="list-style-type: none"> Nature of contract Offer and acceptance Intention Consideration Capacity |
| Contents of contracts | | <ul style="list-style-type: none"> Types of term Status of terms Control of exemption clauses |
| Vitiating factors | | <ul style="list-style-type: none"> Vitiating factors Misrepresentation Mistake Passing of title under void and voidable contracts |
| Remedies for breach | | <ul style="list-style-type: none"> Common Law Equitable |
| Negligence and occupier's liability | | <ul style="list-style-type: none"> Liability in negligence Duty of care Breach of duty Causation Occupier's liability Defences |
| Private nuisance and Rylands v. Fletcher | | <ul style="list-style-type: none"> Private nuisance Rylands v. Fletcher |
| Trespass | | <ul style="list-style-type: none"> Trespass to land Trespass to the person |
| Remedies | | <ul style="list-style-type: none"> Common Law Equitable |

4. Assessment at a glance

Centres and candidates may choose to:

- Take all A and AS components at one exam series, leading to the full Advanced Level qualification (Papers 1, 2, 3 and 4) or
- Take the AS components (Papers 1 and 2) at one exam series and, having received the AS qualification, take the additional A2 components (Papers 3 and 4) at a later series, leading to the full Advanced Level qualification or
- Take the AS components only (Papers 1 and 2) at one exam series, leading to the Advanced Subsidiary qualification.

| Paper | Weighting | |
|--|----------------------------------|---------------------------------|
| | Cambridge International AS Level | Cambridge International A Level |
| <p>Paper 1 (Structure and operation of the English Legal System) 1 hour 30 mins</p> <p>Candidates answer three essay questions from a choice of six.</p> | 60% | 30% |
| <p>Paper 2 (Data response: the English Legal System) 1 hour 30 mins</p> <p>Candidates answer one question from a choice of two. The paper tests the candidate's ability to apply their knowledge to examine critically and analyse a given case. The data may be drawn from <i>any</i> area of English law.</p> | 40% | 20% |
| <p>Paper 3 (Law of Contract) 1 hour 30 mins</p> <p>Section A: 3 essay questions Section B: 3 scenario-based problem questions</p> <p>Candidates answer three questions: one from Section A, one from Section B and one other.</p> | – | 25% |
| <p>Paper 4 (Law of Tort) 1 hour 30 mins</p> <p>Section A: 3 essay questions Section B: 3 scenario-based problem questions</p> <p>Candidates answer three questions: one from Section A, one from Section B and one other.</p> | – | 25% |

Availability

This syllabus is examined in the June and November examination series.

This syllabus is available to private candidates.

Detailed timetables are available from **www.cie.org.uk/examsOfficers**

Centres in the UK that receive government funding are advised to consult the Cambridge website **www.cie.org.uk** for the latest information before beginning to teach this syllabus.

Combining this with other syllabuses

Candidates can combine this syllabus in an examination series with any other Cambridge syllabus.

5. Syllabus aims and assessment objectives

5.1 Syllabus aims

The aims of the Cambridge International AS & A Level Law syllabus are to:

- Provide an introduction to legal concepts and rules and the machinery involved in their introduction, application and enforcement;
- Encourage candidates to explore and understand the substantive rules of law;
- Explore and critically assess the value of legal rules, processes and institutions;
- Develop skills of communication, interpretation, reasoning and analysis.

5.2 Assessment objectives

There are three assessment objectives (AOs) for Cambridge International AS & A Level Law. Candidates are expected to demonstrate:

AO1: Knowledge and understanding

An ability to recall, select, use and develop knowledge and understanding of legal principles and rules by means of example and citation.

AO2: Analysis, evaluation and application

An ability to analyse and evaluate legal materials, situations and issues and accurately apply appropriate principles and rules.

AO3: Communication and presentation

Use appropriate legal terminology to present logical and coherent argument and to communicate relevant material in a clear and concise manner.

In each paper, the relative importance of each assessment objective is different. The percentage of marks for each assessment objective is as follows:

| Assessment Objective | Paper 1 | Paper 2 | Paper 3 | Paper 4 |
|---|---------|---------|---------|---------|
| AO1: Knowledge and understanding | 50 | 30 | 50 | 50 |
| AO2: Analysis, evaluation and application | 40 | 60 | 40 | 40 |
| AO3: Communication and presentation | 10 | 10 | 10 | 10 |

6. Syllabus content

6.1 Structure and operation of the English Legal System

Unit 1: Sources of law

This unit introduces candidates to the principal historical and modern day sources of English law.

1. Nature and classification of law
 - Comparison of law, rules and morals.
 - The main classifications of law in England and Wales: criminal/civil law; public/private and public international/private international law. Rules of law within these classifications.
2. Common Law and Equity
 - The development of the Common Law of England and Wales; Custom.
 - Historical development of Equity and its modern day applications.
3. Doctrine of precedent
 - The doctrine of Stare Decisis.
 - Judicial tools: distinguishing, overruling, reversing.
 - Nature and authority of precedent with examples. Hierarchy of courts.
 - Development of doctrine within House of Lords (Practice Statement 1966) and Court of Appeal (Young's case).
 - Advantages and disadvantages.
4. Legislation
 - Why legislation is necessary (to amend or repeal existing legislation, to change or add to the common law, to codify or to consolidate law). Examples of use in each case.
 - The legislative process.
5. Statutory interpretation
 - The role of the judiciary as interpreters of statutes (Acts of Parliament).
 - Common law rules of interpretation, rules of language, presumptions, intrinsic and extrinsic aids (in particular, Hansard and Pepper v. Hart).
6. Delegated legislation
 - The meaning of and reasons for delegated legislation. Importance and reasons for it as a source of law. Types of delegated legislation.
 - Controls: pre-drafting consultation, parliamentary proceedings, judicial review and publicity.
7. Human Rights
 - Introduction to Human Rights.
 - European Convention on Human Rights; reasons for and application of Human Rights Act 1998; role of European Court of Human Rights.
8. Law reform
 - Impetus for reform: role of Parliament and judges; effect of public opinion and pressure groups.
 - Agencies of reform: role of Law Commission; Royal Commissions and other agencies in outline.

Unit 2: Machinery of justice

This unit introduces candidates to the institutions and processes involved in the resolution of legal matters.

1. Civil courts
 - Jurisdiction of Magistrates Courts, County Court, Crown Court and High Court.
 - The Appeal Courts and appeals system in general, including the appellate jurisdiction of the Divisional Courts within the High Court.
2. Alternative methods of dispute resolution
 - Tribunals, inquiries, conciliation and arbitration.
 - Reasons for establishment; functions; respective advantages and disadvantages.
 - Control of tribunals.
3. Criminal process
 - Police powers: PACE – stop and search; arrest; detention and treatment of suspects at police station.
 - Right to silence.
 - Pre trial matters: bail, mode of trial, committal proceedings.
4. Criminal courts
 - Role and jurisdiction of Magistrates and Crown Courts.
 - The Appeal Courts and appeals system in general, including appeals to the Divisional Court, Court of Appeal and Supreme Court.
5. Sentencing principles and sanctions of courts
 - Aims of sentencing; purpose and effect of sentences.
 - Types of sentence: custodial, community, fines and discharge, compensation, other powers.
 - Young offenders.

Unit 3: Legal personnel

This unit introduces candidates to key legal personnel involved in the resolution of legal matters.

1. Barristers and solicitors
 - Independence; role; recruitment; training and education.
 - Overlap of roles.
2. The judiciary
 - Role; recruitment and dismissal; training and education.
 - Judicial independence.
3. The Crown Prosecution Service
 - Function of the service.
4. Role of lay personnel
 - Magistrates: qualifications; selection; training; function in civil and criminal cases; advantages and disadvantages; role of Magistrates' Clerk.
 - Juries: qualifications; role in civil and criminal cases.
 - Alternatives to use of juries.
 - Criticism of the use of lay personnel.
5. Lord Chancellor
 - Appointment; role.

6.2 Law of Contract

Unit 1: Formation of valid contracts

This unit introduces candidates to a key area of substantive law. It explores the nature of contracts and the rules that a court of law applies to determine whether contracts are valid or not.

1. Nature of contract
 - Agreement; unilateral; bilateral; collateral.
2. Offer and acceptance
 - Principles and evidence: offers; invitation to treat; counter offers; requests for information; termination; acceptance.
3. Intention
 - Reason for requirement; presumption and rebuttal in commercial and social/domestic agreements.
4. Consideration
 - Nature and function; sufficiency/adequacy, past, performance of existing duties; promissory estoppel.
5. Capacity
 - Reason for limitation.
 - Minors' contracts: necessities; employment and training; continuing obligations; main provisions of Minors' Act 1987.
 - Corporations, Persons of unsound mind, drunkards: a basic outline.

Unit 2: Contents of contracts

This unit examines the relative importance of different types of term that contracts may incorporate.

1. Types of term
 - Express; implied (by statute only: Sale of Goods Act 1979 as amended).
2. Status of terms
 - Conditions, warranties, innominate terms.
 - Nature; examples; effects of breach.
3. Control of exemption clauses
 - Common law: rules of incorporation; contra proferentem.
 - Statutory: Unfair Contract Terms Act 1977; Unfair Terms in Consumer Contracts Regulations 1999; Consumer Rights Act 2015.

Unit 3: Vitiating factors

This unit explores two key factors that can lead to seemingly valid contracts being declared invalid and their inter-relationship.

1. Vitiating factors
 - Reasons; invalidating effect.
2. Misrepresentation
 - Definition; when actionable.
 - Types: innocent; negligent; fraudulent.
 - Effects on validity of contract; remedies at Common Law, in Equity and by statute (Misrepresentation Act 1967).
3. Mistake
 - General rule and exceptions.
 - Operative mistakes: common, mutual (cross purpose), unilateral.
 - Mistakenly signed documents; non est factum.
 - Effect at Common Law and in Equity.
4. Passing of title under void and voidable contracts.
 - General rule.
 - Nemo Dat Rule; sale under voidable title (Sale of Goods Act 1979 as amended).

Unit 4: Remedies for breach

This unit introduces candidates to the various types of remedy for breach of contract, their purpose and the limitations on their award.

1. Common Law
 - Damages: nature; purpose.
 - Mitigation; remoteness.
2. Equitable
 - Specific performance; specific restitution; injunction.
 - Nature; purpose.
 - Limitations on awards in contract law.

6.3 Law of Tort

Unit 5: Negligence and occupier's liability

This unit offers candidates the opportunity to explore the nature of legal liability in a variety of situations.

1. Liability in negligence
 - Nature and justification: personal; vicarious (outline only *); joint tortfeasors.
2. Duty of care
 - Neighbour principle; methods of establishing duty; negligent misstatement; nervous shock.
3. Breach of duty
 - Standard of care; subjective considerations.
4. Causation
 - 'But for' test; foreseeability; intervening acts; remoteness.
5. Occupier's liability
 - Standards of care.
 - Lawful visitors: at Common Law; by Statute (Occupier's Liability Act 1957).
 - Unlawful visitors: at Common Law; by Statute (Occupier's Liability Act 1984).
 - Exclusion of liability.
6. Defences
 - Consent: express/implicit; knowledge of nature and extent.
 - Volenti non fit injuria: voluntary nature; effect of Road Traffic Act 1988; rescue situations.
 - Contributory negligence: nature and effect (Law Reform (Contributory Negligence) Act 1948).
 - Inevitable accident; act of God.

* Vicarious liability: Candidates need to know and be able to comment on and criticise the circumstances under which individuals may not be held solely liable for their own torts. Candidates should be able to explore the employer/employee and the employer/independent contractor relationships as a minimum and understand the rules that mean that the 'employer' can be held vicariously liable for the torts committed by one but not the other. Candidates should know and understand not merely the basic principle but how and why it exists.

Unit 6: Private nuisance and Rylands v. Fletcher

This unit introduces candidates to an area of the law that regulates behaviour at home and at work as it affects the rights of those around us and enables them to explore the concepts of fault-based and strict liability in tort.

1. Private nuisance
 - Definition; nature of liability; who can sue and be sued.
 - Relevance of locality, utility, sensitivity, duration and malice to liability.
 - Defences: prescription; statutory authority.
2. Rylands v. Fletcher
 - Definition; nature of liability (strict v. fault based); conditions of liability; relationship with nuisance.
 - Defences: consent; act of stranger; statutory authority; act of God; default of claimant.

Unit 7: Trespass

This unit enables candidates to explore areas that deal with unlawful direct interference with the person and his or her land.

1. Trespass to land
 - Unlawful entry; intention; continuing trespass.
 - Defences: lawful authority; licence; right of entry.
2. Trespass to the person
 - Assault and battery: elements; conditions of liability; defences of consent, lawful authority and necessity.
 - False imprisonment: elements; conditions of liability; defence of lawful detention (powers to arrest and detain in outline).

Unit 8: Remedies

This unit introduces candidates to the various types of remedy in tort, their purpose and the limitations on their award.

1. Common Law
 - Damages: nature; purpose.
 - Mitigation; remoteness.
2. Equitable
 - Specific performance; specific restitution; injunction.
 - Nature; purpose.
 - Limitations on awards in the law of tort.

7. Other information

Equality and inclusion

Cambridge International Examinations has taken great care in the preparation of this syllabus and assessment materials to avoid bias of any kind. To comply with the UK Equality Act (2010), Cambridge has designed this qualification with the aim of avoiding direct and indirect discrimination.

The standard assessment arrangements may present unnecessary barriers for candidates with disabilities or learning difficulties. Arrangements can be put in place for these candidates to enable them to access the assessments and receive recognition of their attainment. Access arrangements will not be agreed if they give candidates an unfair advantage over others or if they compromise the standards being assessed.

Candidates who are unable to access the assessment of any component may be eligible to receive an award based on the parts of the assessment they have taken.

Information on access arrangements is found in the *Cambridge Handbook* which can be downloaded from the website www.cie.org.uk/examsOfficers

Language

This syllabus and the associated assessment materials are available in English only.

Grading and reporting

Cambridge International A Level results are shown by one of the grades A*, A, B, C, D or E, indicating the standard achieved, A* being the highest and E the lowest. 'Ungraded' indicates that the candidate's performance fell short of the standard required for grade E. 'Ungraded' will be reported on the statement of results but not on the certificate. The letters Q (result pending), X (no results) and Y (to be issued) may also appear on the statement of results but not on the certificate.

Cambridge International AS Level results are shown by one of the grades a, b, c, d or e, indicating the standard achieved, 'a' being the highest and 'e' the lowest. 'Ungraded' indicates that the candidate's performance fell short of the standard required for grade 'e'. 'Ungraded' will be reported on the statement of results but not on the certificate. The letters Q (result pending), X (no results) and Y (to be issued) may also appear on the statement of results but not on the certificate.

If a candidate takes a Cambridge International A Level and fails to achieve grade E or higher, a Cambridge International AS Level grade will be awarded if both of the following apply:

- the components taken for the Cambridge International A Level by the candidate in that series included all the components making up a Cambridge International AS Level
- the candidate's performance on these components was sufficient to merit the award of a Cambridge International AS Level grade.

For languages other than English, Cambridge also reports separate speaking endorsement grades (Distinction, Merit and Pass), for candidates who satisfy the conditions stated in the syllabus.

Entry codes

To maintain the security of our examinations, we produce question papers for different areas of the world, known as 'administrative zones'. Where the component entry code has two digits, the first digit is the component number given in the syllabus. The second digit is the location code, specific to an administrative zone. Information about entry codes for your administrative zone can be found in the *Cambridge Guide to Making Entries*.

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