
AS LAW

(7161)

Specification

For teaching from September 2017 onwards
For AS exams in 2018 onwards

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Are you using the latest version of this specification?

- You will always find the most up-to-date version of this specification on our website at [aqa.org.uk/7161](https://www.aqa.org.uk/7161)
- We will write to you if there are significant changes to the specification.

1 Introduction

1.1 Why choose AQA for AS Law

Studying Law gives students an understanding of the role of Law in today's society and raises their awareness of the rights and responsibilities of individuals.

By learning about legal rules and how and why they apply to real life, students also develop their analytical ability, decision making, critical thinking and problem-solving skills. All these skills are highly sought after by higher education and employers.

We're confident that you and your students will enjoy this specification. We created it with help from teachers and subject experts and we've kept the content that you and your students enjoy. We've included some new case studies and theories to keep content fresh, relevant and engaging.

Topics are clearly structured and include:

- The nature of law and the English legal system
- Private law
- Public law
- Legal skills

1.1.1 Clear, well-structured exams, accessible for all

To enable your students to show their breadth of knowledge and understanding of legal issues, we've created a simple and straightforward structure and layout for our papers, using a mixture of question types including multiple choice, short answer and extended response questions. Assessment remains 100% exam-based.

You can find out about all our Law qualifications at aqa.org.uk/law

1.2 Support and resources to help you teach

We've worked with experienced teachers to provide you with a range of resources that will help you confidently plan, teach and prepare for exams.

1.2.1 Teaching resources

Visit aqa.org.uk/7161 to see all our teaching resources. They include:

- specimen assessment materials that will give your students a clear idea of what's expected in the exams
- flexible schemes of work to help you to plan for course delivery in your own way
- a student textbook from an AQA approved publisher
- training courses to help you deliver AQA Law qualifications
- subject expertise courses for all teachers, from newly qualified teachers who are just getting started to experienced teachers looking for fresh inspiration.

1.2.2 Preparing for exams

Visit aqa.org.uk/7161 for everything you need to prepare for our exams, including:

- past papers, mark schemes and examiners' reports
- specimen papers and mark schemes for new courses
- Exampro: a searchable bank of past AQA exam questions
- example student answers with examiner commentaries.

1.2.3 Analyse your students' results with Enhanced Results Analysis (ERA)

Find out which questions were the most challenging, how the results compare to previous years and where your students need to improve. ERA, our free online results analysis tool, will help you see where to focus your teaching. Register at aqa.org.uk/era

For information about results, including maintaining standards over time, grade boundaries and our post-results services, visit aqa.org.uk/results

1.2.4 Keep your skills up-to-date with professional development

Wherever you are in your career, there's always something new to learn. As well as subject specific training, we offer a range of courses to help boost your skills.

- Improve your teaching skills in areas including differentiation, teaching literacy and meeting Ofsted requirements.
- Prepare for a new role with our leadership and management courses.

You can attend a course at venues around the country, in your school or online – whatever suits your needs and availability. Find out more at coursesandevents.aqa.org.uk

1.2.5 Help and support

Visit our website for information, guidance, support and resources at aqa.org.uk/7161

If you'd like us to share news and information about this qualification, sign up for emails and updates at aqa.org.uk/from-2017

Alternatively, you can call or email our subject team direct.

E: law@aqa.org.uk

T: 01483 477822

2 Specification at a glance

This qualification is linear. Linear means that students will sit all their exams at the end of the course.

2.1 Subject content

1. [The nature of law and the English legal system](#) (page 9)
2. [Criminal law](#) (page 12)
3. [Tort](#) (page 12)

2.2 Assessments

Paper 1:
<p>What's assessed</p> <p>The nature of law and the English legal system (40 marks out of 80). Criminal law (40 marks out of 80).</p>
<p>How it's assessed</p> <ul style="list-style-type: none"> • Written exam: 1 hour 30 minutes • 80 marks • 50% of AS
<p>Questions</p> <ul style="list-style-type: none"> • A combination of multiple choice, short answer and extended writing questions.



Paper 2:

What's assessed

The nature of law and the English legal system (40 marks out of 80).

Tort (40 marks out of 80).

How it's assessed

- Written exam: 1 hour 30 minutes
- 80 marks
- 50% of AS

Questions

- A combination of multiple choice, short answer and extended writing questions.

3 Subject content

Students will be expected to:

- develop competence in using legal skills during the study of the nature of law, legal issues and the English legal system, and private and public areas of substantive law
- demonstrate their ability to analyse a scenario by identifying the key facts from which legal issues arise
- analyse, when formulating a legal argument, legislation by applying the rules and principles of statutory interpretation and analyse case law by applying the doctrine of precedent
- in respect of each private and public area of substantive law they are required to study, analyse, apply and evaluate the legal rules and principles of that area of law. Analysis and application must include the ability to identify and breakdown into constituent parts the relevant legal rules and principles for each area of law and apply those legal principles to a hypothetical scenario. Evaluation must require students to formulate a reasoned argument to support a particular proposition by reference to the relevant legal rules and principles that support that argument
- construct clear, concise and logical legal arguments which are substantiated by legal authority, using appropriate legal terminology.

3.1 The nature of law and the English legal system

Content	Additional information
Nature of law	<ul style="list-style-type: none"> • Basic understanding of the distinction between enforceable legal rules and principles and other rules and norms of behaviour. • Basic understanding of the differences between criminal and civil law and between different sources of law including custom, statute law and the common law.
The rule of law	<p>Basic understanding of the constitutional doctrine of the rule of law and its application to law making, the legal system and substantive law:</p> <ul style="list-style-type: none"> • no person shall be sanctioned except in accordance with law • equality before the law • fairness and clarity.

Content	Additional information
Law making: parliamentary law making	Parliamentary law making including: <ul style="list-style-type: none"> • Green and White papers • the formal legislative process • the influences on parliament • the doctrine of parliamentary supremacy and limitations on it • the advantages and disadvantages of influences on parliamentary law making.
Law making: delegated legislation	<ul style="list-style-type: none"> • Types of delegated legislation: orders in council, statutory instruments, bylaws (from local authorities and public bodies). • Parliamentary and judicial controls on delegated legislation. • The reasons for the use of delegated legislation. • The advantages and disadvantages of delegated legislation.
Law making: statutory interpretation	<ul style="list-style-type: none"> • The rules of statutory interpretation: literal, golden and mischief rules; the purposive approach. • Internal (intrinsic) and external (extrinsic) aids. • The impact of European Union law and of the Human Rights Act 1998 on statutory interpretation. • The advantages and disadvantages of the different approaches to statutory interpretation.
Law making: judicial precedent	<ul style="list-style-type: none"> • The doctrine of judicial precedent. • The hierarchy of the courts including the Supreme Court. • Stare decisis, ratio decidendi and obiter dicta; law reporting in outline and the reasons for it. • The operation of judicial precedent: following, overruling and distinguishing. • The advantages and disadvantages of the doctrine of judicial precedent and the operation of precedent.
Law making: law reform	<ul style="list-style-type: none"> • The work of the Law Commission: reform, codification, consolidation and repeal. • The advantages and disadvantages of reform through the Law Commission.

Content	Additional information
Law making: the European Union	<ul style="list-style-type: none"> • The institutions of the European Union: the Council, the Commission, the Parliament and the Court of Justice of the European Union and their functions. • The different sources of European Union law: treaties, regulations and directives. • The impact of European Union law on the law of England and Wales.
The legal system: the civil courts and other forms of dispute resolution	<ul style="list-style-type: none"> • Basic understanding of civil courts, including the track system and the appeal system. • Other forms of dispute resolution: outline of the tribunal structure and the role of tribunals. The roles of mediation and negotiation.
The legal system: the criminal courts and lay people	<ul style="list-style-type: none"> • Basic understanding of the criminal process including the classification of offences and the appeal system. • Criminal court powers and sentencing of adult offenders. • The role of lay people: the role and powers of magistrates in criminal courts and the role of juries in criminal courts. • The advantages and disadvantages of using juries in criminal courts.
The legal system: legal personnel and the judiciary	<ul style="list-style-type: none"> • Basic understanding of the different roles of barristers, solicitors and legal executives. • Basic understanding of the regulation of legal personnel. • The judiciary: types of judge. • The role of judges in civil and criminal courts. • The independence of the judiciary: security of tenure, immunity from suit, independence from the Executive. • Reasons for and advantages of judicial independence and methods by which it is achieved.
The legal system: access to justice and funding	<ul style="list-style-type: none"> • Basic understanding of alternative sources of legal advice: help lines, Citizens Advice Bureau (CAB), law centres and trade unions. • Private funding: own resources, insurance and conditional fee agreements. • Basic understanding of public funding: criminal and civil state funding.

3.2 Criminal law

Content	Additional information
The rules of criminal law	Rules and principles concerning general elements of criminal liability and liability for non-fatal offences against the person.
General elements of liability	<p>Actus reus:</p> <ul style="list-style-type: none">• conduct; acts and omissions• voluntariness• involuntariness• causation• consequences. <p>Additional fault elements:</p> <ul style="list-style-type: none">• mens rea; intention and subjective recklessness• negligence• transferred malice. <p>No fault:</p> <ul style="list-style-type: none">• strict liability. <p>Coincidence of actus reus and mens rea.</p>
Non-fatal offences against the person	<p>Common assault:</p> <ul style="list-style-type: none">• assault• battery. <p>Offences Against the Person Act 1861:</p> <ul style="list-style-type: none">• s47 assault/battery occasioning actual bodily harm• s20 unlawful and malicious wounding or inflicting grievous bodily harm• s18 unlawful and malicious wounding or causing grievous bodily harm with intent to cause grievous bodily harm.

3.3 Tort

Content	Additional information
The rules of tort law	Rules and principles concerning liability and fault in actions for negligence and occupiers' liability, and associated remedies.

Content	Additional information
Liability in negligence for physical injury to people and damage to property	<ul style="list-style-type: none"> • Duty of care: the 'neighbour' principle; the Caparo three-part test. • Breach of duty: the objective standard of care. • Damage: factual causation and legal causation (remoteness of damage).
Occupiers' liability	<ul style="list-style-type: none"> • Liability in respect of lawful visitors as governed by the Occupiers' Liability Act 1957 (with particular reference to s2(1) – (3) but excluding defences). • Liability in respect of trespassers as governed by the Occupiers' Liability Act 1984 (with particular reference to s1(1) – (3) but excluding defences).
Remedy of compensatory damages	<ul style="list-style-type: none"> • Basic understanding of compensatory damages for physical injury to people and damage to property. • Basic understanding of the principle of mitigation of loss.

4 Scheme of assessment

Find past papers and mark schemes, and specimen papers for new courses, on our website at aqa.org.uk/pastpapers

This specification is designed to be taken over one or two years.

This is a linear qualification. In order to achieve the award, students must complete all assessments at the end of the course and in the same series.

AS exams and certification for this specification are available for the first time in May/June 2018 and then every May/June for the life of the specification.

All materials are available in English only.

Our AS exams in Law include questions that allow students to demonstrate their ability to:

- draw together their knowledge, skills and understanding from across the full course of study
- provide extended responses.

4.1 Aims

Courses based on this specification must encourage students to:

- develop their knowledge and understanding of the English legal system and areas of both private and public law within the law of England and Wales
- develop an understanding of legal method and reasoning as used by lawyers and the judiciary
- develop and apply the techniques of legal method and reasoning to analyse and offer answers to problems, based on legal principles, legislation and case law
- develop the ability to construct conclusions and communicate legal arguments by reference to appropriate legal authorities.

4.2 Assessment objectives

Assessment objectives (AOs) are set by Ofqual and are the same across all AS Law specifications and all exam boards.

The exams will measure how students have achieved the following assessment objectives.

- AO1: Demonstrate knowledge and understanding of the English legal system and legal rules and principles.
- AO2: Apply legal rules and principles to given scenarios in order to present a legal argument using appropriate legal terminology.
- AO3: Analyse and evaluate legal rules, principles and concepts.

4.2.1 Assessment objective weightings for AS Law

Assessment objectives (AOs)	Component weightings (approx %)		Overall weighting (approx %)
	Paper 1	Paper 2	
AO1	23-25	23-25	46-50
AO2	12.5-14.5	12.5-14.5	25-29
AO3	11.5-13.5	11.5-13.5	23-27
Overall weighting of components	50	50	100

4.3 Assessment weightings

The marks awarded on the papers will be scaled to meet the weighting of the components. Students' final marks will be calculated by adding together the scaled marks for each component. Grade boundaries will be set using this total scaled mark. The scaling and total scaled marks are shown in the table below.

Component	Maximum raw mark	Scaling factor	Maximum scaled mark
Paper 1	80	x 1	80
Paper 2	80	x 1	80
Total scaled mark:			160

5 General administration

You can find information about all aspects of administration, as well as all the forms you need, at aqa.org.uk/examsadmin

5.1 Entries and codes

You only need to make one entry for each qualification – this will cover all the question papers, non-exam assessment and certification.

Every specification is given a national discount (classification) code by the Department for Education (DfE), which indicates its subject area.

If a student takes two specifications with the same discount code, further and higher education providers are likely to take the view that they have only achieved one of the two qualifications. Please check this before your students start their course.

Qualification title	AQA entry code	DfE discount code
AQA Advanced Subsidiary GCE in Law	7161	TBC

This specification complies with:

- Ofqual *General conditions of recognition* that apply to all regulated qualifications
- Ofqual GCE qualification level conditions that apply to all GCEs
- Ofqual GCE subject level conditions that apply to all GCEs in this subject
- all other relevant regulatory documents.

The Ofqual qualification accreditation number (QAN) is 603/1008/X.

5.2 Overlaps with other qualifications

There is overlapping content in the AS and A-level Law specifications. This helps you teach the AS and A-level together.

5.3 Awarding grades and reporting results

The AS qualification will be graded on a five-point scale: A, B, C, D and E.

Students who fail to reach the minimum standard for grade E will be recorded as U (unclassified) and will not receive a qualification certificate.

5.4 Re-sits and shelf life

Students can re-sit the qualification as many times as they wish, within the shelf life of the qualification.

5.5 Previous learning and prerequisites

There are no previous learning requirements. Any requirements for entry to a course based on this specification are at the discretion of schools and colleges.

5.6 Access to assessment: diversity and inclusion

General qualifications are designed to prepare students for a wide range of occupations and further study. Therefore our qualifications must assess a wide range of competences.

The subject criteria have been assessed to see if any of the skills or knowledge required present any possible difficulty to any students, whatever their ethnic background, religion, sex, age, disability or sexuality. Tests of specific competences were only included if they were important to the subject.

As members of the Joint Council for Qualifications (JCQ) we participate in the production of the JCQ document *Access Arrangements and Reasonable Adjustments: General and Vocational qualifications*. We follow these guidelines when assessing the needs of individual students who may require an access arrangement or reasonable adjustment. This document is published at jcq.org.uk

5.6.1 Students with disabilities and special needs

We're required by the Equality Act 2010 to make reasonable adjustments to remove or lessen any disadvantage that affects a disabled student.

We can make arrangements for disabled students and students with special needs to help them access the assessments, as long as the competences being tested aren't changed. Access arrangements must be agreed **before** the assessment. For example, a Braille paper would be a reasonable adjustment for a Braille reader.

To arrange access arrangements or reasonable adjustments, you can apply using the online service at aqa.org.uk/eaqa

5.6.2 Special consideration

We can give special consideration to students who have been disadvantaged at the time of the assessment through no fault of their own – for example a temporary illness, injury or serious problem such as family bereavement. We can only do this **after** the assessment.

Your exams officer should apply online for special consideration at aqa.org.uk/eaqa

For more information and advice visit aqa.org.uk/access or email accessarrangementsqueries@aqa.org.uk

5.7 Working with AQA for the first time

If your school or college hasn't previously offered our specifications, you need to register as an AQA centre. Find out how at aqa.org.uk/becomeacentre

5.8 Private candidates

This specification is available to private candidates.

A private candidate is someone who enters for exams through an AQA approved school or college but is not enrolled as a student there.

A private candidate may be self-taught, home schooled or have private tuition, either with a tutor or through a distance learning organisation. They must be based in the UK.

If you have any queries as a private candidate, you can:

- speak to the exams officer at the school or college where you intend to take your exams
- visit our website at [aqa.org.uk/privatecandidates](https://www.aqa.org.uk/privatecandidates)
- email privatecandidates@aca.org.uk

6 Appendix 1: Command words

Command word	Context	AOs	Question(s)	Meaning
Explain	Nature of law/ELS; non-scenario	AO1	11, 16	Display knowledge and understanding of some aspect(s) of the nature of law/ ELS.
Suggest	Substantive law; brief scenario	AO1 + AO2	12	Display and apply knowledge and understanding of rules and principles of substantive law to support or deny a conclusion given in the instruction.
Advise	Substantive law; scenario	AO1 + AO2 + AO3	13, 14	Display knowledge and understanding, supported by analysis, evaluation, and application of relevant rules and principles of substantive law to construct a legal argument on which advice as to criminal or civil liability is given.

Command word	Context	AOs	Question(s)	Meaning
Consider	Substantive law; extended response scenario	AO1 + AO2 + AO3	15	Display knowledge and understanding, supported by detailed analysis, evaluation, and application of relevant rules and principles of substantive law to construct a legal argument in which a logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion, or range of possible conclusions, as to criminal or civil liability.
Assess	Nature of Law/ELS, scenario	AO1 + AO2 + AO3	13, 14	Present analysis, evaluation, and application, supported by knowledge and understanding, of some aspect of nature of law/ELS to develop an additional perspective on liability considered in a substantive law scenario.

Command word	Context	AOs	Question(s)	Meaning
Discuss	Nature of Law/ELS; non-scenario	AO1 + AO3	16	Present analysis and evaluation, supported by knowledge and understanding, in which a logical, sustained and well-developed line of reasoning is maintained leading to a valid, relevant and substantiated conclusion by way of a judgment about some aspect of nature of law/ELS previously explained.

7 Appendix 2: Non substantive law topics

Paper 1 – Crime	Paper 2 – Tort
Nature of law – legal and other rules; civil/criminal distinction; sources.	Nature of law – legal and other rules; civil/criminal distinction; sources.
The rule of law.	
Judicial precedent.	Parliamentary law making.
	Delegated legislation.
Law reform including the Law Commission.	Law Commission (as an influence on Parliamentary law making).
	Statutory interpretation.
	The European Union.
The criminal process including the criminal courts; appeals, sentencing and court powers; the role of lay people within the criminal process.	The civil courts and other forms of dispute resolution including civil courts and the appeal system.
Legal personnel – roles of barristers, solicitors and legal executives; regulation.	
The judiciary: types of judge. Role of judges in criminal courts.	The judiciary: types of judge. Role of judges in civil courts.
Independence of the judiciary.	
Access to justice and funding in criminal system.	Access to justice and funding in civil system.

Table 1: Table 2: Question types and 50/50 distribution

Question	Substantive	Non-substantive	Total marks
1–5	1 x 5		5
6–10		1 x 5	5
11		3	3
12	3		3

Question	Substantive	Non-substantive	Total marks
13	6	6	12
14	6	6	12
15	20		20
16		20	20
Tot	40	40	80
Tot %	50	50	100

Table 2: Table 3: Question structure and AO distribution

Question	A01	A02	A03	Sub	Non-sub	Marks
1–5	1			5		1 x 5
6–10	1				5	1 x 5
11	3				3	3
12	1	2		3		3
13	3	6	3	6	6	12
14	3	6	3	6	6	12
15	7	7	6	20		20
16	10		10		20	20
Tot	37	21	22	40	40	80
Tot %	46.25	26.25	27.5	50	50	100

Get help and support

Visit our website for information, guidance, support and resources at [aqa.org.uk/7161](https://www.aqa.org.uk/7161)

You can talk directly to the Law subject team:

E: law@aca.org.uk

T: 01483 477822