GCE Examiners' Report

Law

GCE

Summer 2026

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Introduction

Our Principal Examiners' report provides valuable feedback on the recent assessment series. It has been written by our Principal Examiners and Principal Moderators after the completion of marking and moderation, and details how candidates have performed in each unit.

This report opens with a summary of candidates' performance, including the assessment objectives/skills/topics/themes being tested, and highlights the characteristics of successful performance and where performance could be improved. It then looks in detail at each unit, pinpointing aspects that proved challenging to some candidates and suggesting some reasons as to why that might be.[1]

The information found in this report provides valuable insight for practitioners to support their teaching and learning activity. We would also encourage practitioners to share this document – in its entirety or in part – with their learners to help with exam preparation, to understand how to avoid pitfalls and to add to their revision toolbox.

Further support

Document	Description	Link
Professional Learning / CPD	WJEC offers an extensive programme of online and face-to-face Professional Learning events. Access interactive feedback, review example candidate responses, gain practical ideas for the classroom and put questions to our dedicated team by registering for one of our events here.	https://www.wjec.co.uk/home/professional-learning/
Past papers	Access the bank of past papers for this qualification, including the most recent assessments. Please note that we do not make past papers available on the public website until 12 months after the examination.	Portal by WJEC or on the WJEC subject page
Grade boundary information	Grade boundaries are the minimum number of marks needed to achieve each grade. For unitised specifications grade boundaries are expressed on a Uniform Mark Scale (UMS). UMS grade boundaries remain the same every year as the range of UMS mark percentages allocated to a particular grade does not change. UMS grade boundaries are published at overall subject and unit level. For linear specifications, a single grade is awarded for the subject, rather than for each unit that contributes towards the overall grade. Grade boundaries are published on results day.	For unitised specifications click here: Results, Grade Boundaries and PRS (wjec.co.uk)

[1] ***Please note that where overall performance on a question/question part was considered good, with no particular areas to highlight, these questions have not been included in the report.***

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Exam Results Analysis	WJEC provides information to examination centres via the WJEC Portal. This is restricted to centre staff only. Access is granted to centre staff by the Examinations Officer at the centre.	Portal by WJEC
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Executive Summary

Overall, candidate performance across Units 1–4 demonstrated a solid understanding of many core legal principles, although achievement varied according to the extent to which candidates could apply legal knowledge, use relevant authority, and engage in critical evaluation. The strongest responses consistently combined accurate legal knowledge with effective application, supported by relevant case law, statutory provisions, and contemporary examples. In contrast, weaker responses tended to be overly descriptive, lacked legal authority, or failed to focus sufficiently on the specific requirements of the question.

In Unit 1, candidates generally performed most successfully on topics relating to pressure groups, statutory interpretation, and the use of intrinsic and extrinsic aids. Stronger responses demonstrated clear understanding of key concepts, provided precise definitions, and incorporated relevant legal examples and case law. Many candidates were able to explain the role and significance of these areas effectively, particularly when supported by contemporary examples. However, weaker responses often lacked specificity and relied on generic descriptions rather than focused legal analysis. Scenario-based questions on delegated legislation and statutory interpretation proved more challenging, highlighting a need for stronger application skills and more accurate legal terminology. A recurring issue was the misunderstanding of key terms, with some candidates confusing the roles of the judiciary and magistrates or conflating these with juries. Higher-achieving candidates distinguished themselves through balanced evaluation, accurate legal authority, and sustained engagement with the precise legal issues raised by the questions.

Performance in Unit 2 indicated a generally secure understanding of negligence and occupiers' liability. Candidates were particularly successful in questions concerning general and special damages, where many demonstrated accurate use of legal terminology and relevant supporting examples. Questions relating to duty of care produced a wider range of responses. While many candidates displayed knowledge of foundational authorities such as *Donoghue v Stevenson*, some focused excessively on historical development at the expense of the modern legal approach outlined in *Robinson v Chief Constable of West Yorkshire Police*. Responses on breach of duty were strongest when candidates identified specific risk factors and supported their discussion with appropriate case law. By contrast, application questions involving occupiers' liability often lacked detailed legal authority and effective analysis. In evaluative negligence essays, stronger candidates successfully integrated legal knowledge with critical discussion and consideration of legal development, whereas weaker responses relied heavily on description and offered limited evaluation.

Performance in Unit 3 was varied, although stronger candidates demonstrated effective application of legal principles across a range of topics, including defamation, police powers, contract law, and criminal law. High-scoring responses adopted a clear and structured approach, applying statutory provisions and case law directly to the facts presented. Common weaknesses included the omission of relevant legal authority, failure to identify key statutory sections, and insufficient consideration of defences and remedies. Within contract law, many candidates missed opportunities to apply relevant provisions of the Consumer Rights Act 2015, while answers on police powers frequently lacked precise references to the Police and Criminal Evidence Act 1984 (PACE). Criminal law responses were strongest where candidates systematically analysed both actus reus and mens rea using relevant authority. Overall, successful answers combined detailed legal knowledge, clear application, and well-reasoned conclusions.

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In Unit 4, candidates generally demonstrated strong knowledge of topics including defamation, protest rights, strict liability, and diminished responsibility. The highest-performing responses moved beyond simple explanation to evaluate the effectiveness, fairness, and development of the law. These candidates maintained a clear focus on the wording of the question, used case law and statutory authority effectively, and developed sustained evaluative arguments throughout their essays. However, weaker responses often remained descriptive and failed to engage fully with the evaluative demands of the assessment. Across topics such as defamation, protest rights, privity, frustration, strict liability, and diminished responsibility, candidates achieved the greatest success when they balanced legal knowledge with critical analysis.

Future teaching should continue to emphasise evaluation skills, effective use of legal authority, structured essay writing, and direct engagement with issues of fairness, effectiveness, reform, and public policy.

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UNIT 1

Overview of the Unit

As one of the primary objectives of this report is to assist centres in identifying areas for future development, it inevitably contains some critical feedback. These observation notes should not be assumed to apply uniformly to all centres, nor are they meant to diminish the excellent performance demonstrated by many candidates this year.

The examination paper was generally well-received by candidates, who showed a stronger adherence to the rubric and made a genuine effort to engage with the required questions. However, the overall standard of responses across this series appeared to decline slightly compared to previous years.

Questions 5 and 6 presented significant challenges for a notable proportion of the cohort. The primary reason for this underperformance was that a vast majority of candidates answered a completely different question from the one set. Rather than focusing on the required areas, they defaulted to discussing juries for Question 5 instead of the judiciary, and juries for Question 6 instead of magistrates.

A primary area of concern across the scripts was the widespread absence of legal authority to validate candidates' arguments. Furthermore, there was a growing tendency for candidates to either recount case facts at excessive length or to ‘dump’ case names without any supporting application or explanation. This deficit was especially pronounced in the extended essay questions (Q5 and Q6), where accurate legal citations were heavily missing. Centres must remind candidates that key Acts of Parliament and judicial precedents must be referenced meaningfully, ensuring that each citation is directly linked to its relevant legal principle.

Moving forward, it is recommended that centres focus more intensely on sharpening exam techniques, particularly for Section B, where responses were frequently underdeveloped and lacked the necessary statutory or common law authority. Candidates must be trained to read the question carefully to ensure they are focusing on the correct legal personnel.

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Comments on individual questions/sections

Question 1: Explain the role of pressure groups in reforming the law of Wales and England.

This question was generally well answered, with most candidates successfully demonstrating a good understanding of how pressure groups function within the democratic process. Stronger responses began with a clear definition, carefully distinguishing pressure groups from political parties by highlighting that their focus remains on specific issues rather than direct election to office.

The most successful candidates presented well-structured responses that accurately differentiated between insider groups (such as the Law Society or the National Farmers' Union) and outsider groups (such as Greenpeace). They frequently illustrated these definitions with a wide range of relevant legal examples and detailed methods, including lobbying, and mobilising public opinion via petitions and media campaigns. Many top-tier answers also effectively set the scene by explaining the broader necessity for law reform, noting how evolving social morals, legal errors, or major public events trigger the need for legislation to stay up to date.

A recurring weakness, however, was a pervasive lack of examples in under-developed scripts, where candidates merely spoke in very broad, general terms about what pressure groups do. Furthermore, a significant number of weaker responses relied far too heavily on a single case study, most commonly *Sarah's Law*, recounting its facts at length without addressing the wider mechanisms of law reform, such as insider consultation or the distinction between political and apolitical influence. A small minority of candidates also overlooked the legal context entirely, treating the topic as a general sociological issue rather than a specific mechanism for changing the law of England and Wales

Question 2: Explain, with examples, what is meant by intrinsic and extrinsic aids in statutory interpretation.

This question was generally well answered by candidates who understood the specific nature of the question. Most successful responses clearly defined intrinsic aids as internal tools found within the statute itself, and extrinsic aids as external materials outside the statute used to assist in determining parliamentary intent. Stronger candidates presented well-structured answers that illustrated intrinsic tools, such as the long title, preamble, and interpretation sections, with accurate legal examples. They also demonstrated a strong understanding of extrinsic aids, frequently citing key legal authority such as *Pepper v Hart (1993)* regarding the use of Hansard, and referencing the impact of Law Commission reports alongside cases like *Davis v Johnson*.

A recurring error, however, was a widespread lack of specific examples to support both categories of aids. A significant number of candidates failed to acknowledge how precise these 10-mark questions are; rather than addressing the aids themselves, they defaulted to explaining the primary rules of statutory interpretation with no mention of the intrinsic or extrinsic resources available to judges.

Furthermore, many responses focused almost exclusively on the rules of language. While these were often explained well in isolation, relying on them heavily meant the answers lacked the required breadth and depth across both intrinsic and extrinsic categories. Centres should remind candidates that while rules of language are a form of intrinsic aid, they must not completely overshadow other examples of both intrinsic and extrinsic aids.

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Question 3: Controls over Delegated Legislation (Scenario Application)

This question was not popular and generally proved highly challenging for a significant number of candidates. The primary reason for the low marks awarded was a widespread failure to focus on the required control mechanisms. Rather than analysing how delegated legislation is scrutinised or challenged, a vast majority of candidates merely explained and applied the different *types* of delegated legislation (such as Orders in Council or Statutory Instruments). This approach completely missed the core focus of the question.

In stronger responses, candidates accurately identified and applied both parliamentary and judicial controls to Ioan's scenario. Strong scripts demonstrated a clear understanding of parliamentary scrutiny, outlining the differences between the positive and negative resolution procedures. Stronger candidates also discussed the role of scrutiny bodies, such as the Joint Committee on Statutory Instruments, in checking for fairness and proportionality. Furthermore, successful answers effectively evaluated Judicial Review as Ioan's primary mechanism for legal challenge. They structured their arguments around the established grounds of challenge, most notably illegality, irrationality, and procedural improperness.

A recurring weakness in weaker scripts, besides the structural misfocus, was a lack of application. To improve, candidates must move beyond simple descriptions and directly address the likelihood of Ioan's challenge succeeding. They need to explicitly weigh the potential weaknesses of the regulation, such as the costly and difficult nature of sourcing alternative materials, against the high threshold required to prove irrationality or procedural unfairness in court.

Question 4: Statutory Interpretation (Scenario Application)

Candidates mostly tackled this application question well, with many successfully defining the four primary rules of statutory interpretation, utilising relevant case examples, and applying the mechanisms to Charlotte's scenario as expected. Stronger scripts methodically went through each rule, successfully debating whether Charlotte's wooden structure was literally a "home" that was "substantially furnished and capable of being lived in" under the literal rule before analysing the underlying gap Parliament intended to remedy under the mischief and purposive approaches.

Nevertheless, several persistent issues identified in previous series were observed again this year. A primary concern remains the poor comprehension of the golden rule. Many responses simply rehashed the literal rule or vaguely mentioned statutory modification without elaborating on the actual process or suggesting specific textual changes that a judge could make to avoid an absurdity. While not an absolute requirement for full marks, it was highly beneficial when stronger candidates distinguished between the narrow and broad applications of the golden rule, utilising cases like *Adler v George* or *Re Sigsworth* to support their analysis.

Furthermore, incomplete or imprecise A01 definitions, such as stating that *"the literal rule is when words are produced literally"*, failed to secure full marks. Candidates must be trained to use precise legal terminology, defining it as giving words their natural, ordinary, and grammatical meaning, even if the result is absurd. There was also a growing tendency for candidates to offer lengthy, evaluative comments on the constitutional impact of the rules, such as extensive statements about parliamentary sovereignty; centres must remind candidates that such evaluations are not required in these application tasks and do not contribute to the marking criteria.

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Question 5 (a) Explain the appeal process from the Magistrates' Court for the defendant within the criminal courts of Wales and England.

This question was answered quite weakly, with a notable proportion of the cohort struggling to grasp the precise focus of the question. The primary area of concern was that a significant number of candidates failed to focus on the appeals process altogether; instead, they defaulted to writing about the general role and jurisdiction of magistrates, which completely missed the core requirements of the question and resulted in low marks.

In contrast, stronger responses methodically explained the pathways of appeal available to a defendant. Successful candidates correctly identified the automatic right of appeal to the Crown Court. They accurately explained the rules governing pleas, noting that a defendant who pleads guilty may only challenge their sentence, whereas a 'not guilty' plea opens grounds to appeal both the conviction and the sentence. Furthermore, stronger scripts explicitly noted the composition of the court during this process, explaining that the case is completely reheard by a single judge sitting with two magistrates, who possess the power to confirm, reverse, or vary the original decision.

Additionally, the most successful answers demonstrated depth by exploring 'case stated' appeals on points of law. They correctly identified the King's Bench Divisional Court (Administrative Court) as the venue for these applications, emphasising that the appeal is decided purely on the legal facts of the case without the re-examination of witnesses. Stronger candidates also identified the strict hurdles required for a further leapfrog appeal to the Supreme Court, accurately citing that the Divisional Court must certify a point of law of general public importance, and that permission to appeal must be granted.

To improve future performance, centres should encourage candidates to focus carefully on the specific procedural issue being assessed, rather than relying solely on general knowledge associated with magistrates. Candidates need to look beyond the reference to magistrates and ensure that their response directly addresses the question that has been set.

Question 5. (b) Analyse and evaluate whether the judiciary in Wales and England is representative of society.

This essay question yielded highly polarised results, and performance across centres was deeply affected by a critical misreading of the question. The primary concern for this question was that a vast number of candidates misread the word "judiciary" as "juries." Consequently, they spent their entire response discussing the composition, selection, and bias of jury trials. Because juries were entirely outside the scope of the question, these responses unfortunately scored zero marks. Centres must emphasise to candidates the vital importance of reading questions carefully under exam conditions to avoid catastrophic errors in terminology.

Among the candidates who did correctly identify and address the judiciary, the standard of responses varied significantly. Weaker answers tended to be overly descriptive, focusing in a very general way on the day-to-day role and function of judges, rather than analysing their social composition. These scripts often relied on vague assertions about judges being "old-fashioned" without supporting their points with legal theory, empirical evidence, or specific academic commentary.

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Conversely, there were some excellent, highly sophisticated responses. Stronger candidates directly engaged with the concept of representation, confronting the historical "male, pale, and stale" stereotype with data and theory. Strong answers utilised contemporary statistics regarding the educational and social background of the senior judiciary, with the strongest scripts quoting data from recent reports, such as the Sutton Trust's *Elitist Britain* report 2025, to support an evaluative debate on elitism and the "old boy's network." They balanced this data against the counterargument from academics like Penny Darbyshire that senior judges *should* be highly educated and exceptionally intelligent.

Furthermore, successful essays effectively integrated cultural and generational critiques to evaluate how an older judiciary can appear out of touch with modern society. Candidates used memorable judicial quotes, such as historic gaps in knowledge regarding pop culture (e.g., Mr Justice Harman or Judge Francis Appleby) and more recent detached interpretations from cases like *Sutton v Hutchinson*, to evaluate whether a judge's background compromises their ability to empathise with diverse defendants.

The strongest scripts also demonstrated excellent application of statistics on race and gender diversity, with a strong evaluation of the bench's gender balance. Excellent answers went beyond mere percentages by highlighting the vital importance of a diverse bench in landmark cases, such as the Supreme Court's ruling on the definition of a "woman" under equality laws (*For Women Scotland v The Scottish Ministers*). They effectively argued that a balanced gender perspective is essential when the judiciary is tasked with interpreting fundamental, sex-based rights and social protections**.** These high-scoring responses balanced these arguments against structural improvements introduced by the Constitutional Reform Act 2005 and the Judicial Appointments Commission (JAC), culminating in a substantiated judgment on how far the modern system has truly progressed.

Question 6 (a) Explain the role of solicitors in Wales and England

While this 8-mark question was attempted by most candidates, a notable proportion of the cohort struggled to focus on the specific focus of the question. A widespread issue was that candidates spent a significant amount of time explaining the education, qualification routes, and training contracts required to become a solicitor. While this contextual knowledge was credited where relevant, it meant that responses lacked depth in addressing the actual *role* of a practicing solicitor, leading to underdeveloped answers.

In stronger responses, candidates clearly outlined the day-to-day functions of the approximately 139,000 practicing solicitors in England and Wales. Successful scripts noted the distribution of the profession, distinguishing between the 85% in private practice, ranging from high street sole practitioners to large multinational firms, and those employed within the Crown Prosecution Service (CPS), local government, or commercial industry. They accurately detailed their extensive non-contentious and contentious workload, including legal drafting, contract negotiations, conveyancing, probate, and matrimonial disputes.

Crucially, stronger answers stood out by explicitly addressing advocacy and rights of audience, which was a core expectation of the question. Stronger candidates explained that while solicitors have automatic rights of audience to represent clients in the lower courts, their access to higher courts was fundamentally expanded by the Courts and Legal Services Act 1990. They successfully noted that with an advocacy certificate, a solicitor-advocate can gain rights of audience in the higher courts, provided they meet the requirements of previous experience, specialised training, and passing an examination on the rules of evidence. Centres should remind candidates that for lower-tariff 8-mark questions, they must avoid lengthy introductions on training and instead focus immediately on the specific question.

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Question 6 (b) Analyse and evaluate the role and importance of magistrates in Wales and England.

Mirroring the rubric error observed in Question 5(b), this essay question also suffered from candidate misinterpretation. A significant minority of the cohort mistakenly answered this as a question on juries, providing lengthy analysis of jury selection, biases, and the trial process. Because this material failed to address the personnel specified in the question, these responses unfortunately scored zero marks. This further highlights the urgent need for centres to reinforce careful question analysis during exam preparation.

Among the candidates who correctly focused on magistrates, the standard of responses was highly varied. A primary weakness in weaker scripts was a distinct lack of legal authority to support arguments. Furthermore, a flaw in the evaluation was that candidates tended to provide a pre-prepared, generic list of the advantages and disadvantages of magistrates, rather than directly addressing the specific parameters of the question: their *role* and *importance* within the legal system. These responses often listed basic administrative duties without analysing the systemic significance of those duties.

In contrast, stronger responses offered an analytical critique of the lay magistracy's role and importance within the criminal justice system. They accurately outlined their jurisdiction, noting that magistrates handle approximately 95% of all criminal cases, managing summary offences, triable-either-way cases, and initial bail or sentencing hearings.

Excellent answers demonstrated up-to-date legal knowledge by evaluating the expanded sentencing powers introduced under the Sentencing Act 2020 (Provisions coming into force to permit custodial sentencing limits of up to 12 months for a single triable-either-way offence), linking this directly to institutional efficiency and its impact on reducing the backlog and burden on the Crown Court.

The evaluative core of successful essays was well-balanced and strictly tailored to the question. Candidates successfully explored their structural importance by praising the cost-effectiveness of utilising unpaid volunteers who only claim basic expenses and highlighted the invaluable role of the Justices' clerk in ensuring the correct application of law and procedure. Diversity was a key point of evaluation regarding community importance, with stronger scripts utilising statistics, such as the fact that 56% of lay magistrates are women, to argue that the magistracy provides a far more accurate representation of society than the professional judiciary.

However, these strengths were effectively weighed against persistent systemic criticisms of their role. Stronger candidates balanced the "local knowledge" argument against the practical reality of recent Magistrates' Court closures, which have severely restricted local access to justice and diminished their geographic importance. They also confronted the demographic limitations of the bench, moving past simple descriptions to evaluate the classic critique that magistrates remain overwhelmingly "middle-aged, middle-class, and middle-minded," with a disproportionate number of benches drawn from managerial backgrounds who may struggle to empathise with poorer localities.

Furthermore, high-scoring answers scrutinised the low acquittal rates in Magistrates' Courts, evaluating whether a lack of legal expertise undermines their importance by creating a prosecution bias or an over-reliance on the police, CPS, and the Justices' clerk. The very best answers concluded with a sophisticated comparative analysis, contrasting the lay magistracy with the advantages and disadvantages of professional District Judges, resulting in a well-substantiated judgment on the future importance of the magistracy in England and Wales.

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Summary of key points:

- **Critical question misreading (Q5b and Q6b):** A major concern this series was the error where a vast number of candidates misread "judiciary" in Question 5(b) and "magistrates" in Question 6(b) as "juries." This resulted in entire 24-mark essay responses being completely irrelevant and scoring zero marks. Centres must explicitly train candidates to read questions carefully under exam conditions to identify the exact legal personnel being targeted.
- **Failing to address the specific question prompt:** Beyond total rubric misinterpretations, many candidates seemed intent on "dumping" general knowledge rather than answering the specific procedural question set. This was apparent in Question 3 (where candidates explained types of delegated legislation instead of controls), Question 5(a) (explaining the general role of magistrates instead of the defendant's appeal pathways), and Question 6(a) (focusing on a solicitor's education rather than their day-to-day role and rights of audience).
- **Pervasive lack of legal authority and Case "Dumping":** There was a widespread absence of statutory and common law citation to validate arguments across all scripts. Furthermore, where case law was present, there was a growing trend of candidates simply recounting case facts at excessive length or "dumping" case names without any accompanying explanation or link to a relevant legal principle.
- **Generic lists / focused evaluation:** In the essay questions, particularly Question 6(b) regarding magistrates, evaluation tended to decline into a pre-prepared, generic list of advantages and disadvantages. To access the upper mark bands, candidates must be encouraged to directly tailor their analysis to the specific criteria of the question, in this case, evaluating the *role* and *importance* of the personnel within the wider justice system.
- **Missing breadth and precise definitions:** For the 10-mark questions in Section A, some candidates failed to appreciate how specific the questions are. In Question 1, under-developed scripts lacked a range of examples or relied solely on a single case study (*Sarah's Law*). In Question 2, candidates lacked breadth by omitting specific examples of intrinsic and extrinsic aids, or by relying entirely on the rules of language at the expense of external statutory tools. Precise A01 definitions remain vital, as vague descriptions failed to secure full marks.

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UNIT 2

Overview of the Unit

The Unit 2 Law of Tort examination assesses all three assessment objectives within the AS specification. AO1 is assessed through the three 8-mark knowledge and understanding questions (Questions 1–3), AO2 through the 18-mark application question (Question 4), and AO3 through the 18-mark analysis and evaluation question (Question 5). All questions are compulsory and candidates are therefore required to demonstrate a breadth of knowledge and skills across the specification. Centres are reminded that any area of the specification may be assessed and candidates should be prepared accordingly.

Overall, candidates demonstrated a reasonable level of knowledge and understanding of the core areas of tort law. Performance on the shorter AO1 questions was generally stronger than on the longer AO2 and AO3 responses. As in previous series, one of the key differentiators between candidates was their ability to focus precisely on the question set. A number of responses contained accurate legal knowledge but did not sufficiently address the specific issue being examined. This was particularly evident in Question 3, where many candidates provided general discussions of breach of duty or duty of care rather than focusing specifically on the risk factors used by the courts when assessing breach.

There was evidence that many candidates managed their time effectively, with most attempting all questions and allocating appropriate time to the higher-tariff responses. A number of candidates chose to begin with the longer AO2 and AO3 questions, which can be an effective examination strategy provided sufficient time is reserved for the remainder of the paper.

The use of legal authority was generally sound, although there remains scope for improvement. Stronger candidates used a range of relevant authorities to support their explanations and arguments. However, many responses relied on extensive factual descriptions of a small number of cases rather than explaining the legal principle established and its relevance to the issue under discussion. Candidates should be encouraged to use legal authority selectively and purposefully, focusing on the principle of law rather than reproducing detailed case facts.

Question 4 proved to be the most challenging question on the paper. Many candidates demonstrated some understanding of occupiers' liability but often provided brief responses with limited supporting authority and insufficient development of legal arguments. This may suggest that some candidates were less confident applying occupiers' liability principles than the more frequently examined negligence topics.

Overall, the series demonstrated the importance of precise question focus, effective application of legal authority and the ability to adapt legal knowledge to different assessment objectives. The strongest responses combined accurate legal knowledge with clear structure, relevant authority and sustained application, analysis or evaluation as required by the question.

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Comments on individual questions/sections

Question 1 – General and special damages

This question was answered well by the majority of candidates and proved accessible across the ability range. Most candidates demonstrated a sound understanding of the distinction between general and special damages and were able to explain the purpose of damages as a remedy in tort.

The most common error was the confusion of general and special damages, with some candidates correctly describing the characteristics of each category but attributing them to the wrong heading. In many cases, however, understanding of the underlying principles was evident and credit was awarded accordingly.

Stronger responses moved beyond basic definitions and demonstrated a more developed understanding of the different types of loss compensated by damages. These candidates frequently referred to important terminology such as pecuniary and non-pecuniary loss and explained how future financial losses may be calculated using the multiplier and multiplicand approach. The use of relevant examples to illustrate the distinction between different forms of loss often helped candidates to access the higher mark bands. Legal authority to support was only seen well in a minority of top scripts.

A minority of candidates provided broader discussions of remedies in negligence rather than focusing specifically on the distinction between general and special damages. Whilst such material was not credited where it fell outside the scope of the question, it did not generally detract from otherwise accurate responses.

Centres are reminded that, for AO1 questions of this nature, candidates should focus on providing precise explanations of the legal concepts identified in the question rather than attempting to demonstrate wider knowledge of the topic. Accurate use of legal terminology and supporting examples remain important features of the highest-scoring responses.

Question 2 – Duty of care

Performance on this question was more varied than might have been expected for a core negligence topic. Whilst most candidates demonstrated some understanding of the development of the duty of care concept, many answers lacked sufficient focus on the current legal position.

A significant proportion of candidates spent considerable time discussing the historical development of duty of care, particularly the neighbour principle established in *Donoghue v Stevenson*. Whilst this remains an important foundation of modern negligence law, many responses became overly descriptive and devoted disproportionate attention to historical developments at the expense of explaining how duty of care is established today.

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Many candidates correctly referred to the three-stage test in *Caparo Industries plc v Dickman* and were able to explain the concepts of foreseeability, proximity and whether it is fair, just and reasonable to impose a duty. However, stronger responses recognised that *Caparo* must now be understood in the context of the Supreme Court decision in *Robinson v Chief Constable of West Yorkshire Police*. These candidates explained that the courts should first consider whether a duty of care already exists through established or analogous precedent, with the *Caparo* test being applied primarily in genuinely novel situations. The omission of *Robinson* was one of the most notable weaknesses seen in responses. Given its significance within the specification and its role in clarifying the modern approach to duty of care, candidates who failed to address *Robinson* often limited their ability to access the highest marks.

The most successful responses adopted a clear structure, briefly acknowledging the historical development of the law before focusing on the contemporary approach. These answers demonstrated accurate legal knowledge, effective use of legal authority and a clear understanding of how duty of care is established in modern negligence claims. Centres are encouraged to ensure that candidates understand the distinction between explaining the historical development of a legal principle and explaining the current law. Where questions ask how a legal principle is established, candidates should prioritise the present legal position while using earlier authorities to provide context rather than as the main focus of their answer.

Question 3 – Risk factors within breach of duty of care

This question was generally answered well, with many candidates demonstrating a secure understanding of the risk factors considered by the courts when assessing breach of duty of care. Performance was stronger where candidates maintained a clear focus on the specific requirements of the question.

The most successful responses provided a brief contextual explanation of breach of duty and the reasonable person standard before moving quickly to the relevant risk factors. These candidates typically identified and explained each of the recognised factors, including the magnitude of the risk, the likelihood of harm, the cost and practicality of precautions, special characteristics of the claimant, and the social utility of the defendant's actions. Strong responses supported each factor with relevant case authority and clearly linked the case to the legal principle being illustrated.

A common weakness was the tendency to provide lengthy explanations of breach of duty generally, including detailed discussion of the reasonable person test, without sufficiently focusing on the specific risk factors identified in the question. Whilst some contextual material was appropriate, candidates who devoted too much time to introductory matters often limited the depth of their discussion of the risk factors themselves.

Candidates should be reminded that the AO1 questions on Unit 2 are often narrowly focused and require precise examination technique. The highest marks were awarded to those who addressed exactly what was asked rather than providing a broader discussion of negligence. Given that any aspect of the specification may be assessed, centres are encouraged to ensure that candidates are prepared to answer focused questions on specific elements of tort law and are able to select only the material that is directly relevant to the issue raised

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Question 4 – Occupiers' Liability Act 1957 and 1984 application

This question proved challenging for many candidates and was one of the weaker responses on the paper. Whilst most candidates demonstrated some understanding of occupiers' liability, answers were often brief and lacked the level of development required to access the higher mark bands.

The strongest responses adopted a clear and methodical approach, identifying the relevant legal issues before applying the law directly to the facts of the scenario. These candidates recognised that Alan initially entered the hospital lawfully but became a trespasser when he entered an area clearly marked 'Staff Only'. They were then able to distinguish between the injury caused by the knife and the injury resulting from the broken floor tile, considering whether each fell within the scope of the Occupiers' Liability Act 1984. Stronger candidates also recognised that damage to Alan's phone was not recoverable under the Act, which provides protection in relation to personal injury rather than damage to property.

A common weakness was the lack of supporting legal authority. Many candidates made assertions about the law without citing relevant statutory provisions or case law, and where cases were used they were often not sufficiently explained or applied to the facts of the scenario. As a result, many responses remained descriptive rather than analytical. The strongest answers demonstrated how legal principles derived from cases such as *British Railways Board v Herrington*, *Tomlinson v Congleton Borough Council* and *Ratcliff v McConnell* informed the advice being given.

Another recurring issue was the tendency for candidates to provide only brief conclusions without fully developing the legal argument. Successful AO2 responses require candidates not only to identify the relevant law but also to apply it carefully to the facts presented and reach reasoned conclusions supported by authority.

Centres are encouraged to continue developing candidates' application skills through regular scenario-based questions. A structured approach of identifying the issue, explaining the relevant law, applying that law to the facts and reaching a supported conclusion remains the most effective method for tackling the longer AO2 questions. Greater emphasis should also be placed on the use of relevant legal authority to support legal arguments, as this remains a key feature of higher-scoring responses.

Question 5 – The development of the law of negligence

Performance on this question was mixed, with responses ranging from highly analytical and evaluative discussions to brief and underdeveloped answers. As an AO3 question, candidates were required not only to demonstrate knowledge of the law but also to analyse and evaluate its development over time.

Given the breadth of the question, a wide range of approaches was seen and a correspondingly broad approach was adopted during marking. Whilst many candidates structured their answers around the three core elements of negligence – duty of care, breach of duty and damage – and traced the development of each through the relevant case law, alternative approaches were also credited where they remained focused on analysing and evaluating the development of negligence law. Some candidates, for example, incorporated discussion of psychiatric harm, remoteness, causation and damages. Where these areas were used to support an evaluation of how negligence has evolved and adapted to modern legal challenges, they were rewarded appropriately.

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The strongest responses demonstrated a clear understanding of the historical and contemporary development of negligence. These candidates frequently began with *Donoghue v Stevenson* before considering subsequent developments such as *Caparo Industries plc v Dickman* and *Robinson v Chief Constable of West Yorkshire Police*. They analysed the reasons behind judicial developments and offered balanced evaluation of issues such as certainty, fairness, policy considerations and the need to control the scope of liability. Successful candidates integrated evaluation throughout their answers rather than reserving it for a brief conclusion.

A common weakness was a tendency towards description rather than analysis. Some candidates produced answers that consisted largely of case summaries with limited discussion of why the law had developed in a particular way or whether those developments had been successful. Others provided very brief responses which lacked the depth necessary to access the higher mark bands. In some cases, candidates appeared uncertain as to how to approach such a broad question and consequently produced answers that lacked structure and focus.

Centres are reminded that AO3 questions reward analysis and evaluation as much as legal knowledge. Candidates should be encouraged to develop arguments throughout their responses, consider the effectiveness of legal developments and support their discussion with relevant legal authority. Whilst there is often more than one valid approach to a broad evaluative question, the most successful responses maintain a clear focus on the issue identified in the question and develop a sustained evaluative discussion rather than simply describing the law.

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Summary of Key Points:

- Candidates should support their responses with relevant legal authority wherever appropriate. The most successful responses integrated case law and statutory provisions effectively to support and develop legal arguments.
- Legal authority should be used purposefully. Candidates are encouraged to explain the legal principle established by a case and its relevance to the point being made rather than simply naming cases or providing lengthy factual descriptions.
- Centres should ensure that candidates are familiar with current legal developments within the specification. In particular, stronger responses demonstrated an understanding of the significance of *Robinson v Chief Constable of West Yorkshire Police* when discussing the modern approach to duty of care.
- Candidates should be encouraged to read questions carefully and focus on the specific issue being examined. Several responses demonstrated sound legal knowledge but did not fully address the particular focus of the question.
- For the shorter AO1 questions, precision and relevance are often more important than breadth. Candidates should be trained to select material directly relevant to the question rather than providing general discussions of the wider topic.
- Centres should continue to develop candidates' skills in responding to different assessment objectives. Application questions require clear and methodical use of legal principles in the context of the scenario, whilst evaluation questions require analysis and judgement rather than description alone.
- For AO3 questions, evaluation should be integrated throughout the response. The highest-scoring candidates developed and supported evaluative arguments as their answers progressed rather than confining evaluation to a concluding paragraph.
- Answer structure remains an important discriminator between mark bands. Responses that were logically organised and clearly signposted were generally more successful than those that lacked a coherent line of argument.
- Candidates should be encouraged to provide sufficient depth and development in the longer tariff questions. Brief responses often lacked the analysis, application or evaluation necessary to access the higher mark bands.
- Centres should identify candidates whose handwriting may present difficulties for examiners and ensure that appropriate access arrangements and support are considered where necessary

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WJEC A LEVEL LAW

GCE

Summer 2026

UNIT 3

Overview of the Unit

Since one of the purposes of this report is to help centres identify areas for further improvement, it necessarily includes comments of a critical nature. These should not be taken as applying equally to all centres, nor are they intended to detract from the overall fine performance of many candidates.

Candidate feedback for the Summer 2026 Unit 3 paper was positive, and overall performance largely mirrored that of previous examination series. The paper's established format, which asks candidates to tackle two 50-mark questions from distinct areas, Human Rights, Contract, and Criminal Law, was familiar. Marks were allocated for knowledge and understanding (AO1: 20 marks) and for application (AO2: 30 marks).

It is important to note that, as in the past, definitive generalisations are challenging due to the nature of online marking, which does not allow for full script marking. Nonetheless, consistent patterns in how candidates approached the paper, along with their areas of strength and where improvements are needed, were evident across the questions.

Most candidates effectively managed their time and followed the instructions, attempting one question from each of the two required sections. A persistent challenge, however, is illegible handwriting, which continues to affect the marking process. Centres are urged to identify candidates early in the academic year who might benefit from access arrangements, such as using a word processor.

Centres should also remind candidates that any part of the specification can be assessed. This means candidates must guard against relying too heavily on pre-prepared model answers. While these might offer a useful structural framework, they often fall short of precisely addressing the question's requirements and can inadvertently prevent candidates from reaching the top mark bands, particularly if the content is outdated, overly generic, or lacks application to the specific scenario question.

This year, strong answers were characterised by a clear structure, consistent and relevant legal authority, and a sustained application focus. Conversely, weaker performances frequently involved merely describing content, or failing to directly connect their discussion to the specific question set.

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Comments on individual questions/sections

Section A Human Rights

Question 1 Defamation

This question produced a wide range of responses. The most successful candidates methodically addressed the elements a claimant must prove to establish a case before discussing the availability of statutory and common law defences.

In strong scripts, candidates discussed the initial hurdles of a defamation claim, establishing that the statements were clearly defamatory, referred to the claimant (*Newstead* / *Hulton v Jones*), and had been published to a third party by both *The Daily Herald* and Delyth Lewis. Crucially, stronger candidates fully addressed Section 1 of the Defamation Act 2013, applying the serious harm test to Jessica's situation. They utilised relevant case law, such as *Lachaux*, *Monroe v Hopkins*, or *Collins*, to argue that accusations of political bribery against a sitting MP would almost certainly meet the threshold of serious reputational harm.

However, a major weakness across a significant number of scripts was a total failure to discuss legal defences. Given that this is a 50-mark question with 30 marks allocated for AO2 application, omitting the defences severely limited candidates' ability to access the higher mark bands. Where defences *were* mentioned in weaker responses, they frequently lacked legal authority, with candidates failing to cite exact section numbers from the Defamation Act 2013 or relevant case law. Many scripts completely omitted cases like *Depp v News Group Newspapers* or *Rooney v Vardy* when discussing the Section 2 Truth defence.

Furthermore, candidate application regarding the two distinct actions of Delyth Lewis was sometimes underdeveloped. While most identified that the speech delivered within the chamber of Parliament was protected by absolute privilege, weaker scripts struggled to evaluate the legal impact of her repeating those exact defamatory comments on her X (Twitter) page. Stronger responses correctly noted the operation of the repetition rule and evaluated whether the social media post could bypass absolute protection, analysing whether it could be covered by qualified privilege or if the presence of political malice would defeat the defence entirely.

Similarly, the newspaper's reliance on the Section 4 Public Interest defence was often treated superficially. While weaker answers merely stated that the media has a right to report on MPs, strong responses applied the historical *Reynolds* criteria alongside Section 4, highlighting that *The Daily Herald's* reliance on unverified "insider sources" without concrete evidence or reasonable steps to verify the truth would likely cause the public interest defence to fail.

Centres must remind candidates that the most effective way to tackle these application questions is to adopt a sequential, issue-by-issue approach: first proving the core elements of defamation with statutory authority and case law, and then systematically applying and evaluating each potential defence against the facts of the scenario.

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Question 2 – Police Powers

Candidates generally understood the task of advising Emily on the legality of the police's actions. Stronger responses adopted a clear, chronological approach, systematically breaking down the scenario into distinct stages, stop and search, arrest, and custody issues and rights, and applying relevant PACE 1984 sections and Codes of Practice to each. The best answers were precise in their application of legal principles, explaining not just what the police should have done, but exactly why their actions in the scenario were unlawful. They effectively integrated case law where appropriate to illustrate points of law.

A concern was the complete omission of any discussion regarding the legality of Emily's arrest. A significant number of candidates jumped straight from the street search to station custody issues without first addressing whether Officer Lewis had a valid power of arrest. They failed to evaluate whether there was a genuine link under s.24 PACE (as amended by the Serious Organised Crime and Police Act 2005) and entirely overlooked the crucial statutory necessity criteria under s.24(5).

A pervasive issue was the complete absence of specific section numbers from PACE 1984. Candidates frequently listed the law or referred generically to "the Act" or "PACE" when discussing powers and rights. While general structural knowledge was evident, without precise application of section numbers, candidates are strictly limited to a maximum of the top of Mark Band 2. For an A2 question so heavily reliant on statutory law, exact precision is essential for higher marks.

While most identified the stop and search, many responses did not fully apply the "reasonable suspicion" requirement under s.1 PACE or Code A. Weak scripts failed to observe that a family member's history or wearing a designer jacket do not constitute objective, reasonable grounds to stop a citizen. Furthermore, the procedural mandatory requirements of s.2 PACE were frequently omitted, leading to an underdeveloped analysis of these initial police actions.

Some candidates struggled with the legality of the intimate search and sample testing. While they noted that Emily had an intimate search conducted for drugs, many failed to identify that under s.55 PACE, an intimate search generally requires authorisation from at least an Inspector and must be conducted by a qualified medical professional, not standard station officers. Similarly, while fingerprints and DNA samples were noted, scripts failed to reference the specific governing sections (s.61 and s.63 PACE), missing the conditions under which these can be taken without consent.

Although the 42-hour detention was frequently highlighted as excessive, weaker answers merely listed it as illegal without detailing the strict statutory limits. They failed to cite the standard 24-hour limit under s.41, the requirement of an authorisation by a Superintendent to extend to 36 hours under s.42, or the necessity of a Magistrates' warrant under s.43 to go up to 96 hours. The total absence of periodic reviews by a review officer under s.40 was also widely overlooked.

Emily being interrogated for over 36 hours while being denied contact with her family or a lawyer was a clear prompt that candidates handled with mixed success. Stronger responses identified these as severe breaches of s.56 (right to have someone informed) and s.58 (right to legal advice) under Code C. Weaker responses, however, sometimes accepted the police's delay as valid, failing to explain that delaying these fundamental rights requires an authorisation from a Superintendent and can only be justified under narrow serious arrestable offence criteria, which did not apply here.

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To improve future performance, candidates must be strongly encouraged to commit key PACE section numbers to memory and practise precise application to factual scenarios. A systematic, step-by-step analysis, ensuring all police actions are explicitly assessed against relevant sections of PACE rather than generalising, would significantly enhance the quality of advice provided.

Section B Contract Law

Question 3 Elements of a contract

This question focused on the formation of a contract, specifically looking at invitations to treat, offers, counteroffers, acceptance, and subsequent breach, and it produced varied responses. Stronger candidates structured their advice to Henry by tracking the chronological interactions between the parties, clearly identifying the legal status of each communication and using appropriate common law authorities to substantiate their conclusions.

A primary area of concern, mirroring patterns across the rest of the paper, was a distinct lack of legal authority. A significant number of candidates explained the mechanics of contract formation purely in layperson terms, omitting the foundational case law required at A2 level. While candidates often understood that a counteroffer cancels an original offer, many failed to cite Hyde v Wrench (1840). Similarly, when discussing whether an online advertisement constitutes an offer or an invitation to treat, weaker scripts failed to support their points using Partridge v Crittenden (1968) or Harvey v Facey (1893). Without these vital authorities, answers were restricted to the lower mark bands regardless of how well-written they were.

Weaknesses in AO2 application skills were also apparent, with many candidates failing to properly analyse the exact wording of the scenario. A common error was the superficial treatment of Oliver’s response ("Interesting offer. How about £4,250?"). While strong scripts carefully discussed whether this was a definitive counteroffer or merely a request for further information, contrasting Hyde v Wrench with Stevenson, Jaques & Co. v McLean (1880), weaker responses frequently ignored this crucial point.

Furthermore, many candidates struggled to apply the rules of acceptance to Henry's reply, particularly his statement: "No need to reply." Stronger answers expertly applied Felthouse v Bindley (1862) to evaluate whether silence or a waiver of communication was legally effective here, correctly concluding that because Henry (the offeree) was the one dispensing with the need for a reply, a binding contract was indeed formed at the "mirror image" price of £4,250. The legal implications of Oliver's subsequent deal with Sarah were frequently misunderstood or left underdeveloped. Weaker responses often treated the scenario as a revocation issue, erroneously citing Dickinson v Dodds (1876) to argue that because Henry found out about Sarah through a mutual friend, the offer was revoked. Excellent answers corrected this misconception, pointing out that Dickinson applies to the revocation of an offer before acceptance; because Henry had already validly accepted Oliver’s counteroffer, a binding contract existed. Therefore, Oliver’s secret agreement with Sarah constituted an actual breach of an existing contract, rather than a valid revocation. Another notable issue was that several answers were incredibly brief, completely ignoring the final requirement to discuss remedies.

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Given that this is a 50-mark question with 30 marks allocated for application, very concise responses inevitably capped the candidate's maximum potential. To achieve high marks, candidates were expected to advise Henry on his current legal position following Sarah backing out. Stronger scripts effectively applied contractual remedies, explaining that because Oliver had already breached the agreement, Henry was legally justified in treating his own obligations as discharged and could rightfully refuse to buy the car, while theoretically remaining entitled to claim ordinary compensatory damages.

To improve future performance, centres must reinforce that contract application questions demand strict chronological evaluation supported by relevant legal authorities. Candidates must move away from brief summaries of "what happened" and instead explicitly address the legal consequences in the question.

Question 4 Express and implied terms

While the question was done quite well overall, with most candidates correctly identifying that Sophie had legal grounds to complain about both the faulty aerial and Daniel's poor installation work, the main problem across the cohort was a failure to explicitly utilise and apply the Consumer Rights Act (CRA) 2015. A significant number of candidates erroneously relied on outdated legislation, such as the Sale of Goods Act 1979 or the Unfair Contract Terms Act 1977, or simply discussed "fairness" in broad, non-legal terms. Centres must strongly remind candidates that for any consumer-to-business contract formed after 2015, the CRA 2015 is the definitive framework, and failing to cite its specific sections severely restricts a script from accessing the upper mark bands.

In relation to the claim against Aerials Direct, stronger responses properly identified Sophie as a consumer and the store as a trader, triggering the statutory protections of the CRA 2015. Strong answers accurately applied Section 9 (goods must be of satisfactory quality) and Section 10 (goods must be fit for any particular purpose made known to the trader). Candidates effectively applied these sections to the scenario, arguing that because the store explicitly assured Sophie the aerial would significantly improve her reception, this verbal statement became an express term or an implied condition of fitness for purpose. The total failure of the aerial to enhance reception meant Aerials Direct was in breach of contract.

Conversely, weaker responses accepted the store's refusal to take responsibility at face value or failed to explore the full range of modern consumer remedies under the Act, which include the short-term right to reject within 30 days under Section 20, or the right to a repair or replacement under Section 23.

When evaluating the claim against Daniel, candidate application skills were varied. Stronger responses correctly shifted focus from the goods provisions of the CRA 2015 to the services provisions under Part 2 of the Act. They successfully applied Section 49, which implies a term that a trader must perform a service with reasonable care and skill. Candidates effectively argued that Daniel breached this statutory term on two distinct fronts: first, by failing to install the aerial within a reasonable time under Section 52 due to missing two scheduled appointments, which caused Sophie to lose wages; and second, by negligently dropping his tools and smashing her roof tiles. They clearly outlined that under Section 50, any pre-contractual information stated by Daniel about schedules or procedures that Sophie relied upon became a binding term of the contract.

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The application of law surrounding Daniel's exclusion clause proved to be a major differentiator between mark bands. Weaker answers simply stated that because Sophie signed the completion form, she was automatically bound by the waiver. Stronger scripts corrected this error by evaluating the clause under Section 62 of the CRA 2015, which explicitly states that an unfair consumer term is not binding. Candidates accurately argued that a clause entirely exempting a trader from liability for property damage caused by their own clear lack of reasonable care and skill creates a significant imbalance in the parties' rights to the detriment of the consumer. Therefore, the court would almost certainly deem the exclusion clause unfair and legally unenforceable.

The very best responses concluded with a summary of remedies against Daniel, advising Sophie of her statutory right to a price reduction or repeat performance under Sections 55 and 56, alongside her common law right to sue for consequential damages to cover the cost of repairing her roof.

To improve future performance, candidates must move away from generic discussions of breach and instead practice matching specific factual issues directly to the precise section numbers of the Consumer Rights Act 2015.

Section C Criminal Law

Question 5, Theft, Robbery & Burglary

This property offences question focused on the concurrent liability for theft, robbery, and burglary, requiring a systematic evaluation of both the actus reus and mens rea for each offence, supported by the Theft Act 1968 and relevant case law. While this question produced some of the strongest responses across the entire paper, performance was varied.

The most successful candidates adopted a logical structure, methodically analysing the elements of theft first, before building upon those findings to address the aggravated offences of robbery and burglary in turn. Conversely, weaker answers lacked a clear structure, often discussing different offences together, and often omitted the mens rea entirely. Furthermore, a persistent and critical error in weaker scripts was that candidates incorrectly relied on the outdated *Ghosh* test for dishonesty; centres must strictly reinforce that *Ivey v Genting Casinos (2017)*, as confirmed in *R v Barton and Booth (2020)*, is the definitive objective test for dishonesty.

In evaluating the initial charge of theft under Section 1 of the Theft Act 1968 strong responses demonstrated excellent knowledge of the actus reus components before moving to the mens rea. Stronger candidates identified the "appropriation" under Section 3 by assuming the rights of the owner when grabbing the jewellery (*R v Morris*), the "property" as the jewellery and watches under Section 4, and that the items "belonged to another" (Mr. Rees) under Section 5. For the mens rea, successful scripts applied the modern *Ivey* objective test to establish dishonesty under Section 2, and utilised Section 6 to show an intention to permanently deprive, noting that loading the items into bags to flee the scene clearly evidenced an intention to treat the jewellery as their own to dispose of regardless of the owner's rights (*R v Lavender*).

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When discussing robbery under Section 8 of the Theft Act 1968, stronger scripts built directly upon their theft analysis, correctly noting that robbery is an aggravated theft that requires force or the threat of force immediately before or at the time of doing so. Excellent answers addressed a crucial legal point in the scenario: James threatened Mr. Rees with a knife *after* the items were already in the bags to secure their escape. Stronger scripts successfully used cases like *R v Hale (1978)* and *R v Lockley (1995)* to apply the principle of a "continuing act," arguing that the appropriation was still ongoing when the force was threatened, meaning the threat was legally made "at the time of the theft" and to facilitate the escape, thereby satisfying the actus reus of robbery for James.

The application of the law of burglary under Section 9 of the Theft Act 1968 was generally handled well by candidates who maintained a structured approach. Stronger responses differentiated between Section 9(1)(a) and Section 9(1)(b) liability, which was essential given the facts. Candidates identified the actus reus of entry as a trespasser, noting that breaking a window to enter a closed commercial shop without permission constituted an unlawful, physical entry (*R v Ryan*). For Section 9(1)(a), stronger responses evaluated whether James and Laura possessed the intent to steal *at the moment of entry*, which was explicitly proven by their pre-planned actions to solve their financial troubles. They also accurately applied Section 9(1)(b), demonstrating that having entered as trespassers, they did in fact commit the actus reus of the theft inside.

However, a major area of weakness in weaker scripts was the failure to properly evaluate Laura's individual liability, with many candidates treating the defendants as a single entity. Excellent answers distinguished between the two, noting that while both were principal offenders for the burglary and the initial theft, Laura did not wield the knife or personally threaten Mr. Rees. Stronger scripts analysed Laura's liability for the robbery under the principles of secondary liability or joint enterprise, evaluating whether she intentionally assisted or encouraged James's use of force while carrying the stolen goods to flee.

To improve future performance, centres must train candidates to treat multiple defendants separately and to maintain a strict, sequential analysis, moving from the base offence of theft up to the aggravated crimes, ensuring that the mens rea and the correct modern tests are never omitted.

Question 6 Murder

This homicide question focused on criminal liability for murder, with an emphasis on the principles of causation, the thin skull rule, and whether intervening medical delays or inadequacies could break the chain of causation.

While the question was done quite well overall by a large portion of the cohort, performance was heavily dependent on structure. Stronger candidates adopted a clear structure: they first established the actus reus of murder, followed by an evaluation of both factual and legal causation, analysed the mens rea, and finally, briefly evaluated the applicability of partial defences. Conversely, weaker responses provided jumbled answers that failed to follow this logical sequence. They frequently drifted into repeating the facts of the question, completely omitted the mens rea, and were weak on legal causation, which was the central focus of the scenario, while lacking the necessary common law authorities to support their arguments.

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In addressing the actus reus of murder, successful responses quickly established that Liam committed an unlawful killing of a human being under the King's peace. This immediately transitioned into a detailed analysis of causation, where the contrast between strong and weak scripts became most apparent. Stronger answers initiated their evaluation with factual causation, successfully applying the "but-for" test and citing *R v White (1910)* to argue that but for Liam striking Ethan with the bottle, Ethan would not have suffered a severe brain injury and died three days later.

The primary focus of the question, however, was legal causation, and stronger candidates excelled by demonstrating that Liam's actions remained an operating and substantial cause of death. They methodically evaluated the three potential intervening acts presented in the question: the traffic delay, the inadequate paramedic care, and the hospital's delayed surgery.

Excellent scripts used *R v Smith (1959)* and *R v Cheshire (1991)* to argue that medical negligence or systemic delays will only break the chain of causation if they are so independent of the defendant's acts, and so potent in causing death, that the defendant's contribution becomes insignificant. Since the autopsy confirmed the blow to the head was the main cause of death, candidates correctly concluded that the medical shortcomings did not break the chain. Furthermore, strong responses identified Ethan's pre-existing vulnerability, applying the "thin skull" rule and citing *R v Blaue (1975)* to explain that Liam had to take his victim as he found him, meaning the pre-existing condition could not absolve legal liability. Weaker responses, by contrast, merely listed the medical errors descriptively and often erroneously concluded that the hospital or the traffic was to blame, completely lacking the legal authority to support their claims.

The evaluation of the mens rea of murder, malice aforethought, express or implied, was another clear differentiator between mark bands. Stronger candidates analysed Liam's intent at the moment he struck Ethan with the bottle. While there was no explicit evidence of an express intent to kill, stronger scripts applied *R v Vickers (1957)* and *R v Cunningham (1982)* to establish that an implied intent to cause really serious harm (grievous bodily harm) is sufficient for a murder conviction. They evaluated Liam's "fit of anger" and his choice of a weapon (a glass bottle) to conclude that an intention to cause GBH was clearly present, satisfying the mens rea.

Finally, strong candidates briefly considered whether any partial defences under the Coroners and Justice Act 2009 could apply to reduce the charge to voluntary manslaughter. They evaluated Loss of Control under Sections 54 and 55, noting that while there was a "fit of anger" during a pub argument, a standard argument rarely meets the high threshold of a qualifying trigger (either the fear or anger trigger), and a temporary loss of temper does not constitute a total loss of self-control.

To improve future performance, centres must explicitly train candidates to resist rushing straight to a conclusion; they must adhere to a strict structural hierarchy, moving methodically from actus reus, through factual and legal causation, to mens rea and partial defences, ensuring every stage is support with relevant case law.

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Summary of key points:

- The strongest responses followed a clear, step-by-step structure when dealing with the scenarios. Candidates who tracked events in the order they happened or methodically broke down a claim, such as proving the physical elements of an offence before looking at the mental state or defences, performed much better than those who wrote jumbled narratives.
- Using precise legal authority was the main difference between average and excellent marks. The stronger responses backed up their points with exact statutory section numbers and relevant case names, whereas weaker answers relied on generic references to acts or explained the law in everyday layperson terms.
- Top-performing scripts thoroughly covered every part of the factual problem. Successful candidates carefully worked through each stage of a scenario, ensuring they evaluated later liabilities and potential defences rather than rushing past critical points or jumping straight to a conclusion.
- Candidates must ensure they are using up-to-date legal frameworks and modern standards. A major weakness in lower-scoring scripts was a heavy reliance on outdated case precedents, obsolete tests for dishonesty, and old consumer laws that have since been entirely replaced by modern legislation.
- Application skills must be analytical rather than descriptive to achieve high marks. High-performing responses actively applied legal rules to the facts, whereas weaker responses frequently fell into the trap of simply repeating or summarising the story in the question.
- Candidates need to separate individual liabilities when a scenario involves multiple people or events. The most successful answers carefully separated the liability of different co-defendants or distinguished between a person's separate, successive actions, rather than treating multiple parties or events as a single collective issue.
- Clear handwriting and presentation remain important factors in determining a candidate's performance. Poor legibility continues to heavily hinder the marking process, and centres are strongly urged to arrange access tools, such as word processors, early in the academic year for candidates who struggle with handwriting.

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WJEC A LEVEL LAW

GCE

Summer 2026

UNIT 4

Overview of the Unit

General Overview

The Summer 2026 Unit 4 examination produced a wide range of responses, with many candidates demonstrating strong knowledge and understanding across the three optional areas of study: Human Rights Law, Contract Law and Criminal Law. Candidates were required to answer two 50-mark essay questions from different sections of the paper. As in previous series, success depended not only upon secure legal knowledge but also upon the ability to sustain analysis and evaluation throughout extended responses.

The strongest scripts combined detailed legal knowledge with a clear focus on the precise wording of the question. These candidates constructed well-organised essays, supported arguments with relevant legal authority and developed evaluative discussion throughout their responses rather than reserving evaluation for the conclusion. In many cases, candidates were able to demonstrate sophisticated understanding of both the legal principles and the wider policy issues underpinning the law.

A recurring feature of this series was the difference in performance between candidates who adapted their knowledge to the specific demands of the question and those who relied upon pre-prepared responses. Whilst many candidates demonstrated substantial knowledge of the relevant legal topics, some responses lacked sufficient focus on the issue identified in the question and therefore limited their ability to access the higher mark bands. This was particularly evident where candidates reproduced large sections of previously learned material without fully addressing the evaluative element of the question.

The use of legal authority was generally good across all sections of the paper. Stronger responses integrated case law, statutory provisions, Law Commission reports and academic commentary to support and develop arguments. However, some candidates continued to rely upon extensive factual descriptions of cases rather than explaining the legal principles established and their relevance to the issue under discussion.

As in previous years, there was evidence that most candidates managed their time effectively and completed two substantial responses. Centres should continue to encourage candidates to develop essay-writing skills that balance AO1 knowledge with AO3 analysis and evaluation, as this remains the key discriminator at the highest levels of performance.

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Comments on individual questions/sections

Question 1 – Defamation and the Defamation Act 2013

This question was a popular choice, and most candidates demonstrated a sound knowledge and understanding of the law of defamation. Many responses were able to explain the key provisions of the Defamation Act 2013, including the requirement for serious harm, the available defences and the remedies available to claimants. There was also generally good knowledge of the relationship between Articles 8 and 10 of the European Convention on Human Rights and the competing interests they seek to protect.

The strongest responses recognised that the focus of the question was not simply the law of defamation itself, but whether the Defamation Act 2013 has successfully addressed the tension between protecting individual reputation and safeguarding freedom of expression. These candidates used the provisions of the Act as a framework through which to evaluate the balance struck between Articles 8 and 10, considering both the strengths and limitations of the current law. They demonstrated an appreciation of the policy considerations underpinning the legislation and supported their arguments with relevant legal authority.

A common weakness was the tendency to provide detailed descriptive accounts of the elements of defamation and the available defences without sufficiently engaging with the wording of the question. Whilst many candidates demonstrated substantial knowledge of the subject area, some responses became overly focused on explaining the law rather than analysing whether the reforms introduced by the Defamation Act 2013 had effectively addressed the competing rights involved. As a result, evaluation was often limited or underdeveloped.

The most successful candidates maintained a clear focus on the balancing exercise at the heart of the question and developed evaluative arguments throughout their responses. Centres are encouraged to continue developing candidates' ability to move beyond description and engage directly with the issue identified in the question, particularly when responding to broad evaluative essays.

Question 2 – Protest Rights and Public Order

This question was answered well by many candidates and there was generally a strong level of knowledge of the legal framework governing protests and public order. Most candidates were able to demonstrate familiarity with the relevant provisions of the Public Order Act 1986, police powers relating to assemblies and processions, and the impact of more recent legislative developments. Knowledge of Articles 10 and 11 of the European Convention on Human Rights was also generally secure.

Many responses demonstrated a broad range of legal knowledge, with candidates drawing upon a variety of statutory provisions, police powers and supporting case law. Stronger candidates effectively linked these powers to the competing interests identified within the question, namely the protection of the rights of protesters on the one hand and the need to protect the public from disruption on the other.

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As with Question 1, the key discriminator was the quality of analysis and evaluation. Whilst many candidates demonstrated substantial knowledge of the law, a significant number of responses remained largely descriptive. Candidates frequently explained the relevant powers and restrictions in detail but did not move sufficiently into evaluating whether the current legal framework strikes an appropriate balance between individual rights and wider public interests.

The highest-scoring responses consistently returned to the wording of the question and engaged with the tension between competing rights and interests. These candidates considered issues such as proportionality, necessity and the extent to which recent legislative developments have shifted the balance in favour of public order or freedom of expression. Evaluation was sustained throughout the essay and supported by relevant legal authority and contemporary examples where appropriate.

Centres are encouraged to continue developing candidates' evaluative skills in relation to human rights topics. Detailed legal knowledge is essential, but the highest marks are awarded where candidates use that knowledge to develop reasoned arguments and reach substantiated conclusions on the issues raised by the question.

Question 3 – Privity of Contract

This question produced a range of responses, although overall performance was in line with expectations. Most candidates demonstrated a sound understanding of the doctrine of privity and were able to explain the traditional common law position that only parties to a contract may enforce its terms. There was generally secure knowledge of the Contracts (Rights of Third Parties) Act 1999 and the ways in which it modified the common law rule.

The strongest responses displayed impressive breadth and depth of legal knowledge, supported by a wide range of relevant case law and statutory authority. These candidates were able to trace the development of the doctrine, discuss the numerous common law exceptions that emerged prior to reform, and evaluate whether the 1999 Act successfully addressed the perceived shortcomings of the traditional rule. Many of the highest-scoring responses effectively balanced arguments in favour of contractual certainty against concerns regarding fairness to third parties who were intended to benefit from contractual arrangements.

A common feature of stronger responses was the ability to move beyond a simple explanation of the law and engage directly with the statement in the question. These candidates considered whether the 1999 Act represented a sufficient reform or whether aspects of the doctrine remain unnecessarily restrictive. Evaluation was often supported by detailed legal authority and clear consideration of the practical implications of the current law.

Weaker responses tended to be more descriptive, focusing on the operation of the doctrine and the provisions of the 1999 Act without sufficiently evaluating whether the reforms had gone far enough. Some candidates also demonstrated knowledge of individual exceptions but did not use them effectively to support a wider discussion of the need for reform. Centres are encouraged to continue developing candidates' ability to use legal authority as part of a broader evaluative argument. The most successful responses did not simply demonstrate knowledge of the law but used that knowledge to engage critically with the issues raised by the question and reach a substantiated judgement.

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Question 4 – Frustration

This question produced responses of a broadly similar standard to previous series. Most candidates demonstrated a sound understanding of the doctrine of frustration and were able to explain the circumstances in which a contract may be discharged due to events occurring after formation which render performance impossible, illegal or fundamentally different from that originally contemplated by the parties.

Many candidates were able to support their responses with relevant case law and showed a secure understanding of the development of the doctrine through judicial decision-making. The key cases relating to impossibility, illegality and frustration of purpose were generally well known and frequently used appropriately.

The strongest responses focused closely on the wording of the question and considered whether the law on frustration has developed into a fair and just set of principles. These candidates moved beyond a descriptive account of the doctrine and evaluated both the advantages and limitations of the current approach. Common areas of discussion included the fairness of relieving parties from contractual obligations where neither party is at fault, the restrictive nature of the doctrine, and the challenges presented by the courts' sometimes narrow interpretation of frustrating events. Stronger answers also engaged with the competing demands of certainty and fairness in commercial relationships.

As with many evaluative essays, weaker responses demonstrated reasonable legal knowledge but lacked sufficient analysis of the fairness and effectiveness of the doctrine. Some candidates described the rules and supporting case law in detail without fully addressing whether the resulting principles could genuinely be regarded as fair and just. Centres should continue to encourage candidates to engage directly with the evaluative language contained within the question. The highest marks were awarded to those who used their legal knowledge as a basis for sustained analysis and evaluation, ultimately reaching a clear and substantiated judgement on the effectiveness of the doctrine of frustration.

Question 5 – Strict Liability

This question proved to be one of the more accessible options on the paper and was generally answered well. Most candidates demonstrated a secure understanding of the nature of strict liability offences and were able to explain the circumstances in which liability may be imposed without proof of mens rea. Knowledge of the key principles established in cases such as *Sweet v Parsley* and *Gammon (Hong Kong) Ltd v Attorney General of Hong Kong* was generally strong, and many candidates were able to illustrate their responses with a range of relevant authorities.

A common approach was to begin with a description of the law relating to strict liability before considering its advantages and disadvantages in separate sections. This often-provided candidates with a clear and logical structure and enabled many to access the middle mark bands successfully.

The strongest responses adopted a more sophisticated approach, integrating analysis and evaluation throughout rather than treating advantages and disadvantages as isolated discussions. These candidates engaged closely with the policy reasons underpinning strict liability, considering issues such as public protection, regulatory efficiency, social responsibility and ease of enforcement, whilst balancing these against concerns relating to fairness, moral blameworthiness and the potential for convicting those who are not at fault.

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Evaluation was sustained throughout the response and supported by relevant legal authority. Given the relatively narrow scope of the topic, some of the highest-scoring responses also considered possible reforms and ongoing criticisms of the current law. Discussion of whether strict liability remains justified in modern criminal law, together with consideration of potential alternatives or limitations on its use, often helped candidates to develop more nuanced evaluative arguments and access the highest mark bands.

Centres are encouraged to remind candidates that, whilst a clear structure is important, AO3 questions reward sustained analysis and evaluation throughout the essay. The most successful responses integrated legal knowledge, policy considerations and criticism of the law into a coherent discussion that directly addressed the issues raised by the question.

Question 6 – Diminished Responsibility

This question was another accessible option for candidates and generally produced responses of a good standard. Most candidates demonstrated a secure understanding of diminished responsibility as a special partial defence to murder and were able to explain its effect in reducing a conviction from murder to voluntary manslaughter. Knowledge of the statutory framework introduced by the Coroners and Justice Act 2009 was generally strong, with many candidates accurately identifying and explaining the key elements of the defence.

The strongest responses combined detailed knowledge of the statutory provisions with extensive use of relevant case law. These candidates were able to explain the requirements of an abnormality of mental functioning, a recognised medical condition, substantial impairment and the causal connection between the condition and the killing. They supported their discussion with well-chosen authorities and demonstrated a clear understanding of how the defence operates in practice.

As the topic is relatively narrow in scope, many candidates were able to cover the key legal principles effectively. However, the highest-scoring responses moved beyond explanation and engaged with the extent to which diminished responsibility provides an effective and appropriate defence to a charge of murder. These candidates considered issues such as the breadth of the modern definition, the role of medical evidence, the continued uncertainty surrounding concepts such as "substantial impairment", and the extent to which the reforms introduced by the Coroners and Justice Act 2009 improved upon the previous law.
Weaker responses tended to focus heavily on describing the elements of the defence without developing sustained evaluation. Whilst knowledge was often accurate, there was sometimes limited consideration of the strengths, weaknesses and practical operation of the defence.

Centres are encouraged to remind candidates that even where a topic appears relatively narrow, the higher mark bands require more than detailed legal knowledge. The most successful responses combined accurate statutory and case law authority with sustained analysis and evaluation, ultimately reaching a clear and substantiated judgement in response to the question set.

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Summary of Key Points:

- Centres are reminded that any area of the specification may be assessed. Whilst some topics continue to appear more frequently than others, candidates should be prepared for the full breadth of the specification and avoid selective revision.
- The strongest responses demonstrated a clear focus on the wording of the question. Candidates who adapted their knowledge to address the specific issue raised generally performed more successfully than those who relied on pre-prepared responses.
- AO3 carries a significant weighting on Unit 4 and remains the principal discriminator between the middle- and upper-mark bands. Candidates should be encouraged to analyse and evaluate throughout their responses rather than providing knowledge first and evaluation only in the conclusion.
- Legal authority remains a key feature of successful responses. Candidates should support their arguments with relevant case law, statutory provisions, Law Commission reports and other legal authorities where appropriate. The strongest candidates used authority to support evaluation rather than simply describing cases.
- Cases should be used selectively and purposefully. Detailed factual descriptions are rarely required. Candidates should focus on the legal principle established by the case and its relevance to the issue under discussion.
- Many candidates demonstrated secure legal knowledge but were less confident when evaluating the effectiveness, fairness or need for reform of the law. Centres should continue to develop candidates' confidence in constructing balanced arguments and reaching substantiated judgements.
- Contemporary developments remain important, particularly within Human Rights Law and Criminal Law. Candidates should be encouraged to engage with recent legislative developments, reforms and ongoing legal debates where relevant.
- Essay structure remains an important factor in determining performance. The strongest responses were logically organised, maintained a clear line of argument throughout and consistently linked discussion back to the question.
- Where questions involve relatively narrow topics, candidates should be encouraged to move beyond description and consider wider issues such as policy objectives, criticisms, judicial developments and possible reforms in order to develop higher-level evaluative discussion.

Notes to Centres:

- Encourage candidates to identify the command words within the question and maintain focus on them throughout the essay.
- Reinforce the distinction between AO1 and AO3. Knowledge and understanding alone will not access the highest mark bands without sustained analysis and evaluation.
- Develop candidates' ability to integrate evaluation throughout a response rather than treating it as a separate section at the end.
- Continue to emphasise the importance of relevant legal authority and its application to support arguments and judgements.
- Use a range of evaluative essay questions in teaching and revision to help candidates practise constructing balanced arguments and substantiated conclusions.
- Centres should identify candidates whose handwriting may present difficulties for examiners and consider appropriate access arrangements where necessary.

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Our friendly subject team is on hand to support you between 8.30am and 5.00pm, Monday to Friday.
Tel: **02922 404 283**
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