

Syllabus

Cambridge International A & AS Level Law

Syllabus code 9084

For examination in June and November 2011



UNIVERSITY *of* CAMBRIDGE
International Examinations

Note for Exams Officers: Before making Final Entries, please check availability of the codes for the components and options in the E3 booklet (titled “Procedures for the Submission of Entries”) relevant to the exam session. Please note that component and option codes are subject to change.

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1. Introduction

1.1 Why choose Cambridge?

University of Cambridge International Examinations (CIE) is the world's largest provider of international qualifications. Around 1.5 million students from 150 countries enter Cambridge examinations every year. What makes educators around the world choose Cambridge?

Recognition

A Cambridge International A or AS Level is recognised around the world by schools, universities and employers. The qualifications are accepted as proof of academic ability for entry to universities worldwide. Cambridge International A Levels typically take two years to complete and offer a flexible course of study that gives students 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. They are accepted in all UK universities and carry half the weighting of an A Level. University course credit and advanced standing is often available for Cambridge International A/AS Levels in countries such as the USA and Canada. Learn more at [**www.cie.org.uk/recognition**](http://www.cie.org.uk/recognition).

Support

CIE provides a world-class support service for teachers and exams officers. We offer a wide range of teacher materials to Centres, plus teacher training (online and face-to-face) and student support materials. Exams officers can trust in reliable, efficient administration of exams entry and excellent, personal support from CIE Customer Services. Learn more at [**www.cie.org.uk/teachers**](http://www.cie.org.uk/teachers).

Excellence in education

Cambridge qualifications develop successful students. They not only build understanding and knowledge required for progression, but also learning and thinking skills that help students become independent learners and equip them for life.

Not-for-profit, part of the University of Cambridge

CIE is part of Cambridge Assessment, a not-for-profit organisation and part of the University of Cambridge. The needs of teachers and learners are at the core of what we do. CIE invests constantly in improving its qualifications and services. We draw upon education research in developing our qualifications.

1. Introduction

1.2 Why choose Cambridge International A & AS Level Law?

Cambridge A & AS 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 A and AS 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.

1.3 How can I find out more?

If you are already a Cambridge Centre

You can make entries for this qualification through your usual channels, e.g. CIE Direct. If you have any queries, please contact us at **international@cie.org.uk**.

If you are not a Cambridge Centre

You can find out how your organisation can become a Cambridge Centre. Email us at **international@cie.org.uk**. Learn more about the benefits of becoming a Cambridge Centre at **www.cie.org.uk**.

2. Assessment at a glance

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Paper 1	1 hour 30 minutes	Paper 2	1 hour 30 minutes
Structure and operation of the English Legal System		Data response: the English Legal System	
Candidates answer three essay questions from a choice of six. The questions are based on compulsory topics concerning the structure and operation of the English Legal System. The topics are as follows: • Sources of Law • Machinery of Justice • Legal Personnel		Candidates answer one data response question from a choice of two. The questions are based on the same content as for Paper 1 but involve case analysis. This paper tests the candidate's ability to apply their knowledge, critically examine and analyse a given case.	
Paper 3	1 hour 30 minutes	Paper 4	1 hour 30 minutes
Law of Contract		Law of Tort	
There are two sections in this paper. Section A contains three essay questions and section B contains three scenario-based problem questions. Candidates answer three questions: one from section A, one from section B and one other of their choice. The questions are based on topics concerning the Law of Contract, which include: • Formation of Valid Contracts • Contents of Contracts • Vitiating Factors • Remedies for Breach of Contract		There are two sections in this paper. Section A contains three essay questions and section B contains three scenario-based problem questions. Candidates answer three questions: one from section A, one from section B and one other of their choice. The questions are based on topics concerning the Law of Tort, which include: • Negligence and Occupier's Liability • Private Nuisance and Rylands v. Fletcher • Trespass • Remedies	

AS Level

Candidates take Papers 1 and 2, as described above.

Paper 1 is worth 60% of total marks. Paper 2 is worth 40% of total marks.

A Level

Candidates take Papers 1, 2, 3 and 4, as described above.

Paper 1 is worth 30% of total marks. Paper 2 is worth 20% of total marks.

Paper 3 is worth 25% of total marks. Paper 4 is worth 25% of total marks.

3. Syllabus aims and assessment

The aims of the 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.

To pass Cambridge A and AS Level Law, candidates must demonstrate ability in the following areas:

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

4. Curriculum content

4.1 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).

4. Curriculum content

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, enquiries, 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 House of Lords.

4. Curriculum content

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.
- 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.

4. Curriculum content

4.2 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.

4. Curriculum content

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.

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.

4. Curriculum content

2. Equitable

- Specific performance; specific restitution; injunction.
- Nature; purpose.
- Limitations on awards in contract law.

4. Curriculum content

4.3 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/implied; 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.

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.

4. Curriculum content

- 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.

5. Suggested resources

Recommended textbooks

Suitable class textbooks are **The English Legal System** by **Martin** (for Papers 1 and 2), **Contract Law** by **Elliott & Quinn** (for Paper 3) and **Tort Law** by **Elliott & Quinn** (for Paper 4). These are the textbooks that we recommend students should have. Details are given in the following pages. Check the Internet for more recent editions. This list was checked and revised in 2008 for the 2011 syllabus.

Introductory Reading

Understanding the Law, by Geoffrey Divlin, provides interesting reading for students considering taking or just beginning the course. The 4th edition of this book was published in 2006 by Oxford University Press, ISBN 0199284687.

General texts

Author	Title	Date	Publisher	ISBN
Charman, M., Vanstone, B. and Sharratt, L.	AS Law, 5th Ed.	2008	Willan	184392417X
Dugdale, A.M., Furmston, M.P., Jones, S.P., Sherrin, C.H.	A Level Law	2002	Butterworths	0406924058
Elliott, C. and Quinn, F.	AS Law	2006	Longman	1405836180
Hunt, M.	A Level & AS Level Law	2003	Sweet & Maxwell	0421798300
Hunt, M.	Cases & Materials for AS Level Law	2004	Sweet & Maxwell	0421876808
Martin, E. and Law, J.	A Dictionary of Law, 6th Ed.	2006	OUP	019280698X
Martin, J. and Turner, C.	OCR Law for AS	2008	Hodder	0340959398
Mitchell, A.	AS Law, 3rd Ed.	2008	Routledge	0415458528
Riley, L.	OCR Law for AS: Teacher's Resource CD-ROM	2008	Hodder	0340968857

5. Suggested resources

Structure and operation of the English Legal System

Author	Title	Date	Publisher	ISBN
Elliott C.	English Legal System Sourcebook	2006	Longman	1405821345
Elliott, C. and Quinn, F.	English Legal System, 9th Ed.	2008	Longman	1405859415
Holland, J. and Webb, J.	Learning Legal Rules, 6th Ed.	2006	OUP	0199282501
Ingman, T.	The English Legal Process, 12th Ed.	2008	OUP	0199232291
Martin, J.	The English Legal System, 5th Ed.	2007	Hodder	0340941560
Martin, J.	Looking at the English Legal System	2003	Hodder	0340811048
Martin, J. and Wortley, R.	The English Legal System, Teacher's Resource CD-ROM	2007	Hodder	0340942000
Partington, M.	An Introduction to the English Legal System, 4th Ed.	2008	OUP	0199238103
Slapper, G., Kelly, D.	The English Legal System, 9th Ed.	2008	Routledge	0415459540
Smillie, J.	The English Legal System Course Companion and Revision Guide	2006	Trafford	1425107672
Zander, M.	The Law Making Process, 6th Ed.	2004	CUP	0521609895
Zander, M.	Cases and Materials on the English Legal System, 10th Ed.	2007	CUP	0521675405

5. Suggested resources

Law of Contract

Author	Title	Date	Publisher	ISBN
Burrows, A.	A Casebook on Contract	2007	Hart	1841137138
Elliot, C. and Quinn, F.	Contract Law, 6th Ed.	2007	Longman	1405846714
Richards, P.	Law of Contract, 8th Ed.	2007	Longman	1405846917
Smith, J.C. and Thomas, J.A.	A Casebook on Contract	2000	Sweet & Maxwell	0421716908

Law of Tort

Author	Title	Date	Publisher	ISBN
Deakin, S. and Johnston, A., Markesinis, B.	Tort Law, 6th Ed.	2007	OUP	0199282463
Elliot, C. and Quinn, F.	Tort Law, 6th Ed.	2007	Longman	1405846720
Harpwood, V.	Modern Tort Law, 7th Ed.	2008	Routledge	0415458463
Hedley, S.	Tort Law, 6th Ed.	2008	OUP	0199234426
Hodge, S.	Tort Law, 3rd Ed.	2004	Willan	1843920980
Jones, M.A.	Textbook on Torts, 8th Ed.	2002	OUP	0199255337
Kidner, R.	Casebook on Torts. 10th Ed.	2008	OUP	0199232288
Matthews, M., O'Conneide, C. and Morgan, J.	Hepple and Matthews' Tort: Cases and Materials, 6th Ed.	2008	OUP	0199203849
Turner, C.	Tort Law, 2nd Ed.	2007	Hodder	034094160X

5. Suggested resources

Internet resources

In addition to the textbooks identified above, the following web addresses can provide useful sources of up to date information and of recent legal developments in the UK.

Source	Website
ACAS – Advisory, Conciliation and Arbitration Service	www.acas.org.uk
Acts of Parliament	www.opsi.gov.uk/acts.htm
A-level-law links [Asif Tufal]	www.a-level-law.com
AS/A Level Law Notes [St Brendan's VI Form]	www.stbrn.ac.uk/other/depts/law/
British and Irish Legal Information Institute – cases	http://www.bailii.org/
British University Billboard for Libraries	www.bubl.ac.uk/link/l/lawlinks.htm
Delia Venables' Legal Resources	www.venables.co.uk
E-lawstudent	www.e-lawstudent.com
Guardian newspaper	www.guardian.co.uk/
Incorporated Council of Law Reporting – cases	www.lawreports.co.uk/
Infolaw	www.infolaw.co.uk/
Law Society	www.lawsociety.org.uk
Law Links – Legal information on the Internet	http://library.ukc.ac.uk/library/lawlinks/
Ministry of Justice	www.justice.gov.uk/
Mooting	www.firstlight.demon.co.uk/law/mooting/
Official Government website for citizens	www.open.gov.uk
Parliament	www.parliament.uk/
The Times newspaper	www.thetimes.co.uk/
Web Journal of current legal issues	http://webjcli.ncl.ac.uk/

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