LAW

Paper 9084/11

Paper 11

Key Messages

To achieve the upper bands of marks candidates should ensure that they have:

- read the question carefully
- addressed all aspects of the question in their answer
- included relevant analytical content
- illustrated their answer with good citation of cases and statutes

Candidates responded reasonably well to aspects of this paper. There has been a small decline in really poor responses. A reasonable display of knowledge and valid citation was evident in a range of answers.

However the multiple elements of a question often seemed to elude candidates, with many referring to only one or two elements of the question. Without addressing all of the elements of the question, candidates are unlikely to be able to access the top mark bands.

Evaluation was also a problem in some responses. It was either omitted totally or limited to a rather generic advantages and disadvantages approach which was often of little relevance to the question posed.

Some scripts showed frequent reference to past examination questions on the topics of sentencing, equity and statutory interpretation. Candidates need to remember that whilst the topic may be the same as in previous sessions, the question posed will often require a different evaluative response.

A worrying number of candidates seemed unable to complete three questions and this obviously had a detrimental impact on the overall mark awarded. Where candidates did offer a third question it was often weak and not nearly as consistent as the previous responses.

In this subject it is essential that statements of law are supported by good statutory or case citation. It was pleasing, therefore, to see more candidates offering case citation in illustration of their points. However, it needs to be noted that the cases need to be explained and linked to the points being made and not just cited in name only.

The paper was of a similar level of difficulty to that set in previous years and none of the questions were considered to be particularly difficult.

Question 1

This was a question on the Jury.

This was a question on the jury, their selection and role and an evaluative consideration of any possible alternatives. It proved a popular choice and some candidates were able to produce a reasonable factual account of the qualifications and selection process. However, many Centres appear to be working on the law pre 2003 on eligibility and selection and this lack of current knowledge inevitably caused some candidates to achieve less well. There seemed to be less of an ability to discuss vetting, challenge and stand by with any level of detail. Weaker candidates failed to extend analysis into a discussion of potential alternatives and often relied on bare “for and against” lists rather than analysing the improvement of jury function by using alternative methods.

© 2014

Question 2

This was a question on Equity.

This proved an exceptionally popular question which produced some excellent answers. Many candidates offered good levels of detail and this was credited generously, especially where there was some reference to the growth and relevance of equity today. Some good citation was presented in support of the better answers. Stronger candidates were more likely to mention three or four maxims, with solid reference to case law and a good explanation of their relevance. Similarly these candidates were able to explain the remedies in detail alongside the modern day application of injunctions, trusts and mortgages. However, weaker candidates often gave well-rehearsed and rather generic answers with an over reliance on historical detail without linking this to the evaluative aspects of the question. Many of these weaker candidates then went on to discuss maxims and remedies but offered little beyond a short definition and little case citation. Here, again, analysis was often painfully thin or ignored.

Question 3

This was a question on Statutory Interpretation

This was an exceptionally popular question, answered by the majority of candidates in the cohort.

There was evidence of some good introductions to the topic, with candidates explaining the problems associated with statutory interpretation – broad terms (***Brock v DPP***), new developments (***Royal College of Nursing v DHSS***) and ambiguity (***Dangerous Dogs Act***).

Most candidates were aware of the traditional judicial approaches to interpretation. Better candidates were able to discuss the other tools of interpretation and included accounts of intrinsic and extrinsic aids and the rules of language. Good band 5 answers included reference to all approaches with a good explanation and supporting case illustration, as well as an attempt at evaluation and discussion of the discretionary role of the judge in choosing the approach. References to the problems of judicial law making were credited generously.

However many answers consisted of simply mentioning the various approaches and listing the citations without discussing their relevance to the question. There was, therefore, evidence of knowledge, but without the necessary understanding. The Golden and Purposive approaches were often quite poorly defined and illustrated.

Question 4

This was a question on Alternative Dispute Resolution.

This was probably the most popular question and reasonably well done, although in a number of instances there was very limited illustration with answers being couched in broad terms. Many candidates did not discuss tribunals but this did not necessarily limit the maximum marks available. Of those candidates who did refer to tribunals there were entrants from entire Centres who seemed unaware of the changes introduced in 2007. Also where tribunals were discussed there was very little evaluation of the impact of the current arrangements. The main disappointment here was the failure to illustrate the circumstances where the different forms of ADR could be used. There was also sparse reference to the likes of ACAS, the use of ***Scott v Avery*** clauses, reference to commercial mediation services – the extra detail that would push scripts into band 5. Analysis was reasonable but only the best tended to offer comparison with the problems of using the courts.

Question 5

This was a question on Sentencing.

This question concerned the aims and options in sentencing with a particular emphasis on the effectiveness of denunciation and retribution. It was unfortunate that some candidates took this as an invitation to discuss the aims of sentencing mainly as a narrative without considering the evaluative aspect of the question. Candidates often failed to link potential sentences and the aims served. When candidates did illustrate the aims with available sentences there was a noticeable lack of detail and citation of statutory provisions. Candidates who failed to draw any evaluative conclusions or respond to the command in the question were unlikely to access the higher bands of marks.

© 2014

Question 6

This was a question on appeals from a trial on indictment in the Crown Court.

This was not a very popular question, and most answers were weak and undeveloped. There was a lot of misunderstanding including description of the trial process which was not required. Some candidates obviously misread the question and offered responses based on civil appeals. This type of scenario based question requires the candidate to make at least some reference to the issues raised by the scenario, rather than a generic response on the subject in hand. Few candidates were able to identify the appeals process or even accurately name the courts which might be involved. It is important to stress that questions need to be read carefully. References to irrelevant material cannot be credited.

© 2014

LAW

Paper 9084/12

Paper 12

Key Messages

To achieve the upper bands of marks candidates should ensure that they have:

- read the question carefully
- addressed all aspects of the question in their answer
- included relevant analytical content
- illustrated their answer with good citation of cases and statutes

Candidates responded well to aspects of this paper. There has been a noticeable decline in really poor responses. A reasonable display of knowledge and valid citation was evident in a range of answers.

However the multiple elements of a question often seemed to elude candidates, with many referring to only one or two elements of the question. Without addressing all of the elements of the question, candidates are unlikely to be able to access the top mark bands.

Evaluation was also a problem in some responses. It was either omitted totally or limited to a rather generic advantages and disadvantages approach which was often of little relevance to the question posed.

Some scripts showed frequent reference to past examination questions, for example, “Magistrates are the backbone of the English Legal System” and “Delegated Legislation is both essential and problematic”. Candidates need to remember that whilst the topic may be the same as in previous sessions, the question posed will often require a different evaluative response.

A disturbing number of candidates seemed unable to complete three questions and this obviously had a detrimental impact on the overall mark awarded. Where candidates did offer a third question it was often weak and not nearly as consistent as the previous responses.

In this subject it is essential that statements of law are supported by good statutory or case citation. It was pleasing, therefore, to see more candidates offering case citation in illustration of their points. However, it needs to be noted that the cases needed to be explained and linked to the points being made and not just cited in name only.

The paper was of a similar level of difficulty to that set in previous years and none of the questions were considered to be particularly difficult.

Question 1

This was a question on Magistrates.

This proved a reasonably popular question.

Many candidates produced adequate responses detailing eligibility and qualities. Most candidates were able to explain the criminal role with some detail, although the civil role was less clearly explained. There was perhaps too much on training in some responses.

Analysis was frequently rather generic with little emphasis on the issue in the question.

Responses were often framed as advantages versus disadvantages rather than being presented as a focused discussion.

© 2014

NB: Candidates need to be aware that the Judicial Studies Board no longer exists, having been replaced by the Judicial College, and reference is still being made to the now-defunct 15-mile residence qualification.

Question 2

This was a question on Statutory Interpretation

This was an exceptionally popular question, answered by the majority of candidates in the cohort.

There was evidence of some truly excellent introductions to the topic, with candidates explaining the problems associated with statutory interpretation – broad terms (***Brock v DPP***), new developments (***Royal College of Nursing v DHSS***) and ambiguity (***Dangerous Dogs Act***).

Most candidates were aware of the traditional judicial approaches to interpretation. Better candidates were able to discuss the other tools of interpretation and included accounts of intrinsic and extrinsic aids and the rules of language. Good band 5 answers included reference to all approaches with a good explanation and supporting case illustration, as well as an attempt at evaluation and discussion of the most useful tool. References to judicial law making were credited generously.

However many answers consisted of simply mentioning the various approaches and listing the citations without discussing their relevance to the question. There was, therefore, evidence of knowledge, but without the necessary understanding. The Golden and Purposive approaches were often quite poorly defined and illustrated.

Question 3

This was a question on criminal procedure and appeals.

This was not a very popular question, and most answers were weak and undeveloped. There was a lot of misunderstanding including the assumption that Jamal had actually pleaded guilty, that he was a youth offender and that the assault was of a sexual nature. There was also frequent misidentification of the category of the offence which therefore made the whole answer incorrect as the trial procedure differed.

Some answers tended to focus on the trial procedure itself, that is, the procedure concerning the cross examination, examination in chief etc. Few candidates referred to appeals. Where they did, many missed the point that the trial was to be in the Magistrates' Court and provided an account of Crown Court appeals instead.

There were a noticeable number of candidates who produced well-rehearsed answers on sentencing process and aims, which could not be rewarded at all.

It is important to stress that questions need to be read carefully. References to irrelevant material cannot be credited.

Question 4

This was a question on Delegated Legislation.

This was a very popular question answered by a large proportion of the cohort.

Most candidates could offer reasonable explanations of types of delegated legislation; the strongest candidates supporting these with a range of examples. Many could go on to describe Parliamentary and Court Controls. Better candidates also discussed the concept of separation of powers and made reference to law making being transferred from the legislature to the executive. The most sophisticated answers made the link that local councillors are elected and therefore by-laws were not actually undemocratic.

Most candidates offered some evaluation of delegated legislation to accompany the explanation, and this generally consisted of a list of advantages and disadvantages rather than a discussion of the lack of democracy inherent in this form of law making. Few candidates could make reference to the issues in the question in relation to democracy.

© 2014

Question 5

This was a question on Police powers.

This was not a very popular question, but the better candidates who offered a response seemed to have a fairly confident knowledge of the provisions of PACE and the Codes of Practice, even if statutory authority was not always directly cited.

However this was well addressed in terms of candidates dealing well with both aspects of the question. Many candidates included discussion of what police do to address the balance, including detention rights, the right to an appropriate adult and the provisions of the Police and Criminal Evidence Act 1984 as well as outlining the police's responsibilities in terms of stop and search, search of premises and arrest. There was also some useful discussion of the McPherson Report in terms of safeguards for the public.

However weaker candidates offered responses as a narrative text. Many merely listed various police activities in a random, unstructured account and thus failed to include any analytical comment. This inevitably reduced the marks available.

Question 6

This was a question on Equity.

This proved an exceptionally popular question which produced some excellent answers. Many candidates offered good levels of detail and this was credited generously, especially where there was some reference to equity acting as the "safety valve" for the common law. Some good citation was presented in support of the better answers. Stronger candidates were more likely to mention three or four maxims, with solid reference to case law and a good explanation of their relevance. Similarly these candidates were able to explain the remedies in detail alongside the modern day application of trusts and mortgages.

However, weaker candidates often gave well-rehearsed and rather generic answers with an over reliance on historical detail without linking this to the evaluative aspects of the question.

Many of these weaker candidates then went on to discuss maxims and remedies but offered little beyond a short definition and little case citation. Here, again, analysis was often painfully thin or ignored.

© 2014

LAW

Paper 9084/13

Paper 13

Key Messages

To achieve the upper bands of marks candidates should ensure that they have:

- read the question carefully
- addressed all aspects of the question in their answer
- included relevant analytical content
- illustrated their answer with good citation of cases and statutes

Candidates responded reasonably well to aspects of this paper. There has been a small decline in really poor responses. A reasonable display of knowledge and valid citation was evident in a range of answers.

However the multiple elements of a question often seemed to elude candidates, with many referring to only one or two elements of the question. Without addressing all of the elements of the question, candidates are unlikely to be able to access the top mark bands.

Evaluation was also a problem in some responses. It was either omitted totally or limited to a rather generic advantages and disadvantages approach which was often of little relevance to the question posed.

Some scripts showed frequent reference to past examination questions on the topics of sentencing, equity and statutory interpretation. Candidates need to remember that whilst the topic may be the same as in previous sessions, the question posed will often require a different evaluative response.

A worrying number of candidates seemed unable to complete three questions and this obviously had a detrimental impact on the overall mark awarded. Where candidates did offer a third question it was often weak and not nearly as consistent as the previous responses.

In this subject it is essential that statements of law are supported by good statutory or case citation. It was pleasing, therefore, to see more candidates offering case citation in illustration of their points. However, it needs to be noted that the cases need to be explained and linked to the points being made and not just cited in name only.

The paper was of a similar level of difficulty to that set in previous years and none of the questions were considered to be particularly difficult.

Question 1

This was a question on the Jury.

This was a question on the jury, their selection and role and an evaluative consideration of any possible alternatives. It proved a popular choice and some candidates were able to produce a reasonable factual account of the qualifications and selection process. However, many Centres appear to be working on the law pre 2003 on eligibility and selection and this lack of current knowledge inevitably caused some candidates to achieve less well. There seemed to be less of an ability to discuss vetting, challenge and stand by with any level of detail. Weaker candidates failed to extend analysis into a discussion of potential alternatives and often relied on bare “for and against” lists rather than analysing the improvement of jury function by using alternative methods.

© 2014

Question 2

This was a question on Equity.

This proved an exceptionally popular question which produced some excellent answers. Many candidates offered good levels of detail and this was credited generously, especially where there was some reference to the growth and relevance of equity today. Some good citation was presented in support of the better answers. Stronger candidates were more likely to mention three or four maxims, with solid reference to case law and a good explanation of their relevance. Similarly these candidates were able to explain the remedies in detail alongside the modern day application of injunctions, trusts and mortgages. However, weaker candidates often gave well-rehearsed and rather generic answers with an over reliance on historical detail without linking this to the evaluative aspects of the question. Many of these weaker candidates then went on to discuss maxims and remedies but offered little beyond a short definition and little case citation. Here, again, analysis was often painfully thin or ignored.

Question 3

This was a question on Statutory Interpretation

This was an exceptionally popular question, answered by the majority of candidates in the cohort.

There was evidence of some good introductions to the topic, with candidates explaining the problems associated with statutory interpretation – broad terms (***Brock v DPP***), new developments (***Royal College of Nursing v DHSS***) and ambiguity (***Dangerous Dogs Act***).

Most candidates were aware of the traditional judicial approaches to interpretation. Better candidates were able to discuss the other tools of interpretation and included accounts of intrinsic and extrinsic aids and the rules of language. Good band 5 answers included reference to all approaches with a good explanation and supporting case illustration, as well as an attempt at evaluation and discussion of the discretionary role of the judge in choosing the approach. References to the problems of judicial law making were credited generously.

However many answers consisted of simply mentioning the various approaches and listing the citations without discussing their relevance to the question. There was, therefore, evidence of knowledge, but without the necessary understanding. The Golden and Purposive approaches were often quite poorly defined and illustrated.

Question 4

This was a question on Alternative Dispute Resolution.

This was probably the most popular question and reasonably well done, although in a number of instances there was very limited illustration with answers being couched in broad terms. Many candidates did not discuss tribunals but this did not necessarily limit the maximum marks available. Of those candidates who did refer to tribunals there were entrants from entire Centres who seemed unaware of the changes introduced in 2007. Also where tribunals were discussed there was very little evaluation of the impact of the current arrangements. The main disappointment here was the failure to illustrate the circumstances where the different forms of ADR could be used. There was also sparse reference to the likes of ACAS, the use of ***Scott v Avery*** clauses, reference to commercial mediation services – the extra detail that would push scripts into band 5. Analysis was reasonable but only the best tended to offer comparison with the problems of using the courts.

Question 5

This was a question on Sentencing.

This question concerned the aims and options in sentencing with a particular emphasis on the effectiveness of denunciation and retribution. It was unfortunate that some candidates took this as an invitation to discuss the aims of sentencing mainly as a narrative without considering the evaluative aspect of the question. Candidates often failed to link potential sentences and the aims served. When candidates did illustrate the aims with available sentences there was a noticeable lack of detail and citation of statutory provisions. Candidates who failed to draw any evaluative conclusions or respond to the command in the question were unlikely to access the higher bands of marks.

© 2014

Question 6

This was a question on appeals from a trial on indictment in the Crown Court.

This was not a very popular question, and most answers were weak and undeveloped. There was a lot of misunderstanding including description of the trial process which was not required. Some candidates obviously misread the question and offered responses based on civil appeals. This type of scenario based question requires the candidate to make at least some reference to the issues raised by the scenario, rather than a generic response on the subject in hand. Few candidates were able to identify the appeals process or even accurately name the courts which might be involved. It is important to stress that questions need to be read carefully. References to irrelevant material cannot be credited.

© 2014

LAW

Paper 9084/21

Paper 21

Key Messages

A data response paper requires candidates to use the source materials to answer the scenario questions. The best answers make use of the relevant parts of these materials and apply them rather than simply copying out large sections of the source materials.

In part **(d)** questions it is important to read the question carefully so as to answer using relevant knowledge and to do so in an evaluative way if required or to explain the area of law indicated by the question.

Candidates are reminded to use their time well across the paper, especially in the scenario questions which all carry equal marks, and not to spend a disproportionate amount of time on part **(d)**.

General Comments

Responses were fairly evenly spread between **Questions 1** and **2** and there were relatively few instances of candidates making no response to any part of the question they had chosen to answer.

Many answers made extensive use of the source materials to support reasoned application, but this was often done unselectively which had an impact on candidate's ability to apply relevant material clearly. The best answers took care to include only relevant provisions in their answers so as to reach a clear conclusion on the basis of logical reasoning.

Comments on Specific Questions

Question 1

(a) This question focused on the application of s3(1) and (2) Theft Act 1978 alongside the use of R v MacDavitt (1981) and R v Brookes and Brookes (1983). There were 2 key issues – the liability of Darius and his friends for making off without payment. The best answers addressed each of the sources and applied them separately to Darius and his friends. The latter would not be liable as they thought Darius was going to pay the bull and so there was no dishonesty as required by the TA 1978 – a point also picked up by R v Brookes and Brookes. Darius did not commit an offence as, although he had the necessary intention, he did not actually leave and so he had not 'made off' as supported by the decision in R v MacDavitt.

(b) This question focused on s3(1) and (2) Theft Act 1978 along with R v MacDavitt, there could be a reference to R v Brookes and Brookes but this was not essential. The key issue was the difference if Daruius left the restaurant. The best answers were clear that this would mean Darius had committed an offence as he would fulfil the requirements of s3(1) and(2) and the decision in R v MacDavitt could be contrasted with Darius's situation. Some candidates were not able to access the higher mark bands as they repeated their answer from part **(a)** and pointed out that Darius had not in fact left the restaurant.

(c) In this question candidates needed to apply s3(1) and (2) Act 1978 and R v Aziz (1993). The key issue was whether Alan had committed an offence when he ran off from the taxi. The best answers concluded that this was the case through the logical application of both s3(1) and (2) as well as the decision in R v Aziz. Some candidates picked up on the fact that Alan had not specified an exact address and that he was very tired, concluding that this might suggest he was not being dishonest and such a view could be credited if argued logically. That said s3(2) makes

© 2014

it clear that the offence was committed when Alan left 'the spot' – in this case the taxi and that the taxi ride constituted the provision of a service.

(d) This question focused on the routes of appeal from the Crown Court and the effectiveness of such appeals. It elicited a wide range of answers, many of which were fulsome in their explanation of the appeal routes from the Magistrates' Court which could not be credited. Many responses were content heavy, and often impressively detailed, with the best containing a good range of relevant material linked to the question in an evaluative way. This was achieved by a discussion of the merits or otherwise of the different routes of appeal and the purpose they serve for the defence, the prosecution and society as a whole. Those candidates who simply explained the appeal, even when their answers were supported by detail and statutory citation, could not access the highest mark bands as they had not engaged fully with the question.

Question 2

(a) This question required a consideration of s9 Wills act 1837 and Hodson v Barnes (1926). The key issue was whether James' will written on a napkin was valid. The best answers applied s9 and reached the conclusion that the will was valid as it was written by James, he had signed it in the restaurant and Adam and Tom both saw him sign the will. All these factors would suggest that the will was valid, a view supported by the decision in Hodson v Barnes leaving candidates able to conclude that the will was valid.

(b) This question also focused on the application of s9 Wills Act 1837 and the key issue was whether Tom was a valid witness. The best answers applied s9 logically and systematically to reach a conclusion that he could be a valid witness. James' will was in writing and he had signed it. In addition there were two witnesses at the time in the form of Adam and Tom. The critical point was the fact that Adam did not sign as a witness until the next day but s9 allowed for that by saying that the witness could sign the will or acknowledge the signature in the presence of the testator. By applying this and noting that Tom signed the will in the presence of James the next day the will was properly witnessed.

(c) This question focused on s15 Wills Act 1837 and the key issue was whether Adam could benefit under the will since he was also a witness. The best answers concluded Adam could not benefit as he was a witness and the will that had been created was entirely valid despite being written on a napkin and the two witnesses not signing the will at the same time.

(d) This question offered a wide range of approaches as the key features of precedent could include both its elements and the hierarchical structure. In addition there was a need to explain the ways in which judges could use the tools at their disposal to avoid precedent. Most candidates were able to pick up on at least one of these themes although there were a small number who wrote extensively on statutory interpretation or more generally on the principles which underpin judicial thinking. The best answers dealt accurately with the elements of precedent, supported by relevant and succinct case references before considering the key aspects of the hierarchical system - which involved a focus on the higher courts in the English legal system as they are the only ones which can create and avoid precedent. Candidates then went on to explore the tools judges can use - ranging from the Practice Statement 1966 and the decision in Young v Bristol Aeroplane to mechanisms such as distinguishing, overruling and reversing. The latter were the source of some confusion but the best answers were clear on these different methods and this clarity was evidenced and enhanced by accurate and relevant citation. A consideration of both precedent and the avoidance mechanisms, along with relevant citation, was necessary to reach the higher mark bands.

© 2014

LAW

Paper 9084/22

Data Response

Key Messages

The nature of a data response paper requires candidates to use the source materials to answer the scenario questions. The best answers make use of the relevant parts of these materials and apply them rather than copying out large sections of the source materials.

In part **(d)** questions it is important to read the question carefully so as to answer using relevant knowledge and to do so in an evaluative way if required or to explain the area of law indicated by the question. Special care needs to be taken to deal with all aspects of a question.

Future candidates should be reminded to use their time well across the paper, especially in the scenario questions which all carry equal marks, and not to spend a disproportionate amount of time on part **(d)**.

General Comments

Responses were fairly evenly spread between questions 1 and 2, although there was a slight tendency towards **Question 2**, and there were relatively few instances of candidates making no response to any part of the question they had chosen to answer.

Many answers made extensive use of the source materials to support reasoned application, but this was often done unselectively which had an impact on the clear application of relevant material as some candidates spent a disproportionate amount of time re-writing sources which were not all relevant in a particular scenario. The best answers took care to include only relevant provisions in their answers so as to reach a clear conclusion on the basis of logical reasoning.

Comments on Specific Questions

Question 1

(a) This question focused on the application of s6(2) (a) and (b) Animals Act 1971 alongside the use of Behrens v Bertram Mills Circus Ltd (1957). There were 2 key issues – whether the guinea pigs were commonly domesticated in the British Isles and then whether the bite to Narvaz was sufficiently bad to make them dangerous animals. The best answers addressed each of the subsections separately as both need to be proved to come within s6(2). Some candidates were unclear as to what a guinea pig was and so believed it to be a large exotic animal because it came from South America. Some candidates discussed the contributory negligence of Narvaz at length and often reached the conclusion that the guinea pigs were dangerous animals rather than picking up on the fact that they were small and sociable. Guinea pigs are a common family pet and although they can bite it is usually a nip rather than anything more severe meaning that they are not classed as dangerous animals.

(b) This question also focused on s6(2) (a) and (b) Animals Act 1971 alongside the use of Behrens v Bertram Mills Circus Ltd (1957). Again there were 2 key issues but this time in relation to Clyde the chimpanzee – whether such an animal is commonly domesticated in the British Isles and then whether the bite to Jason was sufficiently bad to make Clyde a dangerous animal. Most, but not all candidates, appreciated that a chimpanzee would not be commonly domesticated in the British Isles and that even though Clyde was not restrained he would have the capacity to inflict a severe bite. The decision in Behrens makes it clear that the owner of a dangerous animal has to control it and so Clyde would be a dangerous animal.

© 2014

(c) In this question candidates needed to apply s2(1) and s6(3)(a) and (b) Animals Act 1971. The key issue was whether Trudie would be liable and many candidates believed this would be the case. The best answers concluded that Trudie would not be liable even though she would appear to come within s2(1). The key subsection was (3)(b) which showed that if the keeper of an animal was under 16, responsibility fell to the head of the household in which they lived. This was the case with regard to Trudie and so any legal action could only be taken against Trudie's parents and only for the bite to Jason as this was inflicted by Clyde the chimpanzee, a dangerous animal.

(d) This question focused on both civil courts and alternative dispute resolution (ADR). It elicited a wide range of answers, many of which were lengthy on aspects of ADR, often including tribunals. Many responses were detailed but content heavy with little selectivity as to the most appropriate method for Jason to use. Other responses focused on the civil court structure and wrote in detail about the courts and the track system although many candidates were not aware that the small claims limit has now increased to £10 000. Some candidates charted the pre-trial civil process in great detail as well. The best answers provided an overview of all the options and gave most detail about those which would be feasible for Jason and so omitted tribunals and gave comparatively little time to arbitration. These candidates went on to apply the options to Jason and to reach a reasoned conclusion – this was necessary to reach the very highest marks as it was an integral part of the question asked.

Question 2

(a) This question required application of s1(1) Criminal Attempts Act 1981 (CAA), R v Campbell (1981) and R v Boyle and Boyle (1987). The key issue was whether Desi could be charged with an offence. The best answers read the text and the source carefully which allowed them to conclude that s9 Theft Act 1968 was not relevant as Desi had not entered the warehouse. Application of s1(1) CAA was then seen in the light of Campbell which showed that Desi had not done enough to come within s1(1). It was then necessary to refer to Boyle and Boyle to demonstrate how this case would be distinguished in relation to Desi's situation, leaving candidates able to conclude that Desi could not be charged with an offence.

(b) This question also focused on the application of s1(1) Criminal Attempts Act 1981 (CAA), R v Campbell (1981) and R v Boyle and Boyle (1987). The key issue was whether Jack could be charged with an offence. The best answers read the text and the source carefully which allowed them to conclude that s9 Theft Act 1968 was not relevant as Jack had not entered the warehouse. With regard to whether there was an attempt there were two alternative and valid lines of reasoning in this scenario. The first applied s1(1) CAA and R v Campbell, distinguishing Boyle and Boyle, and reaching a conclusion that Jack could not be charged with an offence as he had still not gone far enough because he had not yet broken the lock. The other line of reasoning involved an application of s1(1) and Boyle and Boyle, distinguishing Campbell, to reach the conclusion that Jack had started on the substantive crime and so could be charged with an offence. Either line of reasoning was credited as long as it was fully supported with appropriately reasoned citation.

(c) This question focused on s9 Theft Act 1968 and the key issue was whether Lenny could be charged with an offence. The best answers appreciated that Lenny had entered the warehouse and so the law of attempt was no longer appropriate. There was then a need to explore the provisions of s9 which many candidates did at length, although many candidates were not as fulsome in their application of the various provisions the best answers were those where candidates reasoned through s9(1)(a), (b) and 9(2) in relation to the scenario facts. It seems clear that Lenny had committed an offence under s9(1)(b), as he entered as a trespasser and then committed theft, and also under s9(1)(a) as long as his intention to commit one of the offences in s9(2) could be proved.

(d) This question focused on the role of both the judge and the jury in a criminal trial. As such there was no need to explore pre-trial processes, the work done in the Magistrates' Court or the role of civil juries. Most candidates were able to pick up on at least one of the two themes but many wrote at very great length on the jury, adding minimal or no information about the role of the judge. The best answers charted the role of each party and gave evaluative comment on the advantages and disadvantages of each. With the judge there was a need to be clear as to their role, and its limits, and the attendant analytical issues such as the advantages provided by legal skill and professionalism as against disadvantages in the form of allegations of being case hardened and out of touch with defendants. With regard to the jury there was a need for clarity as to the role of the jury and the activities with which they are involved. It was also important to show a good understanding of the selection processes as this often informed evaluation as to the strength of the

© 2014

jury being its reflection of society and its ability to deliver verdicts according to conscience without legal training as against criticism based on the secrecy of juries and whether they are really equipped to discharge such a responsibility. A consideration of both judges and juries, along with relevant critical analysis, was necessary to reach the higher mark bands.

© 2014

LAW

Paper 9084/23

Paper 23

Key Messages

A data response paper requires candidates to use the source materials to answer the scenario questions. The best answers make use of the relevant parts of these materials and apply them rather than simply copying out large sections of the source materials.

In part **(d)** questions it is important to read the question carefully so as to answer using relevant knowledge and to do so in an evaluative way if required or to explain the area of law indicated by the question.

Candidates are reminded to use their time well across the paper, especially in the scenario questions which all carry equal marks, and not to spend a disproportionate amount of time on part **(d)**.

General Comments

Responses were fairly evenly spread between **Questions 1** and **2** and there were relatively few instances of candidates making no response to any part of the question they had chosen to answer.

Many answers made extensive use of the source materials to support reasoned application, but this was often done unselectively which had an impact on candidate's ability to apply relevant material clearly. The best answers took care to include only relevant provisions in their answers so as to reach a clear conclusion on the basis of logical reasoning.

Comments on Specific Questions

Question 1

(a) This question focused on the application of s3(1) and (2) Theft Act 1978 alongside the use of R v MacDavitt (1981) and R v Brookes and Brookes (1983). There were 2 key issues – the liability of Darius and his friends for making off without payment. The best answers addressed each of the sources and applied them separately to Darius and his friends. The latter would not be liable as they thought Darius was going to pay the bull and so there was no dishonesty as required by the TA 1978 – a point also picked up by R v Brookes and Brookes. Darius did not commit an offence as, although he had the necessary intention, he did not actually leave and so he had not 'made off' as supported by the decision in R v MacDavitt.

(b) This question focused on s3(1) and (2) Theft Act 1978 along with R v MacDavitt, there could be a reference to R v Brookes and Brookes but this was not essential. The key issue was the difference if Daruius left the restaurant. The best answers were clear that this would mean Darius had committed an offence as he would fulfil the requirements of s3(1) and(2) and the decision in R v MacDavitt could be contrasted with Darius's situation. Some candidates were not able to access the higher mark bands as they repeated their answer from part **(a)** and pointed out that Darius had not in fact left the restaurant.

(c) In this question candidates needed to apply s3(1) and (2) Act 1978 and R v Aziz (1993). The key issue was whether Alan had committed an offence when he ran off from the taxi. The best answers concluded that this was the case through the logical application of both s3(1) and (2) as well as the decision in R v Aziz. Some candidates picked up on the fact that Alan had not specified an exact address and that he was very tired, concluding that this might suggest he was not being dishonest and such a view could be credited if argued logically. That said s3(2) makes

© 2014

it clear that the offence was committed when Alan left 'the spot' – in this case the taxi and that the taxi ride constituted the provision of a service.

(d) This question focused on the routes of appeal from the Crown Court and the effectiveness of such appeals. It elicited a wide range of answers, many of which were fulsome in their explanation of the appeal routes from the Magistrates' Court which could not be credited. Many responses were content heavy, and often impressively detailed, with the best containing a good range of relevant material linked to the question in an evaluative way. This was achieved by a discussion of the merits or otherwise of the different routes of appeal and the purpose they serve for the defence, the prosecution and society as a whole. Those candidates who simply explained the appeal, even when their answers were supported by detail and statutory citation, could not access the highest mark bands as they had not engaged fully with the question.

Question 2

(a) This question required a consideration of s9 Wills act 1837 and Hodson v Barnes (1926). The key issue was whether James' will written on a napkin was valid. The best answers applied s9 and reached the conclusion that the will was valid as it was written by James, he had signed it in the restaurant and Adam and Tom both saw him sign the will. All these factors would suggest that the will was valid, a view supported by the decision in Hodson v Barnes leaving candidates able to conclude that the will was valid.

(b) This question also focused on the application of s9 Wills Act 1837 and the key issue was whether Tom was a valid witness. The best answers applied s9 logically and systematically to reach a conclusion that he could be a valid witness. James' will was in writing and he had signed it. In addition there were two witnesses at the time in the form of Adam and Tom. The critical point was the fact that Adam did not sign as a witness until the next day but s9 allowed for that by saying that the witness could sign the will or acknowledge the signature in the presence of the testator. By applying this and noting that Tom signed the will in the presence of James the next day the will was properly witnessed.

(c) This question focused on s15 Wills Act 1837 and the key issue was whether Adam could benefit under the will since he was also a witness. The best answers concluded Adam could not benefit as he was a witness and the will that had been created was entirely valid despite being written on a napkin and the two witnesses not signing the will at the same time.

(d) This question offered a wide range of approaches as the key features of precedent could include both its elements and the hierarchical structure. In addition there was a need to explain the ways in which judges could use the tools at their disposal to avoid precedent. Most candidates were able to pick up on at least one of these themes although there were a small number who wrote extensively on statutory interpretation or more generally on the principles which underpin judicial thinking. The best answers dealt accurately with the elements of precedent, supported by relevant and succinct case references before considering the key aspects of the hierarchical system - which involved a focus on the higher courts in the English legal system as they are the only ones which can create and avoid precedent. Candidates then went on to explore the tools judges can use - ranging from the Practice Statement 1966 and the decision in Young v Bristol Aeroplane to mechanisms such as distinguishing, overruling and reversing. The latter were the source of some confusion but the best answers were clear on these different methods and this clarity was evidenced and enhanced by accurate and relevant citation. A consideration of both precedent and the avoidance mechanisms, along with relevant citation, was necessary to reach the higher mark bands.

© 2014

LAW

Paper 9084/31

Paper 31

Key Messages

- Encourage contextual and critical learning of legal rules.
- Encourage candidates to focus on the question actually posed and ensure that responses comply with directions given in the command of the question (e.g. evaluate, criticise, analyse etc.).
- Encourage detailed application of legal principle in scenario-based questions.
- Discourage simple regurgitation of rote-learned facts; candidates are partly assessed on their ability to synthesise what they have learnt and select appropriate material for inclusion in the response to the question.

General comments

There was general feeling that candidates were not as well prepared for this examination series and performance seems to have dipped slightly as a consequence. Candidates and Centres are advised to refocus on the key points above.

Nevertheless, those better prepared and more able candidates continued to correctly identify the relevant legal rules, to select appropriate material to present and to demonstrate an understanding of the question by appropriately commenting, criticising or evaluating as requested.

Candidates need reminding they should not write prepared responses to topics and fail to adjust the content and any commentary to fit the question which has been posed.

Comments on specific questions

Section A

Question 1

This proved an unpopular question and very few candidates achieved marks within Bands 4 and 5.

Less well prepared candidates demonstrated a tendency to write blanket responses covering all they knew about terms of contract rather than concentrating on the two tests required by the question. As a result it was rare to see appropriate case authority or anything other than factual recall.

A pleasing number of somewhat better prepared candidates recognised the question and were able to talk about the officious bystander and business efficacy tests and cite appropriate case law, but there was little or no critical assessment. The effect was to leave even these candidates with upper Band 3 marks.

Question 2

The responses to this question were among the most disappointing on the paper. Far too many candidates appear to have failed to read the question properly and this resulted in blanket responses about the types of damages.

Responses from better prepared candidates were characterised by appropriate discussion of the development of remoteness of damage principles as applied in contract law and of the related Hadley,

© 2014

Victoria Laundry and Heron cases but often Transfield Shipping was missing. Candidates need to show an awareness of the significance of this latter case to this area of law.

Question 3

The vast majority of candidates attempted a response to this question.

It was encouraging that so many candidates were well aware of this topic. Many of the better prepared candidates were able to achieve marks within Bands 3 and 4 with more than simple factual recall as they were able to distinguish between Collins and Glasbrook, Stilk and Hartley and to bring in the issue of practical benefit introduced in Williams. The one element often missing was that of contractual duties owed to third parties. It was pleasing to read many responses attempting to tackle the question as set.

Weaker responses were typified by either scant knowledge, lack of appropriate focus within the topic of consideration and many candidates inexplicably candidates discussing promissory estoppel, presumably as a result of seeing the word promise!

Section B

Question 4

This was a question which should have been very popular and ought to have produced few problems. What appeared, at first glance to be a simple offer and acceptance scenario proved somewhat difficult for many. However that was not the case with too many candidates becoming confused over the task of explaining offer and acceptance and seemingly lacked the ability to deal with the issue in a logical sequence.

Less well prepared candidates were too quick to jump to the conclusion that an offer had been made by Lexus without considering the words used i.e. 'about' £1500 and thus did not debate invitation to treat at all. Far too many tried to write all they knew about agreement formation and could not extricate themselves from the resultant confusion.

Better prepared candidates did consider the relationship between invitations to treat, firm offers, and their acceptance in a logical and selective manner. Most were able to discuss the issue of acceptance acknowledging the issue of silence. . Only a handful of candidates were able to discuss the legal implications of modern communication by way of email and, possible remedies were not always addressed

Question 5

Many candidates discussed provisions of the Sale of Goods Act which are beyond the scope of the syllabus. Consequently, that knowledge could not be credited.

Responses from less well prepared candidates tended to be very general and simply offered a limited discussion of incorporation of contractual terms and their types. UCTA provisions were seldom recognised, let alone discussed and consisted of often lengthy ill-supported material of variable accuracy. Application was commonly superficial and brief and any conclusion attempted was lacking in depth.

Better prepared candidates focused on incorporation of terms by statute and then gave due consideration to relevant provisions of UCTA before accurately and effectively applying them to each part of the transaction before reaching clear and concise conclusions.

Question 6

This question attracted more variable responses than any other on the question paper. It required candidates to address the issues of intention to create legal relations and valuable consideration essential to the formation of valid contracts.

Responses ranged from those based on moral principle alone, through those dealing with either intention or consideration but not both, to those addressing both issues appropriately. It was again surprising to see candidates going down the promissory estoppel avenue, when there was no existing contract!

Weaker responses were typified by either scant or very scant knowledge, lack of appropriate focus and general confusion.

© 2014

The best responses to this question were good examples of what well-prepared candidates can achieve: material was carefully selected (intention in commercial and social agreements, and past consideration plus exceptions) presented within a compelling and logical structure which applied the law to the scenario throughout and clear, compelling conclusions.

© 2014

LAW

Paper 9084/32
Paper 32

Key Messages

- Encourage contextual and critical learning of legal rules.
- Encourage candidates to focus on the question actually posed and ensure that responses comply with directions given in the command of the question (e.g. evaluate, criticise, analyse etc.).
- Encourage detailed application of legal principle in scenario-based questions.
- Discourage simple regurgitation of rote-learned facts; candidates are partly assessed on their ability to synthesise what they have learnt and select appropriate material for inclusion in the response to the question.

General comments

There was general feeling that candidates were not as well prepared for this examination series and performance seems to have dipped slightly as a consequence. Candidates and Centres are advised to refocus on the key points above.

Nevertheless, those better prepared and more able candidates continued to correctly identify the relevant legal rules, to select appropriate material to present and to demonstrate an understanding of the question by appropriately commenting, criticising or evaluating as requested.

Candidates need reminding they should not write prepared responses to topics and fail to adjust the content and any commentary to fit the question which has been posed.

Comments on specific questions

Section A

Question 1

This proved an unpopular question and very few candidates achieved marks within Bands 4 and 5.

Less well prepared candidates demonstrated a tendency to write blanket responses covering all they knew about terms of contract rather than concentrating on the two tests required by the question. As a result it was rare to see appropriate case authority or anything other than factual recall.

A pleasing number of somewhat better prepared candidates recognised the question and were able to talk about the officious bystander and business efficacy tests and cite appropriate case law, but there was little or no critical assessment. The effect was to leave even these candidates with upper Band 3 marks.

Question 2

The responses to this question were among the most disappointing on the paper. Far too many candidates appear to have failed to read the question properly and this resulted in blanket responses about the types of damages.

Responses from better prepared candidates were characterised by appropriate discussion of the development of remoteness of damage principles as applied in contract law and of the related Hadley,

© 2014

Victoria Laundry and Heron cases but often Transfield Shipping was missing. Candidates need to show an awareness of the significance of this latter case to this area of law.

Question 3

The vast majority of candidates attempted a response to this question.

It was encouraging that so many candidates were well aware of this topic. Many of the better prepared candidates were able to achieve marks within Bands 3 and 4 with more than simple factual recall as they were able to distinguish between Collins and Glasbrook, Stilk and Hartley and to bring in the issue of practical benefit introduced in Williams. The one element often missing was that of contractual duties owed to third parties. It was pleasing to read many responses attempting to tackle the question as set.

Weaker responses were typified by either scant knowledge, lack of appropriate focus within the topic of consideration and many candidates inexplicably candidates discussing promissory estoppel, presumably as a result of seeing the word promise!

Section B

Question 4

This was a question which should have been very popular and ought to have produced few problems. What appeared, at first glance to be a simple offer and acceptance scenario proved somewhat difficult for many. However that was not the case with too many candidates becoming confused over the task of explaining offer and acceptance and seemingly lacked the ability to deal with the issue in a logical sequence.

Less well prepared candidates were too quick to jump to the conclusion that an offer had been made by Lexus without considering the words used i.e. 'about' £1500 and thus did not debate invitation to treat at all. Far too many tried to write all they knew about agreement formation and could not extricate themselves from the resultant confusion.

Better prepared candidates did consider the relationship between invitations to treat, firm offers, and their acceptance in a logical and selective manner. Most were able to discuss the issue of acceptance acknowledging the issue of silence. . Only a handful of candidates were able to discuss the legal implications of modern communication by way of email and, possible remedies were not always addressed

Question 5

Many candidates discussed provisions of the Sale of Goods Act which are beyond the scope of the syllabus. Consequently, that knowledge could not be credited.

Responses from less well prepared candidates tended to be very general and simply offered a limited discussion of incorporation of contractual terms and their types. UCTA provisions were seldom recognised, let alone discussed and consisted of often lengthy ill-supported material of variable accuracy. Application was commonly superficial and brief and any conclusion attempted was lacking in depth.

Better prepared candidates focused on incorporation of terms by statute and then gave due consideration to relevant provisions of UCTA before accurately and effectively applying them to each part of the transaction before reaching clear and concise conclusions.

Question 6

This question attracted more variable responses than any other on the question paper. It required candidates to address the issues of intention to create legal relations and valuable consideration essential to the formation of valid contracts.

Responses ranged from those based on moral principle alone, through those dealing with either intention or consideration but not both, to those addressing both issues appropriately. It was again surprising to see candidates going down the promissory estoppel avenue, when there was no existing contract!

Weaker responses were typified by either scant or very scant knowledge, lack of appropriate focus and general confusion.

© 2014

The best responses to this question were good examples of what well-prepared candidates can achieve: material was carefully selected (intention in commercial and social agreements, and past consideration plus exceptions) presented within a compelling and logical structure which applied the law to the scenario throughout and clear, compelling conclusions.

© 2014

LAW

Paper 9084/33

Paper 33

Key Messages

- Encourage contextual and critical learning of legal rules.
- Encourage candidates to focus on the question actually posed and ensure that responses comply with directions given in the command of the question (e.g. evaluate, criticise, analyse etc.).
- Encourage detailed application of legal principle in scenario-based questions.
- Discourage simple regurgitation of rote-learned facts; candidates are partly assessed on their ability to synthesise what they have learnt and select appropriate material for inclusion in the response to the question.

General comments

There was general feeling that candidates were not as well prepared for this examination series and performance seems to have dipped slightly as a consequence. Candidates and Centres are advised to refocus on the key points above.

Nevertheless, those better prepared and more able candidates continued to correctly identify the relevant legal rules, to select appropriate material to present and to demonstrate an understanding of the question by appropriately commenting, criticising or evaluating as requested.

Candidates need reminding they should not write prepared responses to topics and fail to adjust the content and any commentary to fit the question which has been posed.

Comments on specific questions

Section A

Question 1

This proved an unpopular question and very few candidates achieved marks within Bands 4 and 5.

Less well prepared candidates demonstrated a tendency to write blanket responses covering all they knew about terms of contract rather than concentrating on the two tests required by the question. As a result it was rare to see appropriate case authority or anything other than factual recall.

A pleasing number of somewhat better prepared candidates recognised the question and were able to talk about the officious bystander and business efficacy tests and cite appropriate case law, but there was little or no critical assessment. The effect was to leave even these candidates with upper Band 3 marks.

Question 2

The responses to this question were among the most disappointing on the paper. Far too many candidates appear to have failed to read the question properly and this resulted in blanket responses about the types of damages.

Responses from better prepared candidates were characterised by appropriate discussion of the development of remoteness of damage principles as applied in contract law and of the related Hadley,

© 2014

Victoria Laundry and Heron cases but often Transfield Shipping was missing. Candidates need to show an awareness of the significance of this latter case to this area of law.

Question 3

The vast majority of candidates attempted a response to this question.

It was encouraging that so many candidates were well aware of this topic. Many of the better prepared candidates were able to achieve marks within Bands 3 and 4 with more than simple factual recall as they were able to distinguish between Collins and Glasbrook, Stilk and Hartley and to bring in the issue of practical benefit introduced in Williams. The one element often missing was that of contractual duties owed to third parties. It was pleasing to read many responses attempting to tackle the question as set.

Weaker responses were typified by either scant knowledge, lack of appropriate focus within the topic of consideration and many candidates inexplicably candidates discussing promissory estoppel, presumably as a result of seeing the word promise!

Section B

Question 4

This was a question which should have been very popular and ought to have produced few problems. What appeared, at first glance to be a simple offer and acceptance scenario proved somewhat difficult for many. However that was not the case with too many candidates becoming confused over the task of explaining offer and acceptance and seemingly lacked the ability to deal with the issue in a logical sequence.

Less well prepared candidates were too quick to jump to the conclusion that an offer had been made by Lexus without considering the words used i.e. 'about' £1500 and thus did not debate invitation to treat at all. Far too many tried to write all they knew about agreement formation and could not extricate themselves from the resultant confusion.

Better prepared candidates did consider the relationship between invitations to treat, firm offers, and their acceptance in a logical and selective manner. Most were able to discuss the issue of acceptance acknowledging the issue of silence. . Only a handful of candidates were able to discuss the legal implications of modern communication by way of email and, possible remedies were not always addressed

Question 5

Many candidates discussed provisions of the Sale of Goods Act which are beyond the scope of the syllabus. Consequently, that knowledge could not be credited.

Responses from less well prepared candidates tended to be very general and simply offered a limited discussion of incorporation of contractual terms and their types. UCTA provisions were seldom recognised, let alone discussed and consisted of often lengthy ill-supported material of variable accuracy. Application was commonly superficial and brief and any conclusion attempted was lacking in depth.

Better prepared candidates focused on incorporation of terms by statute and then gave due consideration to relevant provisions of UCTA before accurately and effectively applying them to each part of the transaction before reaching clear and concise conclusions.

Question 6

This question attracted more variable responses than any other on the question paper. It required candidates to address the issues of intention to create legal relations and valuable consideration essential to the formation of valid contracts.

Responses ranged from those based on moral principle alone, through those dealing with either intention or consideration but not both, to those addressing both issues appropriately. It was again surprising to see candidates going down the promissory estoppel avenue, when there was no existing contract!

Weaker responses were typified by either scant or very scant knowledge, lack of appropriate focus and general confusion.

© 2014

The best responses to this question were good examples of what well-prepared candidates can achieve: material was carefully selected (intention in commercial and social agreements, and past consideration plus exceptions) presented within a compelling and logical structure which applied the law to the scenario throughout and clear, compelling conclusions.

© 2014

LAW

Paper 9084/41

Paper 41

Key Messages

Centres and candidates are reminded that ***Section A*** requires both knowledge of the legal rules and an ability to evaluate and critically analyse the rules. It is vital that candidates read and understand the question and answer the question which is being asked.

In ***Section B*** candidates are required to identify the relevant legal issues in the factual scenario and select and apply the appropriate legal rules in order to reach a coherent conclusion. Candidates must explain the relevant law before attempting to analyse the factual scenario presented in the question.

Therefore it is imperative that candidates learn the rules in such a way that they understand the aim and purpose of the rules and can use the rules effectively to answer the questions asked on the examination paper.

In both ***Section A*** and ***Section B*** candidates must strive to present an accurate and detailed account of the relevant legal rules and use supporting authority where possible.

General Comments

While some candidates demonstrated a high level of both knowledge and skill in their responses, there were still many candidates who would have benefited from more preparation for this particular style of paper.

The strongest candidates demonstrated both a detailed knowledge and understanding of the subject matter and an ability to critically analyse the rules in ***Section A*** and select and apply the rules to the factual scenarios in ***Section B***. Other candidates tended to focus on the repetition of legal rules without the required analysis or application. These candidates did not demonstrate an appropriate level of understanding in their responses and in general tended not to address the key issues in the questions.

All candidates benefit from utilising past examination papers and mark schemes as part of their learning and revision in order to understand the demands of this examination. It is vital that candidates understand the question and answer it appropriately, specifically addressing the requirements of the question. It is not sufficient to identify the subject matter of the question and then write in general terms about the topic. Candidates must focus on the question and use their knowledge and understanding of the topic to answer the specific question effectively.

Comments on Specific Questions

Section A

Question 1

This was a very popular question. Candidates were generally able to give a detailed account of the rules relating to nervous shock, distinguishing between primary and secondary victims correctly and explain the relevant case law accurately. Most candidates were able to engage in some basic evaluation of the underlying reasons for the distinction between primary and secondary victims. There were some excellent responses with comprehensive explanation of the rules and a thorough evaluation of the policy reasons underlying the current approach to nervous shock. Others needed to develop more detailed arguments in order to achieve high marks.

CAMBRIDGE
International Examinations

© 2014

Question 2

This was a less popular question. In a few cases candidates correctly identified that the issue was remoteness and that a detailed discussion of all the elements of negligence was not required. These candidates were able to present a detailed explanation of the development of the rules relating to remoteness and then address the particular issues raised by the question through an analysis of the current approach taken by the courts to remoteness.

Some candidates appeared to misunderstand the question and wrote about all of the elements of negligence, therefore including a significant amount of irrelevant material. Candidates need to read the questions carefully and identify correctly what the question in asking and then structure their answers accordingly.

Question 3

This question proved to be quite popular. Most candidates were able to recognise that the question required an explanation of the defences of volenti and contributory negligence. Some candidates were able to present a detailed explanation of both defences and then compare and contrast the two defences in order to reach a conclusion as to whether both defences are still necessary, as required by the question. Some candidates focused on an explanation of one of the defences rather than a balanced discussion of both. Others presented a detailed explanation of the legal rules relating to the defences but did not develop the comparison between the two, which was necessary in order to achieve the high marks.

Section B

Question 4

This was a popular question. Candidates were generally able to recognise the issue of negligence. Some good responses identified the relevant issue as being the standard of care applicable where the case involves a professional. These candidates were able to explain the relevant law relating to the professional standard of care and medical negligence and then apply those rules to the scenario in order to reach a coherent conclusion. Some candidates discussed all the elements of negligence in detail which was not necessary in the context of the facts given. Candidates need to be able to identify the relevant issues and focus their discussion on these issues in particular.

Weaker candidates tended to present a less detailed account of the rules and did not apply the rules in a reasoned way resulting marks within the lower bands.

Question 5

This was a reasonably popular question. Candidates were generally able to recognise that the issue was nuisance. Some candidates were able to present a detailed explanation of the elements of nuisance and then apply the rules to the scenario in a logical and coherent way. Others tended to present a more superficial account of the rules and the application was weak as a result. Candidates need to develop more detailed explanations in order to apply the law to the scenario more effectively and therefore achieve higher marks.

Question 6

This was a very popular question. In general candidates correctly identified the issue as being that of occupiers' liability. Some excellent responses contained detailed explanations of the duties in both the Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984 with reference to relevant case law and a logical application of the rules to the facts of the scenario, producing a reasoned conclusion.

Other candidates tended to focus on explanation of the rules without applying them effectively to the scenario or in some cases a discussion of the facts without reference to any relevant law. In such cases marks were limited to the lower bands.

© 2014

LAW

Paper 9084/42

Paper 42

Key Messages

Centres and candidates are reminded that ***Section A*** requires both knowledge of the legal rules and an ability to evaluate and critically analyse the rules. It is vital that candidates read and understand the question and answer the question which is being asked.

In ***Section B*** candidates are required to identify the relevant legal issues in the factual scenario and select and apply the appropriate legal rules in order to reach a coherent conclusion. Candidates must explain the relevant law before attempting to analyse the factual scenario presented in the question.

Therefore it is imperative that candidates learn the rules in such a way that they understand the aim and purpose of the rules and can use the rules effectively to answer the questions asked on the examination paper.

In both ***Section A*** and ***Section B*** candidates must strive to present an accurate and detailed account of the relevant legal rules and use supporting authority where possible.

General Comments

While some candidates demonstrated a high level of both knowledge and skill in their responses, there were still many candidates who would have benefited from more preparation for this particular style of paper.

The strongest candidates demonstrated both a detailed knowledge and understanding of the subject matter and an ability to critically analyse the rules in ***Section A*** and select and apply the rules to the factual scenarios in ***Section B***. Other candidates tended to focus on the repetition of legal rules without the required analysis or application. These candidates did not demonstrate an appropriate level of understanding in their responses and in general tended not to address the key issues in the questions.

All candidates benefit from utilising past examination papers and mark schemes as part of their learning and revision in order to understand the demands of this examination. It is vital that candidates understand the question and answer it appropriately, specifically addressing the requirements of the question. It is not sufficient to identify the subject matter of the question and then write in general terms about the topic. Candidates must focus on the question and use their knowledge and understanding of the topic to answer the specific question effectively.

Comments on Specific Questions

Section A

Question 1

This was a very popular question. Candidates were generally able to give a detailed account of the rules relating to nervous shock, distinguishing between primary and secondary victims correctly and explain the relevant case law accurately. Most candidates were able to engage in some basic evaluation of the underlying reasons for the distinction between primary and secondary victims. There were some excellent responses with comprehensive explanation of the rules and a thorough evaluation of the policy reasons underlying the current approach to nervous shock. Others needed to develop more detailed arguments in order to achieve high marks.

CAMBRIDGE
International Examinations

© 2014

Question 2

This was a less popular question. In a few cases candidates correctly identified that the issue was remoteness and that a detailed discussion of all the elements of negligence was not required. These candidates were able to present a detailed explanation of the development of the rules relating to remoteness and then address the particular issues raised by the question through an analysis of the current approach taken by the courts to remoteness.

Some candidates appeared to misunderstand the question and wrote about all of the elements of negligence, therefore including a significant amount of irrelevant material. Candidates need to read the questions carefully and identify correctly what the question in asking and then structure their answers accordingly.

Question 3

This question proved to be quite popular. Most candidates were able to recognise that the question required an explanation of the defences of volenti and contributory negligence. Some candidates were able to present a detailed explanation of both defences and then compare and contrast the two defences in order to reach a conclusion as to whether both defences are still necessary, as required by the question. Some candidates focused on an explanation of one of the defences rather than a balanced discussion of both. Others presented a detailed explanation of the legal rules relating to the defences but did not develop the comparison between the two, which was necessary in order to achieve the high marks.

Section B

Question 4

This was a popular question. Candidates were generally able to recognise the issue of negligence. Some good responses identified the relevant issue as being the standard of care applicable where the case involves a professional. These candidates were able to explain the relevant law relating to the professional standard of care and medical negligence and then apply those rules to the scenario in order to reach a coherent conclusion. Some candidates discussed all the elements of negligence in detail which was not necessary in the context of the facts given. Candidates need to be able to identify the relevant issues and focus their discussion on these issues in particular.

Weaker candidates tended to present a less detailed account of the rules and did not apply the rules in a reasoned way resulting marks within the lower bands.

Question 5

This was a reasonably popular question. Candidates were generally able to recognise that the issue was nuisance. Some candidates were able to present a detailed explanation of the elements of nuisance and then apply the rules to the scenario in a logical and coherent way. Others tended to present a more superficial account of the rules and the application was weak as a result. Candidates need to develop more detailed explanations in order to apply the law to the scenario more effectively and therefore achieve higher marks.

Question 6

This was a very popular question. In general candidates correctly identified the issue as being that of occupiers' liability. Some excellent responses contained detailed explanations of the duties in both the Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984 with reference to relevant case law and a logical application of the rules to the facts of the scenario, producing a reasoned conclusion.

Other candidates tended to focus on explanation of the rules without applying them effectively to the scenario or in some cases a discussion of the facts without reference to any relevant law. In such cases marks were limited to the lower bands.

© 2014

LAW

Paper 9084/43

Paper 43

Key Messages

Centres and candidates are reminded that ***Section A*** requires both knowledge of the legal rules and an ability to evaluate and critically analyse the rules. It is vital that candidates read and understand the question and answer the question which is being asked.

In ***Section B*** candidates are required to identify the relevant legal issues in the factual scenario and select and apply the appropriate legal rules in order to reach a coherent conclusion. Candidates must explain the relevant law before attempting to analyse the factual scenario presented in the question.

Therefore it is imperative that candidates learn the rules in such a way that they understand the aim and purpose of the rules and can use the rules effectively to answer the questions asked on the examination paper.

In both ***Section A*** and ***Section B*** candidates must strive to present an accurate and detailed account of the relevant legal rules and use supporting authority where possible.

General Comments

While some candidates demonstrated a high level of both knowledge and skill in their responses, there were still many candidates who would have benefited from more preparation for this particular style of paper.

The strongest candidates demonstrated both a detailed knowledge and understanding of the subject matter and an ability to critically analyse the rules in ***Section A*** and select and apply the rules to the factual scenarios in ***Section B***. Other candidates tended to focus on the repetition of legal rules without the required analysis or application. These candidates did not demonstrate an appropriate level of understanding in their responses and in general tended not to address the key issues in the questions.

All candidates benefit from utilising past examination papers and mark schemes as part of their learning and revision in order to understand the demands of this examination. It is vital that candidates understand the question and answer it appropriately, specifically addressing the requirements of the question. It is not sufficient to identify the subject matter of the question and then write in general terms about the topic. Candidates must focus on the question and use their knowledge and understanding of the topic to answer the specific question effectively.

Comments on Specific Questions

Section A

Question 1

This was a very popular question. Candidates were generally able to give a detailed account of the rules relating to nervous shock, distinguishing between primary and secondary victims correctly and explain the relevant case law accurately. Most candidates were able to engage in some basic evaluation of the underlying reasons for the distinction between primary and secondary victims. There were some excellent responses with comprehensive explanation of the rules and a thorough evaluation of the policy reasons underlying the current approach to nervous shock. Others needed to develop more detailed arguments in order to achieve high marks.

CAMBRIDGE
International Examinations

© 2014

Question 2

This was a less popular question. In a few cases candidates correctly identified that the issue was remoteness and that a detailed discussion of all the elements of negligence was not required. These candidates were able to present a detailed explanation of the development of the rules relating to remoteness and then address the particular issues raised by the question through an analysis of the current approach taken by the courts to remoteness.

Some candidates appeared to misunderstand the question and wrote about all of the elements of negligence, therefore including a significant amount of irrelevant material. Candidates need to read the questions carefully and identify correctly what the question in asking and then structure their answers accordingly.

Question 3

This question proved to be quite popular. Most candidates were able to recognise that the question required an explanation of the defences of volenti and contributory negligence. Some candidates were able to present a detailed explanation of both defences and then compare and contrast the two defences in order to reach a conclusion as to whether both defences are still necessary, as required by the question. Some candidates focused on an explanation of one of the defences rather than a balanced discussion of both. Others presented a detailed explanation of the legal rules relating to the defences but did not develop the comparison between the two, which was necessary in order to achieve the high marks.

Section B

Question 4

This was a popular question. Candidates were generally able to recognise the issue of negligence. Some good responses identified the relevant issue as being the standard of care applicable where the case involves a professional. These candidates were able to explain the relevant law relating to the professional standard of care and medical negligence and then apply those rules to the scenario in order to reach a coherent conclusion. Some candidates discussed all the elements of negligence in detail which was not necessary in the context of the facts given. Candidates need to be able to identify the relevant issues and focus their discussion on these issues in particular.

Weaker candidates tended to present a less detailed account of the rules and did not apply the rules in a reasoned way resulting marks within the lower bands.

Question 5

This was a reasonably popular question. Candidates were generally able to recognise that the issue was nuisance. Some candidates were able to present a detailed explanation of the elements of nuisance and then apply the rules to the scenario in a logical and coherent way. Others tended to present a more superficial account of the rules and the application was weak as a result. Candidates need to develop more detailed explanations in order to apply the law to the scenario more effectively and therefore achieve higher marks.

Question 6

This was a very popular question. In general candidates correctly identified the issue as being that of occupiers' liability. Some excellent responses contained detailed explanations of the duties in both the Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984 with reference to relevant case law and a logical application of the rules to the facts of the scenario, producing a reasoned conclusion.

Other candidates tended to focus on explanation of the rules without applying them effectively to the scenario or in some cases a discussion of the facts without reference to any relevant law. In such cases marks were limited to the lower bands.

© 2014