

# GCE Examiners' Report

Law

GCE

Summer 2025

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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.<sup>1</sup>

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

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<sup>1</sup> 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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## Executive Summary

This report provides a comprehensive overview of candidate performance across Units 1 to 4 in the Summer 2025 examination series, highlighting both areas of strength and those requiring targeted improvement. While many candidates demonstrated commendable effort and engagement with the papers, recurring issues relating to legal referencing, question interpretation, and exam technique were observed and warrant further attention from centres.

**Unit 1** Candidates showed an improved understanding of the examination rubric. However, the overall standard of responses appeared lower than in previous years. Questions 1 and 2, which are compulsory and focused on specific areas of the specification, proved particularly challenging for a notable proportion of candidates. Many responses were brief, lacking in legal authority and analytical focus, particularly in Section B.

Evaluation-based questions such as Q5(b) and Q6(b) were frequently answered in a generalised manner, lacking precision or direct relevance to the question. Common issues included excessive factual recounting without linking legal principles or citing key legislation and case law. Centres are strongly encouraged to support candidates in developing exam skills such as structured legal referencing, targeted question engagement, and the importance of accurate question numbering.

**Unit 2** Assessed a broad range of tort law topics and was considered accessible. Most candidates demonstrated good time management and attempted all questions. However, a substantial number misunderstood or failed to focus precisely on the demands of Q1, which required discussion of tort theories rather than general knowledge of tort law. In Q2, many candidates struggled to articulate the legal significance of *Robinson v Chief Constable of West Yorkshire Police (2018)*, instead providing lengthy factual descriptions. Question 4, an application-based negligence scenario, revealed difficulty among some candidates in structuring responses and effectively applying legal principles. In Q5, which required evaluation of damages, many answers remained descriptive and lacked the depth of analysis expected for AO3.

Centres should place greater emphasis on structured answer planning, legal authority integration, and sustained evaluation to help candidates meet the expectations across all assessment objectives.

**Unit 3** Unit 3 was positively received by candidates, with performance largely consistent with previous series. Candidates tackled two 50-mark questions across Human Rights, Contract, or Criminal Law. Most managed their time well and followed instructions. Strong responses were marked by clear structure, accurate legal citation, and direct application of law to the question. However, some candidates relied too heavily on generic or pre-prepared content, which often failed to meet the precise demands of the question. A lack of precise statutory or case-based authority remained a common weakness, alongside misinterpretation of question focus and unstructured responses. Centres are urged to continue developing exam literacy and stress the importance of clear handwriting, especially where scripts are marked online.

**Unit 4** Performance broadly mirrored that of Unit 3, with candidates again answering two 50-mark questions from distinct legal areas. Strong responses demonstrated consistent use of relevant legal authority and sustained evaluation. However, weaker answers often relied on descriptive content, vague case citations (e.g., “a case where...”), and lacked focused analysis.

Pre-prepared answers continued to limit performance when they were not adapted to the question's specific evaluative requirements.

Effective evaluation in Unit 4 requires a structured essay format with an introduction that unpacks the question, a well-organised main body that links back to the evaluative task, and a conclusion that synthesises the key points. Centres should **support students in** developing these writing skills and reinforce that any area of the specification may be assessed.

Across all units, a renewed focus on exam technique, legal authority, and tailored application will enhance performance and help candidates achieve the higher mark bands.

## AS LAW

### GCE

#### Summer 2025

#### UNIT 1

#### 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.

The unit 1 paper was largely well-received by candidates, who demonstrated an improved understanding of the rubric and made earnest efforts on the required questions. Nevertheless, the overall standard this year appeared to be lower than in preceding series. Questions 1 and 2 proved challenging for a segment of candidates. A clear trend emerged in the scenario-based question, with statutory interpretation being the most frequently chosen option.

A major concern throughout the responses was the pervasive lack of legal authority to support candidates' points. Furthermore, there was a noticeable increase in candidates simply recounting case facts at length or "dumping" cases without accompanying explanation. This issue was particularly acute in the extended essay questions (Q5 and Q6), where legal citation was notably lacking. Candidates should be reminded to reference key Acts of Parliament and case law meaningfully within their responses, linking each to its legal principle.

It is recommended that centres place greater emphasis on cultivating candidates' exam skills, as answers to Section B questions were often brief and lacked legal authority.

#### Comments on individual questions/sections

##### Q.1 – Delegated Legislation

This question was generally well answered. Most candidates successfully demonstrated their understanding of delegated legislation types and presented well-structured responses, frequently illustrating each type with relevant examples. A recurring error, however, was citing the **Coronavirus Act 2020** as an example of an Order in Council; this was a primary Act, not delegated legislation. More suitable examples would have included Orders used during events like the Foot and Mouth outbreak or petrol strikes. Many responses also overlooked the topic of devolution, though stronger candidates who included it effectively explained the Senedd's law-making powers. A small minority mistakenly focused on the controls of delegated legislation, which was outside the scope of the question.

## **Q.2 – Judicial Precedent**

Q2, as the weaker of the two compulsory 10-mark questions, revealed several common issues. Although most candidates grasped the concept of avoiding precedent through mechanisms like overruling or reversing, a pervasive lack of legal citation significantly hindered the quality of answers, especially given the topic's reliance on case law. A notable inaccuracy was the assertion that the Human Rights Act 1998 facilitates precedent avoidance when ECtHR decisions conflict; candidates need to understand that Section 2 HRA 1998 only mandates courts to "take into account" these decisions, not to disregard established domestic precedent. High-scoring responses effectively articulated the general principle of following binding precedent, particularly from superior courts, before outlining the various methods of avoidance (overruling, distinguishing, departing, reversing) supported by relevant legal citations.

## **Q.3 – Law Reform**

This 28-mark scenario question attracted fewer candidates than question 4. The most effective responses demonstrated an understanding of multiple law reform approaches, illustrating them with examples and current legal shifts, and critically evaluating their appropriateness for Arwen's situation within the scenario. Weaker answers, however, relied on broad, unspecific advice (e.g., "start a petition," "make posters") that lacked any real legal basis or connection to the mechanisms of law reform.

## **Q.4 – Statutory Interpretation**

Candidates mostly tackled this question well, defining the four rules, using case examples, and applying them to the scenario as expected. Nevertheless, a persistent issue is the poor comprehension of the golden rule. Many responses simply rehashed the literal rule or vaguely mentioned statutory modification without elaborating on the process or suggesting specific changes. Furthermore, incomplete or imprecise definitions, such as "the literal rule is when words are produced literally," failed to secure full A01 marks. Although not essential, it is beneficial for candidates to distinguish between the narrow and broad applications of the golden rule. It is important to remember that evaluative comments on the rules, such as statements about parliamentary sovereignty, are not necessary and do not contribute to the mark.

## **Q.5(a) – Sentencing**

Most candidates showed an understanding of at least three of the five aims outlined in the Sentencing Act 2020. However, explicit reference to the Act itself was rare. While correct terminology was frequently employed, some weaker responses opted for informal phrasing (e.g., "put them off committing crimes" instead of deterrence, or "pay back" instead of reparation) rather than precise legal terms.

## **Q.5(b) – Evaluation of Jury Trial**

This question unfortunately uncovered a significant deficiency in candidates' understanding. A high volume of responses were descriptive rather than evaluative, largely failing to engage with the question's implicit and explicit prompts regarding issues like being "outdated," "unfair," or whether juries should be "abolished." Instead of analysis, many offered mere lists of advantages and disadvantages. Case facts were frequently recounted without any analytical link to the question. Common errors included the mistaken belief that police officers and lawyers are disqualified from jury service, or that juries are advised by legal professionals, a confusion with magistrates.

High-quality responses, however, engaged in genuine evaluation, critically examining topics such as jury tampering, confidentiality, demographic representation, and fairness. These answers were robustly supported by accurate statutory references, including the Juries Act 1974, Criminal Justice Act 2003, Criminal Justice and Courts Act 2015, and the Contempt of Court Act 1981, as well as relevant case law.

### **Q.6(a) – Role of Barristers**

Performance on this question was broadly acceptable, yet many responses lacked sufficient depth. Marks were often constrained by overly simplistic descriptions, such as merely stating "barristers represent clients." More robust answers included details on advocacy rights, the cab rank rule, the function of clerks in chambers, supervision during pupillage, and the drafting of legal opinions. A frequent deviation was an overemphasis on training and qualifications instead of the professional role, which was the core of the question.

### **Q.6(b) – Judicial Independence**

Candidate performance on this question varied significantly. Strong responses comprehensively covered the Constitutional Reform Act 2005, detailing the establishment of the Supreme Court, modifications to judicial appointment processes, and the diminished role of the Lord Chancellor. High-quality answers referenced landmark cases such as Miller, Pinochet, and Spycatcher to illustrate judicial independence (or its absence). Other frequently noted points included judges' security of tenure and financial independence. Notably, virtually no responses discussed judicial independence via Section 4 declarations of incompatibility under the Human Rights Act 1998. Some candidates misinterpreted the question as relating to jury independence, and in a few instances, confused it with Welsh independence, neither of which could be credited.

### **Summary of Key Points**

- As in previous years, the compulsory Questions 1 and 2 in Unit 1 proved challenging for some candidates, resulting in many brief, and even blank responses. It is vital to remind candidates that these questions focus on a specific, narrow area of the specification, and their answers must remain tightly focused on that content.
- While detailed case facts are not necessary, explaining a case's relevance is highly desirable, especially in questions requiring analysis and evaluation.
- Section B generally showed a lower standard than Section A, possibly due to its analytical demands or candidates' struggles with effective time management. Many responses in this section were notably concise, which hindered candidates from accessing the upper mark bands. Furthermore, there were weaknesses in case citation, with vague references like "a case where..." appearing frequently.
- Candidates need to be encouraged to read questions carefully, as many answers missed the main point. Some seemed intent on "writing all they know" about a topic rather than directly addressing the specific question asked. Linking answers directly to the question is crucial, particularly for evaluation questions, there was notable lack of this focus, especially in Q5(b) and Q6(b).
- Finally, reinforcing standard examination protocols, such as accurately numbering questions, remains important. This is especially critical when candidates choose to answer questions out of sequence.

## AS LAW

### GCE

Summer 2025

## UNIT 2

### Overview of the Unit

The Unit 2 Law of Tort paper continues to assess all assessment objectives (AO1, AO2, AO3) through a compulsory five-question format. AO1 is assessed in the three 8-mark questions (Questions 1–3), AO2 is examined in the 18-mark application question (Question 4), and AO3 in the 18-mark analysis and evaluation question (Question 5).

The Unit 2 paper maintained an appropriate level of accessibility while testing a broad range of topics within the specification. Candidates were required to demonstrate knowledge and understanding of fundamental tort principles, including key case law, application of negligence principles to a realistic scenario, and evaluative skills related to damages awards.

Most candidates attempted all questions, showing commendable time management given the compulsory nature of the paper. However, some candidates struggled to focus precisely on the question requirements, especially in question 1, the application and evaluation questions.

### Comments on individual questions/sections

#### Q.1 – Explain the rules and theories of the law of tort

This straightforward AO1 question was generally weak. Stronger candidates (and these were few) provided clear explanations of primary tort concepts, including intentional and negligence-based torts, and the underlying theories such as retributive justice, corrective justice, fault, deterrence, and compensation. This question was poorly answered by many candidates who appeared to misunderstand the precise focus. Despite being a clearly defined topic on the specification, a significant number wrote about unrelated tort areas such as negligence, occupiers' liability, or damages without addressing the fundamental rules and underlying theories of tort law. This highlights a gap in understanding the importance of carefully reading and responding directly to the question set.

#### Note to Centres:

All areas of the specification are examinable, and candidates must be trained to focus precisely on the question asked. Centres should reinforce the need for clear knowledge of core concepts such as the fundamental rules (e.g., fault, liability, remoteness) and the theories behind tort law (e.g., deterrence, compensation, justice). Encouraging learners to plan brief outlines before writing may help maintain focus.

## **Q.2 – Explain the significance of Robinson v Chief Constable of West Yorkshire Police (2018)**

This question tested knowledge of a landmark case refining the duty of care in negligence. Stronger candidates demonstrated sound understanding of the case and its importance in reaffirming existing duty of care principles, particularly distinguishing between established and novel duties. However, a notable number struggled to explain the case's significance clearly or confused it with other police negligence cases. Better case linkage and explanation of the legal impact would strengthen responses. While many candidates correctly recalled the facts of the Robinson case, a large proportion failed to address its significance in shaping the law on duty of care. Responses often stopped at case description, missing the opportunity to explain how Robinson clarified the application of duty of care, particularly the reaffirmation of established principles versus novel duty scenarios. This limited the marks awarded and indicated a need for stronger emphasis on explaining case impact rather than case facts alone.

### **Note to Centres:**

Candidates should be encouraged to focus not only on recounting facts but also on considering the legal importance of cases. Teaching exam technique that differentiates between factual recall and legal significance will improve AO1 answers on case law questions.

## **Q.3 – Explain what is meant by a primary victim in claims for psychiatric harm**

Candidates showed a mixed understanding of the distinction between primary and secondary victims, with many correctly defining a primary victim as someone directly involved in an incident or at immediate risk of harm. Some answers lacked the detail needed to reach higher marks, such as examples or references to key case law. Centres should encourage learners to include supporting case references and clarify the relevance to psychiatric harm claims.

### **Note to Centres:**

Clear teaching of the difference between primary and secondary victims is essential. Centres should ensure candidates understand that a primary victim is someone directly involved in an incident or at immediate risk of physical harm, as opposed to secondary victims who witness harm or its aftermath. Use of key case law examples should be encouraged to support definitions and explanations

## **Q.4 – Application of negligence to a road traffic accident scenario involving Ibraheem and Betty**

This 18-mark AO2 question was challenging for some candidates, as it required detailed application of negligence principles to a complex factual scenario. Strong answers systematically identified the duty of care, breach (considering Ibraheem's inexperience and speeding), causation, and remoteness of damage, applying relevant legal tests and case law accurately. Weaker candidates often failed to apply the law effectively to the facts or missed key issues such as the impact of the speed limit breach. Despite now being established law, some candidates missed the application of Robinson for duty of care entirely and marks were limited as a result. Centres should emphasise developing a structured approach to application questions, focusing on explaining the law and then linking it directly to scenario details.

Some candidates did not manage their time adequately with some only focusing on duty or breach or causation. Centres are reminded that an application question on negligence requires thirds on each of these with appropriate case citation throughout.

**Note to Centres:**

Candidates should be trained to apply legal principles methodically to the facts. It is important that learners clearly link each element of negligence to the scenario, avoiding generic responses. Developing a formulaic approach to application questions—law, then fact, then evaluation—will improve clarity and depth.

**Question 5 – Analyse and evaluate the extent to which an award of damages in the law of tort adequately compensates a claimant**

This AO3 question required candidates to demonstrate evaluative skills about a core tort remedy. Many candidates understood the basic types of damages but struggled to develop balanced analysis regarding adequacy of compensation, limitations such as non-pecuniary losses, difficulties quantifying pain and suffering, and practical challenges. The strongest responses integrated case law, statutory context, and policy considerations, with well-developed evaluation throughout. However, some answers remained descriptive or limited to knowledge recall without sufficient critical engagement. Centres should focus on encouraging candidates to provide sustained analysis and evaluation throughout their answers, not just at the conclusion.

**Note to Centres:**

Candidates should be encouraged to engage in sustained analysis and evaluation throughout their answers rather than merely describing types of damages. Using case law and policy arguments to support evaluation will help candidates access higher marks. Centres should promote active practice in applying evaluative skills to varied tort topics and should work on essay technique in order to achieve this.

**Summary of Key Points**

- Candidates should continue to support points with relevant legal authority and explain the significance or application of cases, avoiding mere “case dumping.”
- Precise reading of questions is vital, especially for application (AO2) and evaluation (AO3) questions. Candidates must tailor responses to the specific demands of each question.
- Developing a clear answer structure—especially for longer questions—is critical to achieving higher marks.
- Centres should encourage candidates to practice application skills systematically: state the law, then apply it explicitly to the facts.
- Evaluation should be integrated throughout responses, not just in concluding paragraphs.
- Time management remains important given the compulsory question format and time constraints.
- Continued support for candidates with handwriting or legibility issues should be provided as needed.

## **A LEVEL LAW**

### **GCE**

#### **Summer 2025**

#### **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 2025 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.

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.

### **Comments on individual questions/sections**

#### **Section A – Human Rights Law**

##### **Q.1 – Public Order**

Most candidates engaged well with the scenario, demonstrating a good general understanding of public order law. Stronger responses adopted a clear, logical structure, systematically addressing potential offences and police powers in chronological order as the protest unfolded. They effectively applied a range of relevant legislation, demonstrating impressive depth of knowledge in outlining the conditions for police intervention and the specific elements of various offences. These candidates often integrated case law to support their arguments and showed a good grasp of the proportionality requirement under the Human Rights Act 1998 when discussing police conditions.

The best answers were able to differentiate between the different types of public order offences and the powers relating to processions versus assemblies once the march came to a standstill. They also skilfully discussed "kettling" in relation to Article 5 ECHR, indicating a sophisticated understanding of the interaction between common law police powers and human rights.

Common errors and areas for Improvement:

- A significant number of responses focused primarily on the Public Order Act 1986, often overlooking or only briefly mentioning the key amendments introduced by the Police, Crime, Sentencing and Courts Act 2022 and the Public Order Act 2023. Given the contemporary nature of the scenario, a comprehensive discussion of these newer provisions was vital for accessing higher marks.
- Some candidates provided excellent theoretical knowledge of public order offences and police powers but struggled to consistently apply this knowledge directly to Tesni's specific scenario. Answers sometimes became descriptive rather than focused legal advice tailored to the facts of the scenario
- While many could list the "four triggers" (serious public disorder, damage, disruption, intimidation), weaker responses often failed to link these precisely to the facts (e.g., the counter-protest, blocking traffic) or fully explore the implications of the PCSC 2022 amendments regarding "noisy protest" and "serious disruption."
- Weaker answers sometimes lacked a clear structure, jumping between different public order issues without a logical flow, or spending too much time on less relevant aspects.
- To further improve, candidates should be encouraged to stay updated with recent legislative changes in public order law and to practice applying specific statutory provisions and case law directly to scenario facts, rather than relying on general theoretical outlines.

## Q.2 – Police Powers

Candidates generally understood the task of advising Ellie 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, custody) and applying relevant PACE 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 why their actions in the scenario were potentially unlawful. They effectively integrated case law where appropriate to illustrate points of law (e.g., on valid searches). Discussions on Ellie's rights in custody (e.g., access to legal advice, notifying someone of arrest) were often well-handled, and strong candidates accurately identified the various time limits and review procedures for detention.

Common errors and areas for improvement:

- A significant concern was the complete omission of any discussion regarding the legality of Ellie's arrest. Many candidates jumped straight to custody issues without first addressing whether PC Stone had a valid power of arrest under s.24 PACE, including the crucial necessity test. This was a fundamental oversight given the scenario.
- A pervasive issue was the absence of specific section numbers from PACE 1984. Candidates often referred generically to "PACE" or "the Act" when discussing powers and rights. While general knowledge was evident, the precise application of sections (e.g., s.1-3 for stop and search, s.24 for arrest, s.28 for informing of arrest, s.56 for informing someone, s.58 for legal advice, s.61-63 for samples, s.41-44 for detention limits, s.40 for reviews) was frequently lacking. For a question heavily reliant on statutory powers, this precision is essential for higher marks.

- While most identified the stop and search, many responses did not fully apply the "reasonable suspicion" requirement or the procedural necessities of s.2 PACE (e.g., information to be given before a search). This often led to an underdeveloped analysis of this initial police action.
- Candidates sometimes struggled with the legality of taking fingerprints. While they often noted Ellie's fingerprints were taken after 11 hours, many failed to reference the specific sections (s.61-63) governing such procedures and the conditions under which they can be taken without consent.
- Although the 41-hour detention was frequently highlighted as excessive, weaker answers often did not detail the specific PACE sections (s.41-44) governing detention limits, nor the requirement for periodic reviews by a review officer (s.40).
- Ellie being told she "Would have to wait until the police had completed their enquiries" was a clear prompt for discussion of her rights to notify someone (s.56) and legal advice (s.58). Weaker responses sometimes accepted this as a valid reason for delay, rather than identifying it as a potential breach.
- While some candidates attempted to discuss remedies, this section was often brief or lacked detail on the various avenues available to Ellie (e.g., false imprisonment, complaint to IOPC, Human Rights Act implications).
- To improve performance candidates should be strongly encouraged to commit key PACE section numbers to memory and practice precise application of these sections to factual scenarios. A systematic, step-by-step analysis, ensuring all police actions are assessed against relevant sections of PACE, would significantly enhance the quality of advice provided.

## **Section B Contract Law**

### **Q.3 – Misrepresentation**

Many candidates were able to identify that the scenario revolved around misrepresentation, and most correctly articulated the basic definition of a misrepresentation. Stronger responses demonstrated a clear, structured approach, systematically analysing each of Jack's statements (one previous owner, no accidents/major repairs, genuine mileage) against the legal requirements for misrepresentation. These candidates made a commendable effort to distinguish between statements of fact and opinion where appropriate, and to apply the facts of the scenario to these distinctions.

The best answers thoughtfully explored the various categories of misrepresentation—fraudulent, negligent, and innocent—and then applied the specific elements of each type to Jack's actions. Crucially, these responses then discussed the distinct remedies available for each type, providing a complete picture of Emma's potential legal recourse.

Common errors and areas for improvement:

- A major concern was the pervasive absence of specific legal authority. Candidates frequently discussed misrepresentation concepts without referencing the Misrepresentation Act 1967 (especially s.2(1)) or citing relevant case law (e.g., *Doyle v Olby*, *Royscot Trust v Rogerson*, or cases defining types of misrepresentation like *Derry v Peek*). This lack of legal grounding significantly weakened the arguments presented.

- While candidates often identified "misrepresentation" in general, many failed to adequately discuss and apply the different types of misrepresentation (fraudulent, negligent, innocent) in a systematic way. Weaker responses tended to lump all misrepresentations together or only discuss one type, missing the opportunity to analyse the scenario and the different remedies each type carries.
- Even when types of misrepresentation were mentioned, the application of their specific elements to Jack's statements was often vague. Candidates needed to clearly state the elements (e.g., false statement of fact, reliance, inducement, state of mind for fraudulent/negligent) and then directly link them to the scenario's facts.
- While some candidates attempted to discuss the distinction between fact and opinion, the application was often superficial. Stronger answers recognised Jack's professional status as a car dealer as relevant to whether his statements, even if initially appearing as opinion (e.g., "excellent condition"), could be construed as fact or as implying underlying facts a professional would know.
- Some responses lacked a clear, logical structure, making it difficult to follow the legal analysis. Many provided a general overview of misrepresentation but failed to provide the depth required for a 50-mark question, particularly regarding the specific statutory provisions and their impact on remedies.
- To improve, candidates should focus on memorising and accurately citing the Misrepresentation Act 1967 and key cases. They must also practice a more analytical approach, breaking down scenarios to systematically identify and apply the elements of each type of misrepresentation and the distinct remedies available.

#### **Q.4 – Discharge of Contract**

Candidates generally understood the core theme of contract discharge. Stronger responses adopted a structured approach, often starting by outlining the various methods of discharge (performance, breach, agreement, frustration) before looking into the most relevant one for the scenario – discharge by breach. These candidates were able to correctly identify Builder's Choice Ltd's failure to commence work as a breach.

The best answers went beyond simple identification, looking into the distinction between actual and anticipatory breach, and assessing whether the breach was a condition, warranty, or innominate term, which would determine Rhiannon's right to terminate. They also effectively discussed the remedies available, particularly damages, and why specific performance might not be suitable here. The strongest responses integrated relevant case law to support their analysis of breach and its consequences.

Common errors and areas for improvement:

- A concern was the absence of specific legal authority (case law) to support discussions on the different types of discharge and the consequences of breach. While concepts were often explained, the crucial backing of cases like *Cutter v Powell* (performance), *Frost v Knight* (anticipatory breach), or those differentiating conditions/warranties (e.g., *Poussard v Spiers*, *Bettini v Gye*, *Hongkong Fir Shipping*) was frequently missing.

- Candidates often jumped directly to 'breach' without first briefly outlining or dismissing other methods of discharge (e.g., performance, agreement, frustration). While breach was indeed the primary method, a more complete answer would demonstrate an understanding of the broader context of contract discharge.
- A notable number of candidates attempted to argue discharge by frustration in this scenario. This was a significant misapplication of the doctrine. Frustration occurs when an unforeseen event outside the control of either party makes performance impossible or radically different (Taylor v Caldwell). Builder's Choice Ltd's delay was a breach of contract, not a frustrating event. This confusion demonstrated a fundamental misunderstanding of the distinction between breach and frustration.
- While 'breach' was identified, many responses lacked depth in discussing the type of breach and its implications. There was often no discussion of whether the term breached (start date) was a 'condition' (giving right to terminate) or a 'warranty' (only damages), or if it could be an 'innominate term'. This crucial analysis was essential for determining Rhiannon's right to terminate.
- Weaker responses tended to be descriptive rather than analytical, outlining general principles without consistently applying them to Rhiannon's specific situation. The level of detailed application required for a 50-mark question was often not met.
- To improve, candidates must strengthen their knowledge of the various methods of contract discharge, particularly the clear distinction between breach and frustration, supported by relevant case law.

## **Section C – Criminal Law**

### **Q.5 – Non-fatal offences**

Candidates generally engaged well with the question, attempting to identify the various offences. Stronger responses adopted a systematic approach, breaking down the incident chronologically and analysing the actions of each individual (Alex, Mark, Sam) separately. They recognised the need to consider both actus reus and mens rea for each potential offence.

The best answers demonstrated an understanding of the hierarchy of non-fatal offences, moving from common assault/battery to ABH, GBH (s.20), and ultimately GBH with intent (s.18) where appropriate. They also attempted to consider potential defences like self-defence, applying the necessary elements of such a defence to the facts.

Common errors and areas for improvement:

- A pervasive and major concern was the absence of specific section numbers when discussing offences under the Offences Against the Person Act 1861. Candidates frequently referred generically to "ABH" or "GBH" without linking them to s.47, s.20, or s.18 OAPA 1861. For a question heavily reliant on statutory provisions, this precision is fundamental. Similarly, common assault and battery (s.39 Criminal Justice Act 1988) were often discussed without correct statutory attribution.

- Another critical weakness was the scarcity and often inaccurate application of relevant case law. Key cases that define elements of these offences (e.g., *Collins v Wilcock* for battery; *Fagan v Met Police Commissioner* for assault's mens rea; cases defining "ABH," "wound," or "GBH" like *DPP v Smith*, *Burstow*, *Dica*, *Miller*, *Savage*) were frequently omitted or not used to support legal arguments. Answers often remained generic descriptions of offences rather than legally supported applications.
- Many responses provided textbook definitions of offences but then failed to adequately apply these legal principles to the specific facts of the scenario. Instead of detailed analysis (e.g., "Sam's act of punching Alex in the face constitutes battery because he intentionally applied unlawful force"), answers would simply state, "Sam committed battery." This lack of specific application prevented candidates from demonstrating critical analytical skills.
- Confusion regarding assault and battery; while most knew these terms, some struggled to correctly distinguish between them and apply them precisely (e.g., Alex grabbing Sam's shirt is battery, while his threat is assault).
- Some candidates struggled with the hierarchy of offences, incorrectly assessing a minor injury as GBH or failing to consider whether a more serious charge than battery (e.g., ABH) was appropriate for Mark's punch. The mens rea requirements for s.20 (intention/recklessness as to some harm) versus s.18 (intention to cause serious harm/GBH) were often confused or not clearly differentiated.
- Some responses missed certain potential offences, such as Mark's assault on James by brandishing the bottle, or under-analysed the escalating nature of Sam's final attack on Alex.
- To improve, candidates must prioritise memorizing and accurately quoting key section numbers from OAPA 1861 and the Criminal Justice Act 1988, alongside relevant common law cases. They need to practice a systematic application of both actus reus and mens rea for each potential offence to the specific facts of the scenario.

## Q.6 – Homicide defences

Most candidates correctly identified that the question required a discussion of murder and its key defences. Stronger responses began by establishing the actus reus and mens rea of murder (cause of death of a human being, intention to kill or cause grievous bodily harm), applying these elements to Sarah's actions (striking Tim with a frying pan). This foundational discussion was vital for setting up the subsequent analysis of defences.

The best answers then systematically explored the partial defences of Loss of Control and Diminished Responsibility under the Coroners and Justice Act 2009. They demonstrated a good understanding of the multi-pronged tests for each, carefully applying the facts (e.g., Tim's taunts, Sarah's depression) to the legal requirements (e.g., qualifying triggers, abnormality of mental functioning, substantial impairment). Where self-defence was discussed, stronger candidates accurately articulated the two-part test (honest belief in necessity, reasonable force) and cited relevant provisions of the Criminal Justice and Immigration Act 2008.

### Common errors and areas for improvement:

- A frequent issue was the omission or very brief discussion of the offence of murder (actus reus and mens rea) at the outset. Candidates often jumped straight into defences without first establishing that a murder charge could be brought, which is a necessary precursor for discussing partial defences that reduce murder to manslaughter.
- While the scenario clearly pointed towards Loss of Control and Diminished Responsibility (due to Tim's taunts and Sarah's depression), many candidates either omitted one of these key partial defences or discussed them superficially.
- A significant number of responses incorrectly discussed duress, which was not relevant to Sarah's scenario. This suggested a pre-prepared approach rather than careful reading and application to the specific facts
- A pervasive problem was the absence of specific legal authority. Candidates frequently discussed the elements of the defences without referencing the Coroners and Justice Act 2009 (s.54/s.55 for Loss of Control, s.52 for Diminished Responsibility), or citing crucial case law that defines key terms (e.g., R v Byrne for 'abnormality of mental functioning'; R v Golds for 'substantial impairment'; R v Dawes, R v Clinton for Loss of Control triggers; R v Palmer and s.76 CJA 2008 for self-defence). This lack of legal grounding significantly weakened the arguments.
- Even when the relevant defences were identified, the application of their specific elements to Sarah's situation was often generic or incomplete. Candidates needed to systematically work through each legal requirement for each defence and link it directly to the facts provided in the scenario. For example, for Loss of Control, discussing if Tim's taunts constituted a 'qualifying trigger' and whether a person of Sarah's sex/age would react similarly.
- While some candidates attempted to discuss insanity (M'Naghten Rules), the application was often weak, and the stringent requirements of the defence (e.g., defect of reason, disease of the mind, not knowing nature/quality of act or that it was wrong) were rarely fully met by the facts, making it a less likely defence than the partial ones.
- Where self-defence was discussed, some candidates struggled with the "reasonable force" element, failing to fully apply the subjective beliefs of Sarah within the objective test or consider if the force was proportionate given the verbal taunts.
- To improve, candidates should follow a structured approach, beginning with a clear establishment of the actus reus and mens rea of murder. They must then thoroughly analyse the most relevant partial defences (Loss of Control and Diminished Responsibility), ensuring they can accurately cite the Coroners and Justice Act 2009 and key defining cases for each element. Careful reading of the scenario to avoid irrelevant defences like duress will also be crucial for maximising marks.

### Summary of Key Points

- **Prioritise Legal Authority:** Candidates consistently lacked precise legal authority (statutes, cases).
- **Focus on Precise Application:** Generic legal descriptions were common, without sufficient application to facts. Improve systematic analysis, breaking down scenarios to thoroughly apply legal elements to specific details.

- Candidates need to be aware of the Assessment Objectives' weighting for this paper. AO1, which assesses knowledge and understanding, accounts for 20 marks. To achieve top marks, a thorough explanation of the law (AO1) must be followed by a comprehensive and detailed application (AO2, carrying 30 marks).
- Some candidates seemed intent on demonstrating everything they knew about a topic rather than directly addressing the question posed. It is paramount to explicitly connect all parts of the answer back to the question, especially in application-focused scenarios.
- Strengthen Exam Technique: Issues like misinterpreting questions, irrelevant content, and poor structure were notable. Candidates require reminders regarding standard examination procedures, such as accurately labelling their answers. While a flexible answering order is permitted, correct numbering becomes exceptionally important when questions are not attempted chronologically.

## A LEVEL LAW

### GCE

#### Summer 2025

#### UNIT 4

#### Overview of the Unit

The Unit 4 paper was well-received, and candidate performance was broadly in line with previous series. The structure of the paper remained familiar to centres and learners: candidates were required to answer two 50-mark questions from different sections — one from Human Rights Law, one from Contract Law, and one from Criminal Law — with responses assessed on AO1 (20 marks) for knowledge and understanding, and AO3 (30 marks) for analysis and evaluation.

As with previous series, generalisations must be made with caution due to the nature of online marking, which does not allow for a holistic view of entire scripts. However, trends in candidate approach, strengths, and areas for improvement were evident across the questions.

A majority of candidates managed their time well and complied with the rubric, attempting one question from two different sections. However, the issue of illegible handwriting continues to impact the assessment process. Centres are reminded to identify candidates who may require access arrangements — such as a word processor — early in the academic year.

Centres are also reminded that any topic within the specification can be examined, and candidates must avoid over-reliance on pre-prepared model answers. While these may help structure responses, they often fail to meet the exact demands of the questions and can restrict candidates from accessing the higher bands — especially when content is outdated, too generalised, or not evaluative.

Strong responses this year were marked by a clear essay structure, consistent use of relevant authority, and sustained evaluative focus throughout. Where performance was weaker, candidates often defaulted to description, omitted key legal developments, or failed to link their discussion to the precise question set.

#### Some general observations:

- Candidates should be reminded of the fact that any area of the specification can be examined on Unit 3 or Unit 4.
- Though model answers can be used, it is important to adapt the argument to meet the needs of the specific question being set.
- Whilst detailed facts of cases are not needed, an explanation of the relevance of the case is desirable, especially in questions that require an analysis and evaluation as they all do on Unit 4.
- There was also evidence of weak case citation – for example, ‘a case where....’.
- Candidates need to be encouraged to read the question – as there were a lot of answers that missed the focus of the question or merely explained the law on a topic without considering the evaluative element.

- In order to evaluate effectively, candidates must structure their answers with a clear introduction that unpacks the question, a paragraphed main body that evaluates back to the question and a conclusion that draws together the key issues and ‘answers’ the question posed. Centres should develop writing skills in order to help candidates cope with the demands of these higher order questions.

## **Comments on individual questions/sections**

### **Section A – Human Rights Law**

#### **Question 1 – ‘The Human Rights Act 1998 is no longer fit for purpose’.**

This question required candidates to engage critically with ongoing debates about the relevance, impact, and future of the Human Rights Act 1998. Strong answers addressed:

- The historical context and purpose of the HRA
- Key mechanisms: ss.2, 3, 4, 6, 7, and 19
- Criticisms and limitations of the HRA (e.g., lack of entrenched rights, limited remedies)
- Political discourse and proposals for a British Bill of Rights
- Evaluation of whether the HRA still serves its purpose in a modern democratic society.

Overall, candidates coped well with the demands of the question and worked logically through the historical context, current position under the HRA and proposals (though now less prominent) for a Bill of rights. Weaker responses lacked legal authority and were merely descriptive of the sections of the HRA. To score highly, candidates needed to address the specific nature of the question set. Very few were up to date with the recent developments on this matter although the law remains in a state of flux and so credit was given where it could be, considering this uncertainty.

#### **Note to Centres:**

Candidates should be encouraged to stay up to date with contemporary legal and political developments. While the legal position remains in flux, referencing recent proposals or controversies adds depth. Centres should also ensure candidates are confident explaining each section of the HRA and evaluating their practical impact using case law.

#### **Q.2 – Analyse and evaluate whether the powers of the police adequately protect the rights of suspects.**

This popular and familiar topic required candidates to assess the balance between effective law enforcement and the protection of suspect rights. High-performing responses demonstrated:

- Knowledge of key police powers: stop and search (PACE s.1), arrest (s.24), detention (ss.40–44), and interrogation (Codes of Practice)
- Links to relevant rights under the ECHR (Articles 5, 6, and 8)
- Use of case law to highlight breaches or appropriate limitations
- Critical analysis of whether safeguards are sufficient or routinely undermined in practice.

This was a popular question with candidates, in the main, able to accurately explore a range of police powers. A01 was generally stronger than A03 (perhaps as they had already revised the topic for Unit 3) and in order to score highly, they needed to draw the focus back to the question posed and not provide a general answer describing police powers. There is a lot of case law on police powers and human rights and it was expected that candidates would refer to these in order to achieve the top marks.

**Note to Centres:**

Candidates should be trained to go beyond listing powers, instead focusing on how they interact with suspect rights, and evaluating the real-world effectiveness of the legal protections in place. Essays that failed to make this link tended to be descriptive and missed AO3 marks.

**Section B – Contract Law**

**Q.3 – Analyse and evaluate whether the law on discharge of contracts should be reformed.**

This less frequently chosen question required detailed understanding of how contracts are ended — through performance, agreement, frustration, or breach — and whether current rules are fit for purpose. Strong answers explored:

- The strict approach to performance (e.g. *Cutter v Powell*)
- The impact of frustration (e.g. *Davis Contractors, Taylor v Caldwell*)
- Practical consequences for fairness, commercial certainty, and flexibility
- Discussion of possible reforms or judicial developments to improve the current position.

Contract law remains a less popular choice for centres to teach but, where attempted, this question was largely answered well.

**Note to Centres:**

This is a more technical area and requires candidates to evaluate legal rules to real-life consequences for contracting parties. Centres should focus on helping candidates understand not just the legal rules but why reform might be necessary, including issues of hardship or rigidity in the current law.

**Q.4 – Analyse and evaluate the regulation of exclusion clauses.**

A relatively accessible question for those familiar with the topic. Strong responses covered:

- Common law controls (incorporation, construction, contra proferentem)
- Statutory regulation (UCTA 1977 and CRA 2015)
- The tension between freedom of contract and consumer protection
- Evaluation of whether the current law achieves the right balance.

As with question 3, contract law remains a less popular option for centres, but this question seemed to be answered well by those who attempted it. Higher scoring answers focused on whether the law should be reformed, as per the question.

**Note to Centres:**

Candidates should be encouraged to weigh up competing principles — particularly in commercial versus consumer contexts — and critically assess whether current protections are sufficient or overly restrictive. The best answers referenced case law and legislation in context, not just as a list.

**Section C – Criminal Law****Q.5 – ‘The present law on murder in England and Wales is archaic and in need of reform.’ Analyse and evaluate this statement.**

This question invited well-developed responses from candidates familiar with longstanding criticisms of the murder framework. Strong essays included:

- The common law definition and the mandatory life sentence
- Issues with intent (*Woollin*, *Moloney*), the lack of degrees of homicide
- Limitations of partial defences (e.g. *loss of control*, *diminished responsibility*)
- Reform proposals, e.g. Law Commission 2006 and ongoing political debate.

Criminal law questions remain the more popular choices on the paper and responses were strong in comparison to some of the other questions.

This question on murder appeared to be one of the strongest responses on the paper and most candidates who attempted this question accurately moved through the law on *actus reus* and *mens rea* of murder with some good reference to specific, partial defences. These candidates also logically including a good range of case law to support. Consequently, these scripts scored highly for A01.

Again, it was important to bring the discussion back to the question and the strongest scripts were well structured with a clear introduction, paragraphed main body that linked to the question and then a conclusion that drew it all together and ‘answered’ the question posed with a clear statement. Reform proposals were needed to truly address the question as they are so present for this topic. Answers were weaker on A03 but overall strong responses.

**Note to Centres:**

Candidates should be encouraged to engage directly with reform proposals and to critically compare the current legal position to potential alternatives. Some answers relied too heavily on describing the law, without developing a strong evaluative stance.

**Q.6 – ‘The presumption in favour of a right to bail is balanced by rules which allow bail to be refused’. Analyse and evaluate this statement.**

This question required candidates to assess whether the law appropriately balances liberty and risk. Strong responses considered:

- The Bail Act 1976 and the presumption in favour of bail
- Grounds for refusal and exceptions (flight risk, interference, danger to public)
- Use of case examples (e.g. *Gary Weddell*, *Venables*, *Abdulrahman*)
- Evaluation of whether decisions are consistent, fair, or problematic.

This was again a popular choice but there appeared to be a prevalence of model type responses on this topic that did not always address the question. The law on bail is notoriously 'messy' and so stronger responses needed to wade through the complexities of the law, drawing the evaluation back to the question. This was quite challenging to do for some and therefore some weaker candidates tended to produce more descriptive answers and scored much more highly for A01 than A03.

**Note to Centres:**

Candidates should link bail decisions to wider legal principles, such as human rights (Art. 5 ECHR), public safety, and judicial discretion. Stronger responses moved beyond listing bail rules and engaged with practical and ethical dilemmas faced by courts.

**Summary of Key Points**

- All areas of the specification are examinable; centres should prepare candidates for the full breadth of content.
- Candidates must structure essays clearly, with a strong introduction, focused paragraphs that link back to the question, and a conclusion that draws together key evaluative points.
- Evaluation is critical (AO3 – 30 marks) and should run through the entire response, not just appear in the conclusion.
- Centres should help candidates avoid over-reliance on model answers which may not meet the demands of specific questions.
- Case law should be explained and integrated, not simply dropped into answers.
- Writing style and legibility are still a concern for a minority of candidates; access arrangements should be explored early 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**

Email: [Law@wjec.co.uk](mailto:Law@wjec.co.uk)

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