

# LAW

**Paper 9084/11**  
**English Legal System 11**

## **Key messages**

- Candidates need to be prepared for the potentially narrow focus of the compulsory questions and ensure they address this in their answers.
- The use of legal authority is essential in all responses and may include cases, statutes, reports, statistics, or academic opinions.
- Candidates should focus on the command verbs at the start of a question. For example, "Identify" requires only a list, and providing additional detail wastes exam time.
- Ensure that responses directly address the question. In evaluation questions, explicitly link answers to the question's wording.
- If time management is a concern, candidates should prioritize higher-tariff questions first to avoid running out of time.
- When citing legal authority, case years are not required, but statutory authority should include the year.

## **General comments**

The compulsory nature of the first five questions remains particularly challenging, as many candidates either skipped entire questions or provided unfocused answers. This highlights significant knowledge gaps and the need for more targeted revision.

Time management continues to improve, with some candidates strategically attempting the more demanding **Section B** questions first. This approach is encouraged; however, candidates should ensure they number their responses correctly to facilitate accurate marking. A small number of candidates did not complete the required two questions in **Section B**, possibly due to timing issues, which could be mitigated with additional exam practice.

In terms of examination structure, valuable time is often wasted rewriting or paraphrasing the question, which is unnecessary. Additionally, there is a significant lack of legal authority across responses. In law, it is essential to support all arguments with relevant legal authority, such as cases, statutes, reports, statistics, news stories, or academic opinions. When citing cases, candidates should explain how each case supports their argument. A useful approach is to structure discussions as follows: "As seen in the case of [case name], where [brief explanation]." A sentence or two after "where" is typically sufficient to illustrate the point effectively.

The distinction between AO2 and AO3 assessment objectives remains challenging for some candidates. It may be beneficial for both centres and candidates to clarify the differences using the following example:

**'a disadvantage of juries is that the way the verdict is reached is not known and juries could use unscrupulous ways of doing this** as seen in R v Young where the jury used a ouija board and R v Alexander and Steen where the jury was persuaded by the barrister'.

In this example, the **bold** text represents an AO3 evaluation point, while the underlined text demonstrates AO2 application through case support. Candidates who simply list evaluation points without providing support, development, or legal authority are unlikely to achieve the higher AO3 mark bands.

Additionally, there was increased use of bullet points in this series. While bullet points may be appropriate for Questions 1–3, they are not recommended for longer questions, as they do not align with best practices for extended writing.

## **Comments on specific questions**

### **Section A**

Given the limited marks assigned to these questions, candidates should focus their responses on the specific question asked. Paying attention to command verbs can help determine the appropriate response length. Many candidates wrote over a page for some questions, which was disproportionate to the marks available. Additionally, candidates should be precise and use correct legal terminology to achieve higher mark bands.

#### **Question 1**

**Identify two courts which deal with civil cases.**

Many candidates attained full marks for this question, and all candidates attempted it. The County Court was the most cited, though some also referenced the Magistrates' Court and various Divisions of the High Court.

Some candidates were confused and incorrectly cited criminal courts, such as the Crown Court, which were not credited. For low-tariff questions, candidates should avoid unnecessary detail—such as discussing court jurisdiction—since it is not required and wastes valuable exam time.

#### **Question 2**

**Identify two reasons for an appeal in the criminal courts.**

Many candidates performed well on this question, but some confusion displayed regarding terminology. According to the mark scheme, candidates were expected to refer to appeals "against conviction," "against sentence," or "case stated appeal." However, some provided overly informal responses, such as suggesting "new evidence" as a ground for appeal, which was not credited, as new evidence would result in an appeal against conviction. Candidates should be reminded of the importance of using correct legal terminology in their answers.

#### **Question 3**

**Identify five types of legal system used around the world.**

Most candidates successfully identified five types of legal systems, and this question did not appear to present significant accessibility challenges.

Some candidates misinterpreted this question, referring to specific legal systems such as French, English, or EU law. As this was not what the question required, these responses were not credited.

#### **Question 4**

**Explain the difference between inquisitorial and adversarial trials.**

A logical approach to this question would be to outline the features of both inquisitorial and adversarial trials, allowing the differences to emerge naturally. Three marks were allocated for each type of trial, so a detailed discussion of adversarial trials without addressing inquisitorial trials could not achieve full marks, as it would not fully address the question's requirement to explain the differences. Candidates appeared more comfortable with adversarial trials, often identifying key aspects such as the contest between parties, the judge's role, and the necessity of legal representation.

#### **Question 5**

**Discuss the disadvantages of using lay magistrates**

A structured approach would involve discussing five disadvantages, supported by development, evaluation, and legal authority. Many candidates wasted valuable exam time discussing the role or selection of magistrates. While relevant as an introduction, this was not the focus of the question.

Unlike in previous years, most candidates remained focused on disadvantages rather than discussing advantages. The majority presented around three disadvantages with well-developed analysis and

application. Centres should note that AO3 marks are awarded for evaluative points, while AO2 marks are given for their development. Common evaluative points included the lack of representation in the magistracy, insufficient legal training, inconsistencies in sentencing, and reliance on the court clerk.

Many candidates included unnecessary information, such as discussions on eligibility and selection, which, while not incorrect, were irrelevant to the question's focus. Candidates should be reminded to read the question carefully to avoid providing information that cannot be credited. Some also mistakenly discussed the advantages of magistrates instead of focusing on disadvantages. As with previous questions on the magistracy, a minority of candidates confused magistrates with juries.

### **Section B**

This is a new-style question, and a key issue in this section was the repetition of content from **part (a)** in **part (b)**. Candidates should be reminded that different skills are being assessed: **part (a)** tests AO1 Knowledge and Understanding, while **part (b)** assesses AO2 Analysis and Application and AO3 Evaluation. The same information cannot be credited twice.

#### **Question 6**

**(a) Explain negotiation and mediation.**

This was a popular question, yielding a range of responses. Many candidates simply defined negotiation and mediation, earning around half marks. To achieve higher marks, candidates needed to explain the processes involved. For example, in mediation, discussing mediation centres, online mediation, and various forms such as formalised settlements and mini trials would have been beneficial.

Additionally, responses often lacked examples. Candidates were expected to reference real-world applications, such as negotiation being used when consumers return goods or mediation commonly resolving family disputes.

**(b) Discuss the advantages of using alternative dispute resolution (ADR) to resolve a civil dispute.**

As with all questions in this section, there was significant repetition from part (a), with many candidates merely restating the concept of ADR. While some explanation is expected, responses lacking development in evaluation or legal authority could not achieve high AO2 and AO3 marks.

Stronger candidates discussed each form of ADR in turn, highlighting unique advantages and disadvantages. This approach demonstrated excellent analysis and evaluation. For example, arbitration offers flexibility under the Arbitration Act 1996, and Scott v Avery clauses can benefit claimants. In mediation, the compulsory nature of MIAMS in family hearings can be disadvantageous, particularly when cooperation between parties is unlikely.

However, most candidates provided only generic evaluations of ADR, focusing on cost-effectiveness compared to court, the speed of resolution, and reduced stress for claimants. These broad points were unlikely to earn more than half marks. Candidates should ensure their answers are specific and directly address the question. Additionally, some candidates limited their discussion to negotiation and mediation, despite the question not specifying types of ADR.

#### **Question 7**

**(a) Explain the process required to become a judge in the Supreme Court.**

This question was less popular than others on the paper and was attempted by only a few candidates. Those who did answer it often treated it as a general question on judicial appointments rather than focusing on the specific process for appointing Supreme Court judges. Instead, many discussed the appointment of inferior judges, leading to irrelevant information about the Judicial Appointments Commission, which does not oversee Supreme Court appointments.

**(b) Assess whether the process for appointing a judge in the Supreme Court ensures that the appropriate candidates are selected.**

There was significant repetition from part (a), with many candidates simply explaining the judicial appointments process rather than engaging with evaluation. To improve responses, candidates should be encouraged to link their points directly to the question using connectives such as "The process ensures appropriate candidates are selected because..."

Evaluation points were often vague and conversational, rarely supported by examples. Additionally, AO3 responses tended to be list-like, lacking the development needed for AO2 credit. Answers of this nature struggled to progress beyond Band 2, as they demonstrated only some analysis and evaluation.

Weaker candidates relied heavily on repeating knowledge from part (a) without adding meaningful analysis or evaluation to address the question effectively.

## Question 8

### (a) Explain the stages through which a Bill passes in the House of Commons.

This was a highly popular and accessible question, answered by most candidates, with many producing strong responses.

The strongest candidates followed a logical structure, covering all legislative stages with brief explanations for each, including the First Reading, Second Reading, Committee Stage, Report Stage, and Third Reading. While candidates were not penalised for omitting the ping-pong stage or the role of the House of Lords, the level of detail provided for each stage was the key differentiator between mark bands. Overall, candidates demonstrated a good understanding of the process.

Responses effectively highlighted aspects such as the lack of debate at the First Reading, the use of experts at the Committee Stage, and the low likelihood of a Bill failing at the Third Reading. Some candidates also provided insightful discussion on the voting process in the House of Commons, showing clear engagement with the democratic process.

As an area for improvement, it would be beneficial to see candidates incorporating recent examples of Bills progressing through Parliament, such as the Assisted Dying Bill currently under consideration in the UK.

Finally, accuracy in terminology remains crucial. Many candidates incorrectly referred to the First Hearing instead of the First Reading. Such errors weaken responses and prevent candidates from demonstrating excellent knowledge and understanding of the topic.

### (b) Discuss the advantages and disadvantages of the legislative process.

This was another accessible question that elicited strong responses. Candidates presented a range of relevant evaluation points, with common discussions focusing on the sometimes-lengthy legislative process. However, this was often balanced against advantages such as the thorough scrutiny provided, expert input at the Committee Stage, and the use of delegated legislation to address more specific legal matters. Weaker candidates either confused or omitted the Committee and Report Stages.

Some responses also demonstrated sophisticated discussion on Private Members' Bills, highlighting challenges such as the ballot system, MPs raising localised issues, and limited debate time.

As an area for improvement, more candidates could have included examples to strengthen their evaluation. Stronger candidates referenced cases such as the controversy surrounding the Dangerous Dogs Act 1991, which helped them access the higher mark bands.

(b) The legislative process have both advantages and disadvantages in the English legal system. One of the most important advantage of the legislative process is that it upholds democratic principles of the legal system and the rule of law. This is because the law is made by the elected members of the Parliament and therefore the law represents the needs and desires of the people who are represented by the members of Parliament of the House of Commons.

In this example, the candidate has

1. mentioned the point of evaluation; 'it upholds democratic principles'
2. developed the point with the use of connectives: 'this is because....and therefore'
3. Linked it back the question – why it is an advantage or disadvantage.

Overall, many candidates struggled to achieve AO2 and AO3 marks. Centres should encourage candidates to develop evaluation points and explicitly reference the wording of the question to demonstrate that they are addressing the question set, rather than the one they might have preferred.

# LAW

Paper 9084/12  
English Legal System 12

## Key messages

- Candidates need to be prepared for the potentially narrow focus of the compulsory questions and ensure they address this in their answers.
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- Candidates should focus on the command verbs at the start of a question. For example, "Identify" requires only a list, and providing additional detail wastes exam time.
- Ensure that responses directly address the question. In evaluation questions, explicitly link answers to the question's wording.
- If time management is a concern, candidates should prioritize higher-tariff questions first to avoid running out of time.
- When citing legal authority, case years are not required, but statutory authority should include the year.

## General comments

The compulsory nature of the first five questions remains particularly challenging, as many candidates either skipped entire questions or provided unfocused answers. This highlights significant knowledge gaps and the need for more targeted revision.

Time management continues to improve, with some candidates strategically attempting the more demanding **Section B** questions first. This approach is encouraged; however, candidates should ensure they number their responses correctly to facilitate accurate marking. A small number of candidates did not complete the required two questions in **Section B**, possibly due to timing issues, which could be mitigated with additional exam practice.

In terms of examination structure, valuable time is often wasted rewriting or paraphrasing the question, which is unnecessary. Additionally, there is a significant lack of legal authority across responses. In law, it is essential to support all arguments with relevant legal authority, such as cases, statutes, reports, statistics, news stories, or academic opinions. When citing cases, candidates should explain how each case supports their argument. A useful approach is to structure discussions as follows: "As seen in the case of [case name], where [brief explanation]." A sentence or two after "where" is typically sufficient to illustrate the point effectively.

The distinction between AO2 and AO3 assessment objectives remains challenging for some candidates. It may be beneficial for both centres and candidates to clarify the differences using the following example:

**'a disadvantage of juries is that the way the verdict is reached is not known and juries could use unscrupulous ways of doing this** as seen in R v Young where the jury used a ouija board and R v Alexander and Steen where the jury was persuaded by the barrister'.

In this example, the **bold** text represents an AO3 evaluation point, while the underlined text demonstrates AO2 application through case support. Candidates who simply list evaluation points without providing support, development, or legal authority are unlikely to achieve the higher AO3 mark bands.

Additionally, there was increased use of bullet points in this series. While bullet points may be appropriate for Questions 1–3, they are not recommended for longer questions, as they do not align with best practices for extended writing.

## **Comments on specific questions**

### **Section A**

Given the limited marks assigned to these questions, candidates should focus their responses on the specific question asked. Paying attention to command verbs can help determine the appropriate length of the answer. Many candidates wrote over a page for some questions, which was disproportionate to the marks available. Additionally, candidates should be precise and use correct legal terminology to achieve higher mark bands.

#### **Question 1**

**Identify one extrinsic aid used in statutory interpretation.**

Many candidates earned one mark on this question, and it was attempted by all. Hansard was the most cited extrinsic aid, with some candidates also correctly referencing dictionaries, case law, and previous Acts of Parliament. However, some candidates mistakenly cited intrinsic aids or rules of interpretation, which were not credited.

#### **Question 2**

**Identify two influences on parliamentary law making.**

Most candidates achieved the full two marks on this question. However, some mistakenly cited stages of a Bill or the House of Commons and House of Lords instead of parliamentary influences on law reform. The most referenced influences were the media and pressure groups.

#### **Question 3**

**Describe the jurisdiction of three criminal courts.**

Responses to this question varied. A clear approach would be to name a court for one mark and provide a brief description for another mark, covering three criminal courts. Many candidates spent unnecessary time detailing jurisdiction, which was not required for a one-mark answer.

Most candidates correctly identified the Magistrates' Court and Crown Court, accurately noting their roles in hearing summary and indictable cases, respectively. However, some confusion arose with the Court of Appeal (Criminal Division) and the Supreme Court, where references to their jurisdiction were unclear. There were also vague mentions of the High Court without specifying its divisions. References to the Youth Court and the King's Bench Division for case-stated appeals were also credited.

#### **Question 4**

**Describe two stages in the training of barristers.**

This was an accessible question but was not answered well overall. Many candidates correctly identified two relevant training stages, typically the Bar Course Aptitude Test and pupillage, but the quality of descriptions varied. The strongest responses provided clear explanations of pupillage, detailing the two six-month periods and the ability of candidate barristers to take on their own cases.

Some candidates mentioned the Inns of Court but simply naming them was insufficient to be credited as a stage of training.

Weaker candidates confused the question with other legal professionals, such as magistrates. There was also frequent misuse of terminology, with some referring to the "Barrister Training Course" instead of the Bar Course Aptitude Test. Candidates should ensure they use correct legal terminology, as required by the Assessment Objectives.

### Question 5

**Discuss the disadvantages for a defendant who chooses to have a triable either way offence heard in the Crown Court.**

This question required a focus on the disadvantages of a Crown Court trial. A structured approach would involve discussing five disadvantages with supporting development, evaluation, and legal authority. However, many candidates wasted valuable exam time defining triable either way offences, which, while relevant as an introduction, was not the focus of the question.

Unlike in previous years, most candidates remained focused on disadvantages rather than discussing advantages. The majority identified around three disadvantages, often with well-developed analysis and application. Centres should note that AO3 marks are awarded for evaluation points, while AO2 marks follow for their development. Common evaluative points included the risk of a longer sentence, increased cost, a lengthier process, and issues associated with using a jury in the Crown Court. However, some candidates provided overly detailed discussions on the disadvantages of jury trials, losing focus on the broader disadvantages of Crown Court proceedings.

Additionally, many responses contained unnecessary information, such as discussions on types of precedent and definitions of legal terminology. While not incorrect, these details were irrelevant to the question. Candidates should carefully read the question to avoid including information that cannot be credited. Some also mistakenly discussed the advantages of precedent, further straying from the intended focus.

### Section B

This is a new-style question, and a key issue in this section was the repetition of content from **part (a)** in **part (b)**. Candidates should be reminded that different skills are being assessed: **part (a)** tests AO1 Knowledge and Understanding, while **part (b)** assesses AO2 Analysis and Application and AO3 Evaluation. The same information cannot be credited twice.

### Question 6

#### (a) Describe the training of lay magistrates.

This was a popular question, but responses varied in quality. Many candidates lacked focus, discussing selection and appointment rather than training. Additionally, there was a noticeable absence of legal terminology, leading to informal and weaker responses.

Stronger candidates correctly identified training stages such as mentoring, appraisals, continuing training, and development logs. However, these points were often presented in a list format with minimal explanation of what each stage involves. Candidates should aim to provide more detailed descriptions to demonstrate a deeper understanding of the topic.

#### (b) Assess the extent to which the training of lay magistrates prepares them adequately for their role.

As with other questions in this section, many candidates repeated content from part (a), simply restating the training stages. While some explanation is expected, responses lacking evaluation or legal authority could not achieve high AO2 and AO3 marks. Candidates should focus on developing their analysis and supporting their points with relevant legal references to improve their scores.

their preparation for their roles and is essential. Firstly, lay magistrates receive thorough initial training that covers legal principles, court procedures, and sentencing powers. This ensures they understand the basics of the legal system and can perform their role with foundational knowledge. This structured program offers the essential grounding needed for them to make informed decisions in court. Then,

In this example, the candidate has

1. mentioned the training stage using appropriate terminology— Initial Training
2. explained a little about what the stage involves.
3. Linked it back the question - why it prepares them adequately for their role



Some candidates lacked focus by discussing general advantages and disadvantages of magistrates rather than specifically addressing their training. Candidates should ensure their evaluative points directly relate to the question. For example, many cited over-reliance on the clerk as a disadvantage, which was generally considered irrelevant. However, if they explained that this reliance results from inadequate training, the point would have been creditworthy. A lack of specificity will prevent candidates from achieving higher mark bands.

Stronger candidates highlighted issues such as the social value training not adequately preparing magistrates for cases in family or youth courts. Others discussed the lack of representativeness within the magistracy and the need for training to address this. Some responses also considered the impact of court closures on the magistracy and the broader question of its necessity.

### Question 7

**(a) Explain what is meant by the rule of law.**

This question was less popular than others on the paper. Stronger candidates effectively addressed the three key aspects of Dicey's theory:

1. No punishment without breach
2. Everyone is equal before the law
3. The constitution is the result of the ordinary law of the land

They also demonstrated an understanding of its role as one of the three pillars of the UK's unwritten constitution, alongside the separation of powers and parliamentary sovereignty. Some stronger responses referenced additional theorists, such as Raz, to further support their arguments.

Weaker candidates struggled to define the rule of law as a concept within the English legal system. Instead, some discussed different types of legal systems, sources of law, or specific legal rules such as murder, theft, and sexual assault. There was also confusion between the rule of law and the relationship between law and morality, which is not its primary focus.

**(b) Assess to what extent to which the rule of law exists in the English legal system.**

Many candidates repeated content from part (a) by simply explaining the rule of law rather than engaging in evaluation. To improve responses, candidates should be encouraged to link back to the question using connectives such as "The rule of law exists because..." This helps demonstrate analysis and ensures responses remain focused.

Evaluation points were often vague and conversational, rarely supported with examples. AO3 responses tended to be list-like, lacking the development needed for AO2 credit. Answers of this nature generally did not progress beyond Band 2, as they demonstrated only some analysis and evaluation.

Stronger candidates took a structured approach, discussing examples where the rule of law may have been compromised, such as the Belmarsh detainees, the Black Spider memos, and the Gina Miller case. Some also expanded on the rule of law by highlighting issues such as inequality in the legal system and the undemocratic nature of parliamentary law-making.

A few candidates diverged into discussing the separation of powers, which was credited where a relevant link to the question was made. Weaker candidates, however, simply repeated the knowledge from part (a) without adding meaningful analysis or evaluation.

## Question 8

**(a) Explain how the police should conduct a lawful stop and search.**

This was a highly popular and accessible question, with many candidates producing strong responses.

Stronger candidates focused on the three main statutory provisions governing stop and search: the Police and Criminal Evidence Act 1984 (PACE), the Misuse of Drugs Act 1971, and the Terrorism Act 2000, detailing the relevant provisions under each. However, some candidates did not reference specific section numbers, such as sections 1–7 of PACE, which would have allowed them to outline key principles, including the requirement for officers to identify themselves, show ID, and provide a copy of the search record. These fundamental points were often omitted.

Weaker candidates lost focus by discussing lawful arrest and detention safeguards rather than stop and search. While legally accurate, this did not address the question. Additionally, some candidates spent excessive time detailing which items of clothing could be removed and the requirement for searches to be conducted by someone of the same gender. While these points were correct, they represented only a small aspect of a full response.

**(b) Assess the extent to which the law on stop and search strikes a fair balance between the powers of the police and the rights of the individual.**

This question provided an opportunity for candidates to support their evaluation and analysis with case law, yet the majority failed to do so, with many citing no case law at all.

Evaluation responses were often shallow and generic. Few candidates explored the usefulness of stop and search powers in different contexts or addressed the controversies surrounding their application in the UK. Stronger responses could have discussed issues such as the disproportionate targeting of young BAME men, the potential for charges to be dropped if a suspect does not comply, and the concept of reasonableness and its inherent challenges.

Overall, many candidates struggled to achieve AO2 and AO3 marks. Centres should encourage candidates to develop evaluation points and explicitly reference the wording of the question to ensure they are addressing it directly.

# LAW

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<p><b>Paper 9084/13</b> <b>English Legal System 13</b></p>
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There were too few candidates for a meaningful report to be produced.

# LAW

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<p><b>Paper 9084/21</b> <b>Criminal Law 21</b></p>
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## **Key messages**

- Writing out the scenario or parts of the source material is unnecessary.
- Candidates should use only the provided source material in Question 1 to resolve scenarios, making clear links between the material and the scenario to demonstrate application and reasoning skills.
- Question 1 requires reasoning to a viable conclusion based on the facts, such as determining an appropriate sentence. Other papers may require different conclusions based on their specific context.
- Question 2 and Question 3 are not linked; candidates should prepare broadly to answer each part of their chosen question.
- Highlighting or underlining key words in Question 2 and Question 3 can help candidates focus on how best to answer. For example, Question 2(a) focused on the offence of fraud by abuse of position rather than fraud in general, and Question 2(b) focused only on the mens rea of theft.
- Focus on command verbs. For example, "Identify" requires only a list, and adding unnecessary detail wastes exam time.
- In Question 2 or Question 3(a), assessing AO1 (Knowledge and Understanding), a bullet-pointed list is acceptable.
- Question 2 or Question 3(b) requires extended writing. Covering AO1, AO2, and AO3 is essential to reach higher mark levels. The mark scheme shows how material can best be used to progress through mark levels.
- Questions can be answered in any order if clearly indicated in the answer booklet.
- Effective time management ensures all questions are attempted. Allocating time wisely helps candidates complete all sections.
- Thinking and planning before writing help candidates apply their knowledge effectively.
- Legible handwriting is essential for responses to be read and assessed properly, as presentation affects readability.

## **General comments**

Many candidates demonstrated a good understanding of the new syllabus, though some appeared less confident in certain areas. Centres are encouraged to make full use of the resources available on the Cambridge Assessment website's Law pages, including the mark scheme, Principal Examiner reports from previous sessions, and exemplar scripts, which can support both teaching and student preparation.

While most candidates engaged well with Question 1 in Section A, some found aspects of Questions 2 and 3 in Section B more challenging, possibly due to gaps in revision. Responses to these questions were varied, and in some cases, candidates did not attempt them. This highlights the importance of broad and thorough preparation to ensure all parts of the paper can be confidently addressed.

## **Comments on specific questions**

### **Section A**

#### **Question 1**

- (a) The two AO1 marks were awarded for referencing Category 3 and C – Lesser Culpability. The best responses worked methodically through the scenario. In terms of culpability, Gemma committed the offence of setting fire to the wooden building in Hannah's garden on impulse due to another noisy party. She was reckless regarding the risk of damage to property when she threw a lighted match at the wooden building in Hannah's garden. Gemma's responsibility is reduced by her mental disorder, as this is triggered by lack of sleep and Hannah is holding her third noisy party in a

week. In terms of harm, there is no physical or psychological harm caused, and the cost of replacing the wooden building is low at £100. As well as her mental disorder, Gemma has a mitigating factor, as she shows remorse by saying she is sorry. Gemma is likely to be low on the sentencing scale, and a low community order or a discharge appears to be appropriate.

- (b) The two AO1 marks were awarded for referencing Category 1 and A – High Culpability. The best responses worked methodically through the scenario. In terms of culpability, Ranjit shows a high level of planning as he buys fuel and thinks about his attack. He is motivated by revenge, as he will benefit if Sasha's business is damaged. He buys fuel for the attack, which is an accelerant. He intends serious damage to property by starting the fire at Sasha's office. There is no intention to cause serious injury to persons, as he starts the fire at 07:00 and there is no evidence that he knows Sasha would be at her office at that time.

In terms of harm, there is serious physical harm as Sasha breaks her leg, high-value damage as it costs £500,000 to repair the office, and serious consequential economic loss as the office is closed for several weeks. Ranjit has an aggravating factor, as he will gain financially from Sasha's office being closed. There is also a mitigating factor, as he has no previous convictions. Ranjit is likely to be high on the sentencing scale and therefore receive a sentence above the four years' custody starting point.

- (c) The two AO1 marks were awarded for referencing Category 2 and B – Medium Culpability. The best responses worked methodically through the scenario. In terms of culpability, Frank showed some planning as he waited until dark to start the fire. He showed recklessness regarding whether serious damage would be caused to the wooden building by starting the fire when it was less likely anyone would see it. He was also reckless as to whether serious injury would be caused to a person; Frank knows Jed sometimes sleeps in the building but does not check if he is there before starting the fire.

In terms of harm, the repair cost was in the middle range at £50,000. There are several aggravating factors, as Frank has a previous conviction for basic criminal damage, he starts the fire in a building in a park which is a public amenity, and there is a significant impact on emergency services as three fire engines are needed to put the fire out. There is a mitigating factor in that Frank calls the emergency services after he has started the fire. Frank is likely to be around the starting point of nine months' custody when all these factors are taken into account.

## Section B

### Question 2

- (a) The five AO1 marks were awarded for any of the points below:
- The offence is found in s4 Fraud Act 2006.
  - The defendant is in a position in which they are expected to safeguard, or not to act against, the financial interests of another person.
  - They abuse that position by a positive act or an omission.
  - They do so dishonestly.
  - They intended by the abuse to make a gain or cause a loss.
  - The offence is triable either way.
  - The maximum sentence is 10 years' imprisonment.
- (b) The best responses used relevant and detailed factual information to support their analysis and evaluation. Weaker responses tended to be more factual in their approach; some included a conclusion that was a simple evaluative answer to the question, and a good number included no analysis or evaluation at all. The mark scheme makes it clear that to move up the mark levels, candidates need to engage with each of the three assessment criteria. It is important to note that AO1 Knowledge and Understanding attracts a maximum of 10 of the 25 marks available for this question.

The AO1 marks were awarded for factual content only on the law relating to the mens rea of theft. The first element is dishonesty, and s2 of the Theft Act 1968 gives only a negative definition by specifying three situations in which a defendant is not dishonest: s2(1)(a) an honest belief in a legal right to the property – *R v Robinson* (1977), *R v Holden* (1991); s2(1)(b) an honest belief in the owner's consent; and s2(1)(c) an honest belief that the owner cannot be found after taking reasonable steps to do so – *R v Small* (1987). When these exceptions do not apply, the jury uses its common sense to decide dishonesty using a two-stage test: What was the defendant's actual state of knowledge or belief as to the facts? Was their conduct dishonest by the standards of ordinary decent people? – *Ivey v Genting Casinos Ltd t/a Crockfords* (2017), *R v Barton and Booth* (2020). S6 deals with the intention to permanently deprive, which can mean taking property forever, destroying property, dealing with property in a way that goes against the rights of the owner, or borrowing property for a period of time or in such a way that the value is changed to the extent that all or most of the goodness has gone out of it – *R v Velumyl* (1989), *DPP v Lavender* (1994), *R v Lloyd* (1985). It also covers conditional intent, where a defendant takes property and then replaces it because there is nothing worth stealing – *R v Easom* (1971), and where the defendant appropriates property and then conceals it rather than taking it away – *CC Avon and Somerset Constabulary v Smith* (1984).

In terms of analysis of the *mens rea* of theft all analytical points could be credited but might include:

- It is an important element of theft as the key indicator of blame, but it can be hard to prove.
- There has been significant change to the meaning of the statutory wording which leads to complexity for juries.
- A lack of clarity can impede fair labelling lead to inconsistency.

In terms of evaluation the best responses often built on the analytical points already made or made new ones. All could be credited but might include:

- The purpose of the Theft Act 1968 was to clarify and codify the law of theft, so it was more effective – arguably issues surrounding key terms have made this harder.
- However, most of the time juries recognise dishonesty by using their common sense; also, the test has become more objective which improves effectiveness.
- The meaning of permanently deprive has been stretched which could mean the law is ineffective and no longer gives effect to the intention of Parliament; however, it now covers a range of situations and so can make conviction easier and the law more effective.

### Question 3

(a) The five AO1 marks were awarded for any of the points below:

- Recklessness is an element of *mens rea*.
- Recklessness is a lower level of *mens rea*.
- It is the most common level of *mens rea*.
- There are very few offences where recklessness is not sufficient.
- A simple definition is that it is unjustified risk taking and fits with the idea that people take risks.
- The test is subjective – a defendant must have seen the risk and decided to take it.

(b) The best responses used relevant and detailed factual information to support their analysis and evaluation. Weaker responses tended to be more factual in their approach; some included a conclusion that was a simple evaluative answer to the question, and some included no analysis or evaluation at all. The mark scheme makes it clear that to move up the mark levels, candidates need to engage with each of the three assessment criteria. It is important to note that AO1 Knowledge and Understanding attracts a maximum of 10 of the 25 marks available for this question.

The AO1 marks were awarded for factual content on the law relating to burglary. The offence is defined in s9 of the Theft Act 1968 and can be committed in two ways – s9(1)(a) and (b). Both offences have some common elements: there must be entry, and this may be effective even if it is only partial – *R v Brown* (1985), *R v Ryan* (1996); entry must, under s9(4), be of a building or part of a building – *B and S v Leathley* (1979), *Norfolk Constabulary v Seekings and Gould* (1986), *R v Rodmell* (1994), *R v Walkington* (1979); there must be entry as a trespasser, which means having

no permission to enter or having exceeded any permission given – *R v Collins* (1972), *R v Jones and Smith* (1976); and the defendant must intend to trespass or be reckless as to whether they are trespassing.

A s9(1)(a) offence requires a defendant to enter with the intent to commit any of the offences contained in s9(2) – theft, GBH, or criminal damage – and is complete at the point of entry. A s9(1)(b) offence requires a defendant, having entered, to commit or attempt theft or GBH, and they must have the necessary mens rea for the offence. Sentencing is found in s9(3) – the maximum penalty in relation to a building is 10 years, and 14 years for a dwelling. Burglary is a triable either way offence.

In terms of analysis of burglary all analytical points could be credited but might include:

- Burglary is a complex and confusing offence which can cause issues for juries
- Key terms are often not clearly defined which can be difficult for juries
- Mixing civil and criminal law concepts, as in the meaning of a trespasser, can cause problems.

In terms of evaluation the best responses often built on the analytical points already made or made new ones. All evaluative points could be credited but might include:

- The Theft Act 1968 did clarify the law, but it does not define key elements; this makes the jury's job harder and the law less effective.
- The differences between s9(1)(a) and s9(1)(b) means burglary covers a wider range of offenders and so makes the law more effective
- The issue as to whether burglary is focused on protecting people or property can lead to complexity which can impact on effectiveness.

# LAW

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<p><b>Paper 9084/22</b> <b>Criminal Law 22</b></p>
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## Key messages

- Writing out the scenario or parts of the source material is unnecessary.
- Candidates should use only the provided source material in Question 1 to resolve scenarios, making clear links between the material and the scenario to demonstrate application and reasoning skills.
- Question 1 requires reasoning to a viable conclusion based on the facts, such as determining an appropriate sentence. Other papers may require different conclusions based on their specific context.
- Question 2 and Question 3 are not linked; candidates should prepare broadly to answer each part of their chosen question.
- Highlighting or underlining key words in Question 2 and Question 3 can help candidates focus on how best to answer. For example, Question 2(a) focused on the offence of fraud by abuse of position rather than fraud in general, and Question 2(b) focused only on the mens rea of theft.
- Focus on command verbs. For example, "Identify" requires only a list, and adding unnecessary detail wastes exam time.
- In Question 2 or Question 3(a), assessing AO1 (Knowledge and Understanding), a bullet-pointed list is acceptable.
- Question 2 or Question 3(b) requires extended writing. Covering AO1, AO2, and AO3 is essential to reach higher mark levels. The mark scheme shows how material can best be used to progress through mark levels.
- Questions can be answered in any order if clearly indicated in the answer booklet.
- Effective time management ensures all questions are attempted. Allocating time wisely helps candidates complete all sections.
- Thinking and planning before writing help candidates apply their knowledge effectively.
- Legible handwriting is essential for responses to be read and assessed properly, as presentation affects readability.

## General comments

Many candidates showed a good understanding of the new syllabus and its contents in this session but there were also those who were not well prepared. There is helpful material available on the Cambridge Assessment website Law pages as the mark scheme is available, along with Principal Examiner reports for previous sessions and exemplar scripts; these materials will assist both centres and candidates. The question paper appeared to be clear for candidates; there were few examples of rubric error although a good number had not revised widely enough to be able to complete all of **Question 2** or **Question 3**.

In **Section A Question 1** each scenario was answered by almost all candidates. In **Section B** there was a good spread of answers for both **Question 2** and **Question 3**. There were a number of scripts in which candidates made no attempt to answer some of the questions, most often **Question 2** and **Question 3**.

## Comments on specific questions

### **Section A**

#### **Question 1**

- (a) The two AO1 marks were awarded for referencing any two of s9(1)(a), s9(2), s9(3)(a), s9(4), *R v Brown* (1985) and *Norfolk Constabulary v Seekings and Gould* (1986). The best responses worked methodically through the scenario. The correct offence in this scenario is s9(1)(a). Derek enters the caravan in an effective way following the decision in *R v Brown* (1985); although he does not fully



enter, he is able to reach in and steal. He is a trespasser as he has wandered onto the site, and there is no evidence he has permission to be there. Derek intends to commit theft once he sees the mobile phone on the table; a s9(1)(a) offence is complete at this point as theft is one of the named offences in s9(2). Under *Norfolk Constabulary v Seekings and Gould* (1986), the degree of permanence of Colin's caravan makes it a building, and using s9(4), an inhabited vehicle such as a caravan can be classed as a building and a dwelling, as in this case, Colin lives in a caravan on a permanent site which is connected to the water and electricity provided. Under s9(3), the maximum sentence for a burglary involving a dwelling is 14 years, and so Derek's sentence is within the statutory limit.

- (b) The two AO1 marks were awarded for referencing any two of s9(1)(a), s9(2) and s9(3)(b). The best responses worked methodically through the scenario. The correct offence in this scenario is s9(1)(a). Pietro makes a substantial and effective entry when he goes into the shop. The shop is a building, but it is not a dwelling. Pietro is a trespasser as the owner of the shop only consents to valid customers entering the shop, and he has exceeded that consent as he enters with an intention to steal the shoes, he has seen in the shop window. His intention is further evidenced by having a backpack in which to hide the shoes and walking around in the shop in an effort to steal them. Pietro's failure to steal the shoes is immaterial, as s9(1)(a) is complete when he enters as a trespasser with the intention to steal. However, under s9(3)(b), the maximum sentence for burglary of a building which is not a dwelling is 10 years. This means that Pietro's sentence is outside the statutory limit.
- (c) The two AO1 marks were awarded for referencing any two of s9(1)(b), s9(3)(a), s9(4) and *R v Rodmell* (1994). The best responses worked methodically through the scenario. The correct offence in this scenario is s9(1)(b). Mary makes a substantial and effective entry into the shed in Graham's garden. She is a trespasser as she has no consent to enter. She commits theft when she steals the tools, and using *R v Rodmell* (1994), the shed is seen as part of Graham's house due to its proximity to that building – the distance is less than in the decided case. When Mary steals the tools, a s9(1)(b) offence is complete. Mary also enters the house as a trespasser. Kicking Graham so hard that he falls and breaks his leg is an example of GBH, and so Mary commits a second s9(1)(b) offence at this point. Mary's sentence is under s9(4), as the house is a dwelling, and the garden shed is part of Graham's home. Under s9(3)(a), the maximum sentence for a dwelling is 14 years; this means that Mary's sentence is within the statutory limit and may reflect a lower level of seriousness relating to the theft of the tools from the shed.

## Section B

### Question 2

- (a) The five AO1 marks were awarded for any of the points below:
- The offence is found in s2 Fraud Act 2006.
  - The defendant must make a representation which is false.
  - Representations may be express or implied and may be made to a machine.
  - Actual gain or loss does not need to be proved.
  - The representation must be made dishonestly.
  - There must be knowledge or belief that the representation is false or untrue.
  - There must be an intention to make a gain or cause a loss.
  - The offence is triable either way.
  - The maximum sentence is 10 years' imprisonment.
- (b) The best responses used relevant and detailed factual information to support their analysis and evaluation. Weaker responses tended to be more factual in their approach; some included a conclusion that was a simple evaluative answer to the question, and a good number included no analysis or evaluation at all. The mark scheme makes it clear that to move up the mark levels, candidates need to engage with each of the three assessment criteria. It is important to note that AO1 Knowledge and Understanding attracts a maximum of 10 of the 25 marks available for this question.

The AO1 marks were awarded for factual content on the law of robbery. The offence is found in s8 Theft Act 1968. All elements of theft must be present, or there can be no conviction for robbery – *R v Zerei* (2012), *R v Waters* (2015). At the moment the theft is complete, there can be a robbery –

*Corcoran v Anderton* (1980). There must be a use of force or putting or seeking to put a person in fear of force – the amount of force can be small, and the victim does not need to be frightened – *R v Dawson and James* (1976), *R v Clouden* (1985), *P v DPP* (2012), *B and R v DPP* (2007). The force must be used before or at the time of stealing, but this can be as part of an ongoing situation – *R v Hale* (1979), *R v Lockley* (1995). The force must be in order to steal – if theft is already complete and then force is applied, this will not be robbery. The defendant must possess the same mens rea as for theft and intend to use force in order to steal. Robbery is an indictable offence with a maximum penalty of life imprisonment.

In terms of analysis of the law of robbery all analytical points could be credited but might include:

- The use of force is an indicator of blame which helps with sentencing and also helps to reflect blameworthiness which can be a deterrent but can create uncertainty.
- The development of the law shows complexity as the statutory definition has been extended and this can be an issue for juries who need to be certain to convict.
- A lack of clarity and different types of robbery can impede fair labelling and lead to inconsistency.

In terms of evaluation the best responses often built on the analytical points already made or made new ones. All could be credited but might include:

- Robbery requires a theft to be completed but this is problematic as in theft an appropriation occurs at one point in time but in robbery the appropriation can be a continuing act; this disparity can have an impact on effectiveness.
- Often there is no problem for juries as the force is clearly significant; however, when it is the level of force is low it can lead to inconsistent verdicts and this makes the law less effective.
- Uncertainties around definitions can make juries unsure robbery is the right offence due to the sentence and stigma which surround conviction which can impact effectiveness.

### Question 3

(a) The five AO1 marks were awarded for any of the points below:

- The offence is found in s22 Theft Act 1968.
- The goods must already be stolen at the time of the handling.
- A thief or handler cannot wash away the taint of goods being stolen by simply selling on the goods.
- Handling can be receiving stolen goods, but it can also be any of undertaking the retention, removal or realisation of goods by another person or for the benefit of another person.
- Handling can be arranging to do any of types listed above.
- The offence is triable either way.
- The maximum sentence is 14 years imprisonment.

(b) The best responses used relevant and detailed factual information to support their analysis and evaluation. Weaker responses tended to be more factual in their approach; some included a conclusion that was a simple evaluative answer to the question, and some included no analysis or evaluation at all. The mark scheme makes it clear that to move up the mark levels, candidates need to engage with each of the three assessment criteria. It is important to note that AO1 Knowledge and Understanding attracts a maximum of 10 of the 25 marks available for this question.

The AO1 marks were awarded for factual content only on the law relating to the *actus reus* of theft. Appropriation is found in s3(1) Theft Act 1968 and means any assumption by a person of the rights of an owner; it can be taking something, destroying property, switching price labels on items, or giving worthless cheques in payment for goods. Any or all of the owner's rights must be assumed for an appropriation – *R v Vinall* (2011), *R v Pitham and Hehl* (1977), *R v Morris* (1983), and it can occur even when the owner has given their consent – *Lawrence v Commissioner MPC* (1972), *R v Gomez* (1993). There can be an appropriation in relation to a gift even if there is no deception – *R v Hinks* (2000). An appropriation occurs early, at the first point when an owner's rights are interfered with – *R v Atakpu and Abrahams* (1994), and it is enough if the defendant acquires property without stealing it but then keeps or deals with it as an owner.

Property is found in s4 Theft Act 1968, and under s4(1) almost anything can be stolen. Personal property covers all moveable items such as books, jewellery, clothes, and cars; it also covers dead bodies and body parts – *R v Kelly and Lindsay* (1998), hair – *R v Herbert* (1961), blood – *R v Rothery* (1976), and urine – *R v Welsh* (1974). Things in action can be stolen, such as a bank account, but information cannot be stolen – *Oxford v Moss* (1979). Under s4(3) and s4(4), protected wild plants and cultivated plants can be stolen; other wild plants can only be stolen if for sale or reward or other commercial purpose. Domestic animals can be stolen, but not wild animals unless they are in captivity.

Belonging to another is found in s5 Theft Act 1968, and s5(1) defines it as possession, control, or any proprietary interest in the property – *R v Turner* (1971), *R v Woodman* (1974), *R v Webster* (2006), *Ricketts v Basildon Magistrates Court* (2010). S5(2) makes trustees liable for theft from a trust. S5(3) covers the situation where property has been given with an obligation to use it in a specific way – *R v Hall* (1972), *R v Klineberg and Marsden* (1999), *Davidge v Bunnnett* (1984). S5(4) covers the situation when property is handed over by mistake but there is a legal obligation to return it – *AG Ref (No 1 of 1983)* (1985), *R v Gilks* (1972).

In terms of analysis of the actus reus of theft all analytical points could be credited but might include:

- Appropriation is a key element as it is a physical act which can be seen but its development has been complex which can cause problems.
- The breadth of appropriation puts more emphasis on the difficult element of dishonesty and issues relating to consent and gifts cause juries a particular challenge.
- Both s4 and s5 are very wide which can be problematic given the breadth of appropriation.

In terms of evaluation the best responses often built on the analytical points already made or made new ones. All evaluative points could be credited but might include:

- Appropriation has been extended since the Theft Act 1968 so it is not clear how far it fits the intention of Parliament, but judicial developments make the law more effective.
- S4 is very broad but this can make the law more effective as it covers a very wide range of types of property.
- The breadth of s5 also helps to make the law effective as more situations are covered.

# LAW

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**Paper 9084/23**  
**Criminal Law 23**

There were too few candidates for a meaningful report to be produced.

# LAW

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<p><b>Paper 9084/31</b> <b>Law of Contract</b></p>
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## **Key messages**

To achieve marks in the higher bands, candidates should:

- Read the questions carefully
- Address the specific topic in the question
- Avoid rewriting the scenario
- Avoid writing all the facts of cases. Legal principle/reasoning is all that is required.

## **General comments**

Candidates sitting this paper displayed a broad range of abilities and performance levels. Outstanding work was evident, characterised by detailed explanations and well-structured responses. This highlights the candidates' dedication and the high-quality preparation provided by their teachers. Many candidates showed a solid grasp of legal principles, effectively supporting their analyses with a wide variety of citations.

All question types incorporate command words, which guide candidates towards the specific focus required. It is essential for candidates to carefully interpret these command words, as they highlight the key aspects of the response expected. Providing irrelevant information not only fails to attract marks but also results in a loss of valuable examination time.

Understanding case law is an essential element of a Law exam. However, candidates should refrain from recounting the full details of cases. Legal principles and reasoning derived from the cases are all that is required. Demonstrating familiarity with case names, rather than merely recalling the facts, reflects a deeper and more comprehensive grasp of the material. Candidates should ensure that when setting out AO1, they remain focused on the specific demands of the question. Examiners award marks for the inclusion of relevant legal principles, case authorities, and statutory references. Providing excessive or unrelated information on a topic does not attract credit and can detract from the clarity and precision of the response.

To achieve top marks, candidates should consistently integrate evaluation, analysis, and application throughout their Section A and B responses. Whilst explaining and listing all relevant legal concepts (AO1) at the start of a response will attract high-level AO1 marks, briefly adding evaluation and/or application (AO2 & AO3) in a rushed conclusion is insufficient. The strongest responses seamlessly blended AO1, AO2, and AO3 elements throughout both the scenario question and the essays, ensuring a cohesive and balanced approach.

In summary, candidates demonstrated a broad range of abilities, with many showcasing strong legal knowledge and analytical skills. Exemplary responses reflected thorough preparation, characterised by well-structured answers, effective use of citations, and a solid understanding of legal principles. Key to success on this paper was a clear focus on the command words in questions, which direct candidates to the required aspects of their response. Irrelevant information and unnecessary details, such as recounting the full facts of cases, detracted from performance and wasted valuable time. Instead, candidates excelled by prioritising legal principles and reasoning and ensuring familiarity with case names.

## **Comments on specific questions**

### **Section A**

#### **Question 1**

The question on terms within a contract was popular among candidates, with the strongest responses demonstrating a clear understanding of the relevance of term status. These candidates precisely explained conditions, warranties, and innominate terms, supported by excellent case citations, and successfully applied the law to the three scenarios, achieving high marks. However, less successful responses focused on the discharge of a contract by performance, earning limited credit. The weakest responses misapplied the law entirely, relying on common-sense reasoning rather than legal principles and thereby failing to achieve higher-level marks.

A recurring issue was the tendency for candidates to have sound legal knowledge of relevant case law and definitions but to provide underdeveloped applications when required for higher grades. While some candidates correctly applied the appropriate terms to the given scenarios, a small number applied incorrect terms or omitted legal concepts altogether, instead discussing a breach of contract by non-performance. These missteps highlighted a need for stronger alignment between legal knowledge and practical application.

In conclusion, the question revealed a clear divide in performance, with the strongest candidates demonstrating both legal knowledge and effective application. To achieve higher marks, candidates must ensure the accurate application of legal principles and avoid misinterpretation or reliance on common-sense reasoning. Focused preparation on applying case law to scenarios will enhance overall performance.

#### **Question 2**

This was the least popular question in Section A, likely due to the specific knowledge required regarding the Consumer Rights Act 2015 (CRA 2015). The CRA has been part of the specification since 2023. Candidates who demonstrated a detailed understanding of the relevant sections, supported by case authority, and applied the law logically and coherently to the given facts scored well. However, many responses lacked this depth, with some being overly general or simply repeating the facts from the question.

While some responses were overly general or repeated facts from the question, this highlights an opportunity for candidates to refine their focus on linking statutory provisions to the application. A small number of candidates mistakenly referred to the Sale of Goods Act 1979, but this was offset by others who displayed a solid grasp of at least one key legal issue in the question. With continued attention to ensuring comprehensive coverage of all aspects of the specification, candidates are well-positioned to build on these strengths and achieve greater success in future examinations.

In conclusion, success on this question required precise legal knowledge and a strong ability to apply CRA 2015 to the specific scenarios. Improved preparation in integrating statutory provisions with practical application would enhance performance on similar questions in the future. It is of utmost importance that candidates ensure comprehensive coverage of all aspects of the specification in their exam preparation.

### **Section B**

#### **Question 3**

This question was very popular; however, it generated responses that varied widely in quality and the marks awarded. The strongest responses maintained a sharp focus on the specific topic of the termination of an offer, addressing the key points with precision. In contrast, less successful responses often strayed into discussions of related topics, such as the distinction between an offer and an invitation to treat or the different types of offers.

While the majority of candidates did, at some point, address termination, the time spent on unrelated points limited their ability to cover the main issue in sufficient detail, impacting their overall scores.

Many candidates demonstrated a solid understanding of the general principles of offers but included irrelevant or overly general descriptions of invitations to treat and acceptance. This often resulted in responses that were more descriptive than analytical, lacking the evaluation necessary to fully address the question.

The range of case authority and definitions used by many candidates was impressive; however, many struggled to connect these to the central issue of how offers come to an end. A number of responses, however, effectively mirrored the mark scheme and demonstrated a thorough understanding and application of the relevant legal principles.

In conclusion, to improve on this type of question, candidates should ensure that they remain focused on the main topic and use their time efficiently.

#### **Question 4**

The question on specific performance was the least popular of the three Section A questions. Those who attempted it demonstrated varying levels of success. The key to achieving a strong response was a focused approach to the specific equitable remedy of specific performance. The most successful candidates outlined the nature of specific performance, cited relevant case law, and coherently discussed its limitations and how these might impede the operation of justice. These responses displayed clear knowledge and understanding of the topic and were structured in a logical and well-reasoned manner.

However, many responses struggled by deviating from the main focus and discussing general equitable principles or referencing other remedies not required by the question. Such diversions resulted in the loss of valuable marks, as any mention of unrelated equitable remedies received no credit. Although many candidates demonstrated knowledge of the general reasons for awarding specific performance and outlined exceptions to the remedy, they often found it difficult to effectively relate case law to the specific elements of the question and provide a meaningful evaluation. Some candidates, however, successfully navigated these challenges and showcased a thorough understanding and logical application.

In conclusion, candidates who concentrated on specific performance, used relevant case law, and provided a clear and evaluative approach were most successful. Future candidates should ensure their responses remain focused on the question, integrating case law effectively and avoiding unnecessary discussions of unrelated remedies.

#### **Question 5**

The question on representations and terms did produce some strong responses. The best candidates demonstrated excellent knowledge of the factors considered when distinguishing between representations and terms, and by elaborating on relevant case law, they effectively conveyed the courts' reasoning. These responses displayed a logical approach and a thorough understanding of the topic, achieving high marks. In contrast, other responses lacked the depth and reasoning of the strongest scripts, which limited them to lower marks. This was also true for answers that focused on describing express and implied terms or discussed conditions and warranties without addressing the core of the question.

Weaker responses often included irrelevant legal concepts that were not applicable to the question, detracting from their overall performance. However, there were candidates who showed a clear grasp of the distinction between representations and terms, applied relevant case law, and presented a logical and structured analysis. These responses demonstrated that with careful preparation and focus, candidates can achieve a higher standard of response.

In conclusion, while the question was challenging and not widely chosen, candidates who focused on the distinctions between representations and terms, supported their answers with case law, and avoided irrelevant material were most successful. Future candidates should aim for targeted answers that align closely with the question's requirements and include the precise application of legal principles.

# LAW

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<p><b>Paper 9084/32</b> <b>Law of Contract</b></p>
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## **Key messages**

To achieve marks in the higher bands, candidates should:

- Read the questions carefully
- Address the specific topic in the question
- Avoid rewriting the scenario
- Avoid writing all the facts of cases. Legal principle/reasoning is all that is required.

## **General comments**

Candidates sitting this paper displayed a broad range of abilities and performance levels. Outstanding work was evident, characterised by detailed explanations and well-structured responses. This highlights the candidates' dedication and the high-quality preparation provided by their teachers. Many candidates showed a solid grasp of legal principles, effectively supporting their analyses with a wide variety of citations.

All question types incorporate command words, which guide candidates towards the specific focus required. It is essential for candidates to carefully interpret these command words, as they highlight the key aspects of the response expected. Providing irrelevant information not only fails to attract marks but also results in a loss of valuable examination time.

Understanding case law is an essential element of a Law exam. However, candidates should refrain from recounting the full details of cases. Legal principles and reasoning derived from the cases are all that is required. Demonstrating familiarity with case names, rather than merely recalling the facts, reflects a deeper and more comprehensive grasp of the material. Candidates should ensure that when setting out AO1, they remain focused on the specific demands of the question. Examiners award marks for the inclusion of relevant legal principles, case authorities, and statutory references. Providing excessive or unrelated information on a topic does not attract credit and can detract from the clarity and precision of the response.

To achieve top marks, candidates should consistently integrate evaluation, analysis, and application throughout their Section A and B responses. Whilst explaining and listing all relevant legal concepts (AO1) at the start of a response will attract high-level AO1 marks, briefly adding evaluation and/or application (AO2 & AO3) in a rushed conclusion is insufficient. The strongest responses seamlessly blended AO1, AO2, and AO3 elements throughout both the scenario question and the essays, ensuring a cohesive and balanced approach.

In summary, candidates demonstrated a broad range of abilities, with many showcasing strong legal knowledge and analytical skills. Exemplary responses reflected thorough preparation, characterised by well-structured answers, effective use of citations, and a solid understanding of legal principles. Key to success on this paper was a clear focus on the command words in questions, which direct candidates to the required aspects of their response. Irrelevant information and unnecessary details, such as recounting the full facts of cases, detracted from performance and wasted valuable time. Instead, candidates excelled by prioritising legal principles and reasoning and ensuring familiarity with case names.



## **Comments on specific questions**

### **Section A**

#### **Question 1**

The question on terms within a contract was popular among candidates, with the strongest responses demonstrating a clear understanding of the relevance of term status. These candidates precisely explained conditions, warranties, and innominate terms, supported by excellent case citations, and successfully applied the law to the three scenarios, achieving high marks. However, less successful responses focused on the discharge of a contract by performance, earning limited credit. The weakest responses misapplied the law entirely, relying on common-sense reasoning rather than legal principles and thereby failing to achieve higher-level marks.

A recurring issue was the tendency for candidates to have sound legal knowledge of relevant case law and definitions but to provide underdeveloped applications when required for higher grades. While some candidates correctly applied the appropriate terms to the given scenarios, a small number applied incorrect terms or omitted legal concepts altogether, instead discussing a breach of contract by non-performance. These missteps highlighted a need for stronger alignment between legal knowledge and practical application.

In conclusion, the question revealed a clear divide in performance, with the strongest candidates demonstrating both legal knowledge and effective application. To achieve higher marks, candidates must ensure the accurate application of legal principles and avoid misinterpretation or reliance on common-sense reasoning. Focused preparation on applying case law to scenarios will enhance overall performance.

#### **Question 2**

This was the least popular question in Section A, likely due to the specific knowledge required regarding the Consumer Rights Act 2015 (CRA 2015). The CRA has been part of the specification since 2023. Candidates who demonstrated a detailed understanding of the relevant sections, supported by case authority, and applied the law logically and coherently to the given facts scored well. However, many responses lacked this depth, with some being overly general or simply repeating the facts from the question.

While some responses were overly general or repeated facts from the question, this highlights an opportunity for candidates to refine their focus on linking statutory provisions to the application. A small number of candidates mistakenly referred to the Sale of Goods Act 1979, but this was offset by others who displayed a solid grasp of at least one key legal issue in the question. With continued attention to ensuring comprehensive coverage of all aspects of the specification, candidates are well-positioned to build on these strengths and achieve greater success in future examinations.

In conclusion, success on this question required precise legal knowledge and a strong ability to apply CRA 2015 to the specific scenarios. Improved preparation in integrating statutory provisions with practical application would enhance performance on similar questions in the future. It is of utmost importance that candidates ensure comprehensive coverage of all aspects of the specification in their exam preparation.

### **Section B**

#### **Question 3**

This question was very popular; however, it generated responses that varied widely in quality and the marks awarded. The strongest responses maintained a sharp focus on the specific topic of the termination of an offer, addressing the key points with precision. In contrast, less successful responses often strayed into discussions of related topics, such as the distinction between an offer and an invitation to treat or the different types of offers.

While the majority of candidates did, at some point, address termination, the time spent on unrelated points limited their ability to cover the main issue in sufficient detail, impacting their overall scores.

Many candidates demonstrated a solid understanding of the general principles of offers but included irrelevant or overly general descriptions of invitations to treat and acceptance. This often resulted in responses that were more descriptive than analytical, lacking the evaluation necessary to fully address the question.

The range of case authority and definitions used by many candidates was impressive; however, many struggled to connect these to the central issue of how offers come to an end. A number of responses, however, effectively mirrored the mark scheme and demonstrated a thorough understanding and application of the relevant legal principles.

In conclusion, to improve on this type of question, candidates should ensure that they remain focused on the main topic and use their time efficiently.

#### **Question 4**

The question on specific performance was the least popular of the three Section A questions. Those who attempted it demonstrated varying levels of success. The key to achieving a strong response was a focused approach to the specific equitable remedy of specific performance. The most successful candidates outlined the nature of specific performance, cited relevant case law, and coherently discussed its limitations and how these might impede the operation of justice. These responses displayed clear knowledge and understanding of the topic and were structured in a logical and well-reasoned manner.

However, many responses struggled by deviating from the main focus and discussing general equitable principles or referencing other remedies not required by the question. Such diversions resulted in the loss of valuable marks, as any mention of unrelated equitable remedies received no credit. Although many candidates demonstrated knowledge of the general reasons for awarding specific performance and outlined exceptions to the remedy, they often found it difficult to effectively relate case law to the specific elements of the question and provide a meaningful evaluation. Some candidates, however, successfully navigated these challenges and showcased a thorough understanding and logical application.

In conclusion, candidates who concentrated on specific performance, used relevant case law, and provided a clear and evaluative approach were most successful. Future candidates should ensure their responses remain focused on the question, integrating case law effectively and avoiding unnecessary discussions of unrelated remedies.

#### **Question 5**

The question on representations and terms did produce some strong responses. The best candidates demonstrated excellent knowledge of the factors considered when distinguishing between representations and terms, and by elaborating on relevant case law, they effectively conveyed the courts' reasoning. These responses displayed a logical approach and a thorough understanding of the topic, achieving high marks. In contrast, other responses lacked the depth and reasoning of the strongest scripts, which limited them to lower marks. This was also true for answers that focused on describing express and implied terms or discussed conditions and warranties without addressing the core of the question.

Weaker responses often included irrelevant legal concepts that were not applicable to the question, detracting from their overall performance. However, there were candidates who showed a clear grasp of the distinction between representations and terms, applied relevant case law, and presented a logical and structured analysis. These responses demonstrated that with careful preparation and focus, candidates can achieve a higher standard of response.

In conclusion, while the question was challenging and not widely chosen, candidates who focused on the distinctions between representations and terms, supported their answers with case law, and avoided irrelevant material were most successful. Future candidates should aim for targeted answers that align closely with the question's requirements and include the precise application of legal principles.

# LAW

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<p><b>Paper 9084/41</b> <b>Law of Tort</b></p>
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## Key messages

- Candidates must learn the rules in a way that ensures they understand the aim and purpose of the rules and can use them effectively to answer exam questions.
- **Section A:** Identify the relevant legal issues in the given factual scenario, select and apply the appropriate legal rules, and reach a clear and logical conclusion.
- **Section B:** Requires both knowledge of the legal rules, the ability to evaluate and critically analyse them, and an understanding of how to explain relevant legal rules while focusing on answering the specific question asked. Candidates should avoid writing everything they know about a topic and instead apply their knowledge specifically to address the question.
- **In both Section A and Section B,** candidates must present an accurate and detailed account of the relevant legal rules and support their answers with relevant authority, such as case law or legislation, wherever possible.

## General comments

While some candidates demonstrated a high level of both knowledge and skill in their responses, many candidates would have benefited from better preparation for this style of paper. Preparing answers based exclusively on the questions asked in previous papers is not appropriate. Candidates should use previous papers as a means of developing their examination skills but should not try to anticipate the questions and prepare answers.

The strongest candidates demonstrated both a detailed knowledge and understanding of the subject matter and an ability to select and apply the rules to the factual scenarios in Section A and critically analyse the rules in Section B. Some candidates tended to focus on the statement 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 raised in the questions. In these responses, there tended to be a significant amount of irrelevant material that did not relate to the question and therefore could not be credited.

All candidates benefit from utilising past examination papers as part of their learning and revision to understand the demands of this examination and develop their skills in relation to essay writing and problem solving. 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 that topic. Candidates must focus on the wording of the question and use their knowledge and understanding of the topic to answer the specific question effectively.

When using past examination papers in their preparation, candidates should not assume that the same questions will be asked in subsequent years. Therefore, it is not advisable to prepare answers based on questions asked in past papers. While certain topics will appear on subsequent papers, the focus of the question will change, and a prepared answer will not answer the question. Past examination papers should be utilised to develop the skills required to answer the questions effectively.

There were responses that demonstrated an excellent knowledge of the law and were focused on the specific requirements of the question. In other instances, candidates needed to use their knowledge of the law more effectively to address the issues raised in the question. Candidates should endeavour to use their knowledge in a way that answers the question that has been asked.

## **Comments on specific questions**

### **Section A**

#### **Question 1**

In this question, the candidates were required to explain the legal rules governing liability for negligent misstatement.

In the best responses, candidates first introduced the tort of negligence and identified negligent misstatement as one of the novel duty situations. In these responses, candidates explained the difference between economic loss related to personal injury or damage to property and pure economic loss. Candidates then explained the requirements for establishing a duty of care for a negligent misstatement, referring to relevant case law such as *Hedley Byrne v Heller*\*. In these responses, candidates then applied the legal rules to the facts of the scenario and came to a reasoned and logical conclusion.

In the weaker responses, candidates provided an explanation of general negligence but did not explain the special requirements that apply to a scenario involving negligent misstatement. In some of the weaker responses, candidates identified the issue of negligent misstatement but provided a superficial or incomplete explanation of the legal rules. Some candidates provided a detailed explanation of vicarious liability and applied this to the facts of the scenario. This approach was not justified by the facts of the question and therefore did not merit any credit.

In some of the weaker responses, there was a focus on analysis and discussion of the facts of the scenario but without an explanation of the relevant law. The absence of an explanation of the relevant legal rules meant that these responses were awarded marks at the lower end of the mark levels.

Assessment of the issue raised in the question is vital here if candidates are to achieve the highest marks. A general explanation of the elements of negligence does not fully answer the question and therefore cannot achieve the higher marks. Candidates should identify the precise issue and ensure that they explain the law relevant to that issue and then apply the law to the facts to reach a convincing conclusion.

#### **Question 2**

This question related to occupiers' liability with a possible alternative approach based on negligence.

In the best responses, candidates identified that the incident took place on premises and therefore involved the issue of occupiers' liability. In these responses, candidates identified the two relevant pieces of legislation: the Occupiers' Liability Act 1957 and the Occupiers' Liability Act 1984, and then defined key terms such as premises, visitor, and occupier. In the best responses, candidates identified Colm as a visitor and then examined the potential liability of Barchester Council under the 1957 Act. In the best responses, candidates explained the duty owed by an occupier under the 1957 Act and explained the duty arising in relation to work done by an independent contractor. In these responses, candidates also discussed the remedy of damages and considered which losses might be recoverable by Colm.

In relation to the second part of the scenario, in the best responses, candidates identified the issue as one relating to occupiers' liability. In some responses, candidates argued that there was implied permission and therefore the 1957 Act should apply. In other responses, candidates argued that Liam should be categorised as a trespasser and therefore the 1984 Act applied. In the best responses, candidates explained the relevant duty and supported the explanation with reference to appropriate case law. Candidates then applied the law to the facts, examined potential defences and remedies, and reached a reasoned conclusion.

In the weaker responses, the explanation of the legal rules tended to be inaccurate or superficial and therefore the application to the facts was limited. In some responses, there was a detailed discussion of the facts of the scenario but little explanation of the relevant legal rules. In some of the weaker responses, there was extensive discussion of vicarious liability, which was not relevant given the facts of the scenario. This material merited very little credit.

In some responses, candidates adopted an approach based on negligence. While this was potentially creditworthy, in most cases, the explanation of the law and application to the facts was weak and therefore these responses were at the lower end of the mark levels.

## **Section B**

### **Question 3**

In this question, candidates were required to describe the rules governing the standard of care in negligence and assess whether the individual circumstances of the defendant should be considered when determining whether there has been a breach of the duty of care.

In the best responses, candidates introduced the elements of the tort of negligence and then focused the discussion on the issue of the standard of care. In the best responses, candidates explained that the standard is an objective one, based on the concept of a reasonable person. In the best responses, candidates supported this explanation with references to relevant case law and examples. In these responses, candidates then introduced examples of cases where it could be argued that the standard of care is adjusted to take account of individual circumstances, such as cases involving children and professionals such as doctors. In the best responses, candidates also included examples of cases where the individual circumstances of the defendant are not considered, such as the learner driver or the junior doctor. In these responses, candidates were able to come to a reasoned and coherent conclusion.

In the weaker responses, there tended to be a concentration on an explanation of the rules and a relatively superficial assessment of the issue raised in the question. In some responses, candidates wrote extensively about the duty of care and the development of the \*Caparo\* test. This material was not relevant to the key issue raised in the question and therefore gained limited credit.

An assessment of the issue of whether the individual circumstances of the defendant should be considered by the court was essential if candidates were to achieve the highest level of marks. To make this assessment, an accurate and detailed explanation of the standard of care is essential.

### **Question 4**

This question required an evaluation of the defence of contributory negligence.

In the best responses, candidates provided a detailed explanation of the elements of the defence, identifying that it operates as a partial defence and, if successful, results in an apportionment of fault and a reduction of damages. In these responses, candidates provided a detailed and accurate explanation of the elements of the defence and supported the explanation with reference to relevant case law. In the best responses, candidates examined the application of the defence in cases involving children, passengers in vehicles, and cyclists. In some of the best responses, candidates also considered the issue of 100 per cent contributory negligence and examined some conflicting judicial decisions on this issue. In the best responses, candidates presented a sound explanation of the legal rules and were then able to effectively evaluate the rules based on this explanation.

In weaker responses, the explanation of the elements of the defence was superficial, which therefore undermined any attempt to evaluate the defence. In some of the weaker responses, candidates included extensive material relating to the defence of consent (*volenti non fit injuria*) but did not establish how this was relevant to the question; therefore, this material merited very little credit.

It is vital that candidates focus on the key issue raised by the question and address both the explanation and evaluation aspects of the question.

### Question 5

This question required an explanation of the rule in *Rylands v Fletcher* in order to effectively assess the statement that the rule is no longer necessary as a remedy can generally be found in private nuisance.

In the best responses, candidates presented an accurate and detailed explanation of the elements of the rule in *Rylands v Fletcher*. In these responses, candidates also explained how and why the rule developed as a response to the problems caused by industrialisation. In the best responses, candidates explained each element of the tort and supported the explanation by referring to relevant case law. In these responses, candidates examined the issue of strict liability and discussed the judicial decisions that have arguably introduced an element of fault into cases involving *Rylands v Fletcher*.

In the best responses, candidates examined the relationship between *Rylands v Fletcher* and private nuisance and identified the overlap between the two actions as well as the differences. In these responses, candidates were able to reach a reasoned and coherent conclusion regarding the issue raised in the question.

In the weaker responses, candidates provided a less detailed or inaccurate account of the essential elements of the tort. In some responses, candidates provided a detailed explanation of private nuisance but did not examine the relationship between the two legal actions and therefore did not address the issue raised in the question. In some of the weaker responses, candidates explained the elements of *Rylands v Fletcher* but did not address the issue of whether the rule is still necessary.

# LAW

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