

**WELSH JOINT EDUCATION COMMITTEE
CYD-BWYLLGOR ADDYSG CYMRU**

General Certificate of Education

Tystysgrif Addysg Gyffredinol

EXAMINERS' REPORTS

JANUARY 2006

**AS
LAW**

Unit	Page
LW1	1
LW2	3
LW3	7

**WJEC
CBAC**

Statistical Information

This booklet contains summary details for each unit: number entered; maximum mark available; mean mark achieved; grade ranges. *N.B. These refer to 'raw marks' used in the initial assessment, rather than to the uniform marks reported when results are issued.*

Annual Statistical Report

The annual *Statistical Report* (issued in the second half of the Autumn Term) gives overall outcomes of all examinations administered by WJEC.

LAW

General Certificate of Education

January 2006

Advanced Subsidiary

Chief Examiner: Professor Iwan R. Davies, LLB (Cantab), LLM, PhD (Wales) of Gray's Inn, Barrister, Sir Julian Hodge Chair and head of Law Department, University of Wales Swansea.

Unit Statistics

The following statistics include all candidates entered for the unit, whether or not they 'cashed in' for an award. The attention of centres is drawn to the fact that the statistics listed should be viewed strictly within the context of this unit and that differences will undoubtedly occur between one year and the next and also between subjects in the same year.

Unit	Entry	Max Mark	Mean Mark
LW1	924	25	16.4

Grade Ranges

A	21
B	18
C	15
D	13
E	11

N.B. The marks given above are raw marks and not uniform marks.

LW1

General Comments

The overall approach adopted was pleasing as a majority of candidates were able to demonstrate some knowledge and understanding of the topics answered. The very best candidates were able to source their work effectively. Some of the weaker candidates appeared to hedge their bets by answering two questions instead of one in LW1. The very best candidates were able to input case law and include relevant citation in their answers. The level of English and, where appropriate, Welsh was good and many candidates were able to demonstrate legal reasoning with one point leading naturally to another, arriving at a reasoned conclusion.

- Q.1 This was a popular question. Question (a) was generally well answered, with most students having the ability to identify the cost effectiveness of one (High Court) judge sitting alone. Candidates also coped quite well with Question (b) but there appeared to be no acknowledgement of the provision in the CJA 2003 which allows one (High Court) judge sitting to actually deal with fraud cases in certain situations. With regard to Question (c), the weaker candidates saw this as an opportunity to write all they knew about the advantages/disadvantages of trial by jury, while the more able considered the issue of whether the jury was a good cross section of society in detail. The CJA 2003 changes were cited by many, although others still thought that those involved with the legal profession were ineligible to sit as jurors. Overall, there was very little case law to take candidates comfortably into level 4.
- Q.2 Some candidates felt more comfortable with the format of this question than that of Question 1. In many weak scripts, the candidate simply copied the extract word for word in (a). The more able linked the comments in factually with the changes seen in the CPS. In Question (b), the evidential and public interest tests were identified as being relevant and there was commendable detailed information from some centres. Similarly, with Question (c), some centres were very well prepared with up-to-date, evaluative information on the impact of the CJA 2003 on the role of the CPS, as well as accounts of recent commentary taken from newspapers.

LAW

General Certificate of Education

January 2006

Advanced Subsidiary/Advanced

Chief Examiner: Professor Iwan R. Davies, LLB (Cantab), LLM, PhD (Wales) of Gray's Inn, Barrister, Sir Julian Hodge Chair and head of Law Department, University of Wales Swansea.

Unit Statistics

The following statistics include all candidates entered for the unit, whether or not they 'cashed in' for an award. The attention of centres is drawn to the fact that the statistics listed should be viewed strictly within the context of this unit and that differences will undoubtedly occur between one year and the next and also between subjects in the same year.

Unit	Entry	Max Mark	Mean Mark
LW2	497	50	29.6

Grade Ranges

A	38
B	33
C	28
D	23
E	18

N.B. The marks given above are raw marks and not uniform marks.

LW2

Q.1 This was a popular question with candidates.

- (a) Overall, this question was answered well. Students generally knew the reasons why bail could be refused but there was a lack of substantiation with the Bail Act 1976. Exceptionally, a student commented on the CJPOA and cited such cases as *Hagans*, but this was rare. Few students commented on bail being granted by both Police and Magistrates, rather examining bail in general terms only.
- (b) This question attracted a variety of standard of answer. In general, students were able to comment on the conditions attached to bail, if granted, but again there was a lack of substantiation. Very few students were aware of the recent developments where bail can be granted for those facing a charge of murder, rape or manslaughter if previously convicted of a similar offence in exceptional circumstances (CJPOA s.25, as amended by Crime and Disorder Act 1998 s.56). Most students identified arguments for and against bail/remand but with a lack of citation and substantiation.

Q.2 This was not a popular question.

- (a) This part of the question was generally well received and students were able to discuss the various qualification routes available to potential solicitors and barristers. Few students commented on the availability of the CPE route but most could explain the traditional route competently.
- (b) This part of the question was answered poorly by most candidates with very few exceptional answers. No students commented on David Clementi's *Review of the Regulatory Framework for Legal Services in England and Wales* or now the White Paper. Some of the stronger candidates focused on the arguments for and against fusion of the professions, but with no mention of Clementi. No students commented on the proposed alternative business structures anticipated under the White Paper.

Q.3 This was a popular choice with candidates.

- (a) Most students were able to discuss the 3 track system introduced by Lord Woolf. Most used this as the focus of their answer and were able to correctly identify the value boundaries between the tracks. Fewer students actually examined the scope of Woolf's reforms with few candidates discussing the other reforms such as case management, pre-action protocols, simpler documents and terminology. Quite a few students purely concentrated on the encouragement of ADR under Woolf which detracted from their answer in part (b).
- (b) Most students competently discussed the encouragement of ADR under Woolf. Most students successfully differentiated between arbitration, mediation and conciliation and were able to provide examples of when these may be used. Fewer students discussed the relative merits and demerits of the different types of ADR, but where they did, answers were exceptional.

Q.4 This was another popular choice.

- (a) This part of the question was generally very well answered. The vast majority of students successfully explained how precedent works within the hierarchy of the courts and were able to discuss terms such as *ratio decidendi* and *obiter dicta* within the context of precedent. The better candidates were able to comment on the hierarchy in detail with quite a few commenting on the relevance of the 1966 Practice Statement. The exceptional candidates used cases such as *R v R* as substantiation.
- (b) This part of the question was not answered well. A handful of candidates only were able to comment on the effect of the proposed Supreme Appellate Court. Many students were confused about the position of the House of Lords (Judicial) after the establishment of the Supreme Court and also about what would happen to existing precedents. Very few mentioned the impact of ECHR. Only a handful of candidates commented on the separation of powers doctrine for this question and even fewer on how the proposed court would impact upon the doctrine.

Q.5 This was not a popular choice but where chosen, was generally answered well.

- (a) Most students were able to identify the 4 basic institutions of the EU. Most were able to distinguish between the different roles of the respective institutions but some were confused over the role of the EU Parliament as the main legislative body of the EU, as opposed to the Council. There was little citation in general for this question.
- (b) Again, this question was generally well received. Most students were able to identify the different sources of EU law. The strongest students cited Art 249. Treaties were described well with most candidates using the Treaty of Rome as an example. Regulations were also dealt with well, with the better candidates commenting on the direct applicability of regulations. Stronger candidates identified that directives are implemented through the member state passing its own legislation within a certain time frame. The weaker candidates were confused about the direct effect of directives with only a handful citing cases such as *Van Gend en Loos* and *Van Duyn*. Some students decided to concentrate on the supremacy of Parliament here and the impact of cases such as *Factortame*.

Q.6 This was one of the most popular choices and was generally well answered.

- (a) Comparatively few students discussed the doctrine of Separation of Powers and the traditional role of the Lord Chancellor and Lord Justices of Appeal for this question. Hardly any candidates discussed the abolition of the role of Lord Chancellor and his changing role. Most candidates concentrated on the role of the judge during judicial proceedings. The stronger candidates commented on the judge's requirement to direct the jury and decide on the admissibility of evidence. There were also other approaches to the question with quite a number of candidates concentrating on either judicial precedent or statutory interpretation.

- (b) Again, this question was well received. Overall, students were able to discuss the representation of judges in general terms only. Most students were aware of the fact that judges are predominantly white, male and Oxbridge educated. Very few candidates discussed the Commission for Judicial Appointments. Some candidates referred to the appointment of judges and the criteria for appointment and the stronger candidates were able to comment on the “life training” judges can now receive to make them more representative and aware of society.

LAW

General Certificate of Education

January 2006

Advanced Subsidiary/Advanced

Chief Examiner: Professor Iwan R. Davies, LLB (Cantab), LLM, PhD (Wales) of Gray's Inn, Barrister, Sir Julian Hodge Chair and head of Law Department, University of Wales Swansea.

Unit Statistics

The following statistics include all candidates entered for the unit, whether or not they 'cashed in' for an award. The attention of centres is drawn to the fact that the statistics listed should be viewed strictly within the context of this unit and that differences will undoubtedly occur between one year and the next and also between subjects in the same year.

Unit	Entry	Max Mark	Mean Mark
LW3	565	25	16.4

Grade Ranges

A	21
B	18
C	15
D	13
E	11

N.B. The marks given above are raw marks and not uniform marks.

LW3

- Q.1 (a) This question was answered well. Whilst some students merely repeated the source material using this as the basis for their answer, many students correctly identified that it is at the discretion of the judge as to which approach he adopted in a particular case.
- (b) Many students correctly identified the purposive approach for this question. Most students were able to distinguish between the intrinsic and extrinsic aids with good use of examples. The better candidates cited the case of *Pepper v Hart* for the use of Hansard. There was also much discussion of the rules of language with examples.
- (c) (i) There were a variety of approaches to this question. Many students commented on the fact that Delyth's number plate did not end in a number but a letter. They then used this as a basis for their interpretation of this question. There were some excellent approaches to this question with many students commenting on the fact that Delyth was not actually driving her bike and thus was not contravening the purpose of the Act. There was much use of the purposive approach here. Many students used more than one approach to statutory interpretation. The (few) weaker candidates only cited one or no approaches.
- (ii) This question was answered well. Many students correctly identified that Tudor was not using petrol. Very few students commented on the rules of language here. Most students applied more than one approach to this scenario and again, there was mention of the purposive approach. The (few) weaker candidates only cited one or no approaches.

Welsh Joint Education Committee
245 Western Avenue
Cardiff. CF5 2YX
Tel. No. 029 2026 5000
Fax. 029 2057 5994
E-mail: exams@wjec.co.uk
website: www.wjec.co.uk/exams.html

WJEC
CBAC