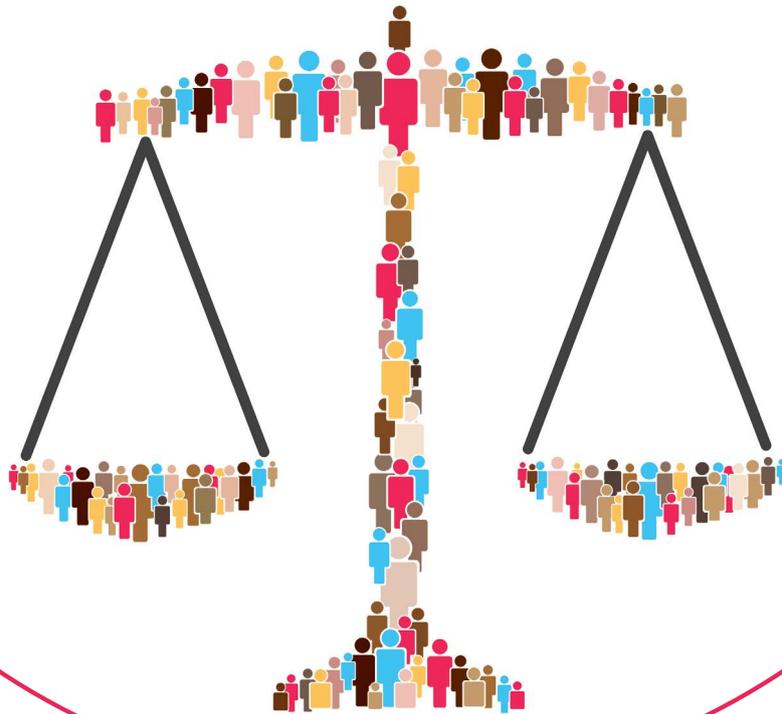




Syllabus

Cambridge International AS & A Level Law 9084

Use this syllabus for exams in 2023, 2024 and 2025.
Exams are available in the June and November series.



Why choose Cambridge International?

Cambridge International prepares school students for life, helping them develop an informed curiosity and a lasting passion for learning. We are part of the University of Cambridge.

Our Cambridge Pathway gives students a clear path for educational success from age 5 to 19. Schools can shape the curriculum around how they want students to learn – with a wide range of subjects and flexible ways to offer them. It helps students discover new abilities and a wider world, and gives them the skills they need for life, so they can achieve at school, university and work.

Our programmes and qualifications set the global standard for international education. They are created by subject experts, rooted in academic rigour and reflect the latest educational research. They provide a strong platform for students to progress from one stage to the next, and are well supported by teaching and learning resources.

We review all our syllabuses regularly, so they reflect the latest research evidence and professional teaching practice – and take account of the different national contexts in which they are taught.

We consult with teachers to help us design each syllabus around the needs of their learners. Consulting with leading universities has helped us make sure our syllabuses encourage students to master the key concepts in the subject and develop the skills necessary for success in higher education.

Our mission is to provide educational benefit through provision of international programmes and qualifications for school education and to be the world leader in this field. Together with schools, we develop Cambridge learners who are confident, responsible, reflective, innovative and engaged – equipped for success in the modern world.

Every year, nearly a million Cambridge students from 10 000 schools in 160 countries prepare for their future with the Cambridge Pathway.

'We think the Cambridge curriculum is superb preparation for university.'

Christoph Guttentag, Dean of Undergraduate Admissions, Duke University, USA



Quality management

Cambridge International is committed to providing exceptional quality. In line with this commitment, our quality management system for the provision of international qualifications and education programmes for students aged 5 to 19 is independently certified as meeting the internationally recognised standard, ISO 9001:2015. Learn more at www.cambridgeinternational.org/ISO9001

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Important: Changes to this syllabus

For information about changes to this syllabus for 2023, 2024 and 2025, go to page 32.



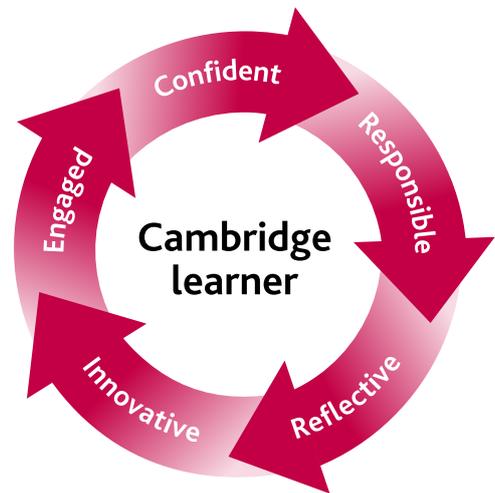
1 Why choose this syllabus?

Key benefits

The best motivation for a student is a real passion for the subject they're learning. By offering students a variety of Cambridge International AS & A Levels, you can give them the greatest chance of finding the path of education they most want to follow. With over 50 subjects to choose from, students can select the ones they love and that they're best at, which helps motivate them throughout their studies.

Following a Cambridge International AS & A Level programme helps students develop abilities which universities value highly, including:

- a deep understanding of their subjects
- higher order thinking skills – analysis, critical thinking, problem solving
- presenting ordered and coherent arguments
- independent learning and research.



Cambridge International AS & A Level Law enables students to become aware of the relevance and role of the law in real-world situations and encourages their interest in its use and development. The principal focus is on the law of England and Wales. Studying this subject helps students to use relevant knowledge and understanding, analyse and learn to apply legal concepts, principles and rules to a range of situations, and communicate an argument through problem-solving and evaluative writing. These transferable skills equip students in a wide range of subjects and real-world situations.

Our approach in Cambridge International AS & A Level Law encourages learners to be:

confident, using statutes, cases, legal principles, and examples, analysing and applying relevant law, and communicating logical and evaluative legal arguments

responsible, considering the application of law within the English legal system and working towards a better understanding of a range of issues which impact on its operation and effectiveness

reflective, considering laws, legal rules, principles and concepts and the ways in which legal issues and problems may be resolved

innovative, approaching learning and tasks with flexible and substantiated thinking

engaged, developing an interest in broader legal issues and exploring the law changing in response to a range of challenges.

'Cambridge students develop a deep understanding of subjects and independent thinking skills.'

Principal, Rockledge High School, USA

Key concepts

Key concepts are essential ideas that help students develop a deep understanding of their subject and make links between different aspects. Key concepts may open up new ways of thinking about, understanding or interpreting the important things to be learned.

Good teaching and learning will incorporate and reinforce a subject's key concepts to help students gain:

- a greater depth as well as breadth of subject knowledge
- confidence, especially in applying knowledge and skills in new situations
- the vocabulary to discuss their subject conceptually and show how different aspects link together
- a level of mastery of their subject to help them enter higher education.

The key concepts identified below, carefully introduced and developed, will help to underpin the course you will teach. You may identify additional key concepts which will also enrich teaching and learning.

The key concepts for Cambridge International AS & A Level Law are:

- **Rights, duties and responsibilities, and freedoms**
This is about how the law safeguards rights and freedoms, and imposes obligations on how citizens behave.
- **Liability**
This is the notion of legal responsibility for actions or omissions.
- **Justice, fairness and morality**
This is a broad notion of the purpose of law to bring about a state of fairness. This includes how and why laws are enacted and enforced, and how far the civil and criminal law achieve justice through the use of remedies and sentences. This also relates to how morality and the law interlink and whether changing morality within society is reflected in the law.
- **Power and its limits**
This is about who has power within society and how this power is regulated. This also relates to power within the legal system.
- **Effectiveness and certainty**
This is about the aims of law and whether systems and provisions can meet these aims. This also relates to how citizens are aware of their rights and responsibilities to each other and to the state, and what distinguishes certainty in law.

International recognition and acceptance

Our expertise in curriculum, teaching and learning, and assessment is the basis for the recognition of our programmes and qualifications around the world. Every year thousands of students with Cambridge International AS & A Levels gain places at leading universities worldwide. Our programmes and qualifications are valued by top universities around the world including those in the UK, US (including Ivy League universities), Europe, Australia, Canada and New Zealand.

UK NARIC, the national agency in the UK for the recognition and comparison of international qualifications and skills, has carried out an independent benchmarking study of Cambridge International AS & A Level and found it to be comparable to the standard of AS & A Level in the UK. This means students can be confident that their Cambridge International AS & A Level qualifications are accepted as equivalent, grade for grade, to UK AS & A Levels by leading universities worldwide.

Cambridge International AS Level Law makes up the first half of the Cambridge International A Level course in law and provides a foundation for the study of law at Cambridge International A Level. Depending on local university entrance requirements, students may be able to use it to progress directly to university courses in law or some other subjects. It is also suitable as part of a course of general education.

Cambridge International A Level Law provides a foundation for the study of law or related courses in higher education. Equally it is suitable as part of a course of general education.

For more information about the relationship between the Cambridge International AS Level and Cambridge International A Level see the 'Assessment overview' section of the Syllabus overview.

We recommend learners check the Cambridge recognition database and university websites to find the most up-to-date entry requirements for courses they wish to study.

Learn more at www.cambridgeinternational.org/recognition

'The depth of knowledge displayed by the best A Level students makes them prime targets for America's Ivy League universities.'

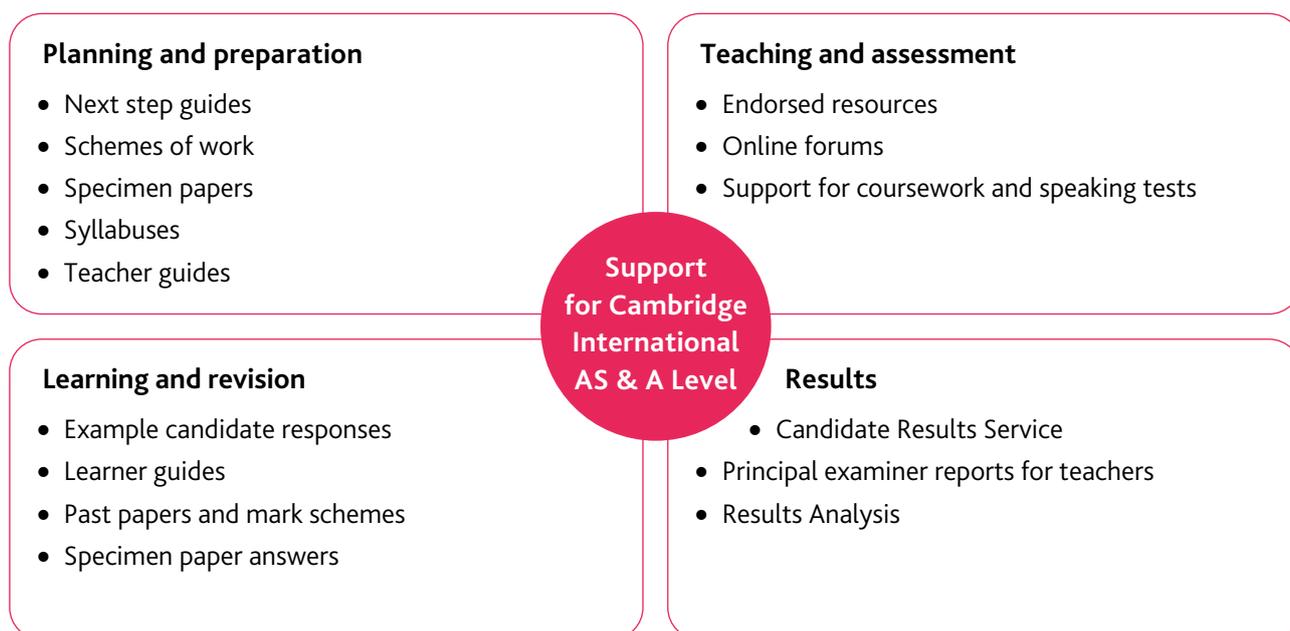
Yale University, USA

Supporting teachers

We provide a wide range of resources, detailed guidance and innovative training and professional development so that you can give your students the best possible preparation for Cambridge International AS & A Level. To find out which resources are available for each syllabus go to our School Support Hub.

The School Support Hub is our secure online site for Cambridge teachers where you can find the resources you need to deliver our programmes. You can also keep up to date with your subject and the global Cambridge community through our online discussion forums.

Find out more at www.cambridgeinternational.org/support



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Professional development

We support teachers through:

- Introductory Training – face-to-face or online
- Extension Training – face-to-face or online
- Enrichment Professional Development – face-to-face or online

Find out more at www.cambridgeinternational.org/events

- Cambridge Professional Development Qualifications

Find out more at www.cambridgeinternational.org/profdev



Supporting exams officers

We provide comprehensive support and guidance for all Cambridge exams officers. Find out more at: www.cambridgeinternational.org/eoguide

2 Syllabus overview

Aims

The aims describe the purposes of a course based on this syllabus.

The aims are to enable students to:

- understand legal concepts, principles, rules and the machinery involved in the creation, application and enforcement of law in the legal system of England and Wales and its place in an international context
- explore and understand the substantive rules of law
- assess legal rules, processes and institutions
- develop skills to communicate the interpretation, reasoning and analysis of law.



Cambridge Assessment International Education is an education organisation and politically neutral. The contents of this syllabus, examination papers and associated materials do not endorse any political view. We endeavour to treat all aspects of the exam process neutrally.

'Cambridge International AS & A Levels prepare students well for university because they've learnt to go into a subject in considerable depth. There's that ability to really understand the depth and richness and the detail of a subject. It's a wonderful preparation for what they are going to face at university.'

US Higher Education Advisory Council

Content overview

Cambridge International AS & A Level Law introduces students to the study of the law of England and Wales. They learn about some of the legal systems in the world and the place of English law before going on to study English law in more depth.

The term 'English law' is used in this syllabus to refer to the law of England and Wales.

AS Level topics

1 English legal system

- Principles and sources of English law
- Machinery of justice
- Legal personnel

2 Criminal law

- Elements of a crime
- Offences against property
- Sentencing in England and Wales

A Level topics

3 Law of contract

- Formation of a valid contract
- Contents of a contract
- Discharge of a contract
- Remedies for breach of a contract

4 Law of tort

- The tort of negligence
- Torts affecting land
- Torts affecting the person
- General defences and remedies

In studying these areas of law, students develop skills which are transferable. Students work with legal concepts, principles and rules, learning to analyse and how to apply these. They learn to construct and to communicate an argument. They grow to understand how law can make a difference in real-life scenarios. The transferable skills they develop can help students in other subject areas, and can help equip them for higher education or employment.

Assessment overview

Paper 1

English Legal System 1 hour 30 minutes

75 marks

Section A: five compulsory questions.

There are four short answer questions and one extended answer question.

Section B: two essays from a choice of three.

There are two parts to each essay.

Externally assessed

50% of the AS Level

25% of the A Level

Paper 2

Criminal Law 1 hour 30 minutes

60 marks

Section A: one compulsory scenario-based problem question using source material. There are three parts to the question.

Section B: one question from a choice of two.

There are two parts to the question: one short answer question and one essay.

Externally assessed

50% of the AS Level

25% of the A Level

Paper 3

Law of Contract 1 hour 30 minutes

75 marks

Section A: one scenario-based problem question from a choice of two

Section B: two essays from a choice of three

Externally assessed

25% of the A Level

Paper 4

Law of Tort 1 hour 30 minutes

75 marks

Section A: one scenario-based problem question from a choice of two

Section B: two essays from a choice of three

Externally assessed

25% of the A Level

Information on availability is in the **Before you start** section.

There are three routes for Cambridge International AS & A Level Law:

Route	Paper 1	Paper 2	Paper 3	Paper 4
1 AS Level only (Candidates take all AS components in the same exam series)	✓	✓		
2 A Level (staged over two years) Year 1 AS Level*	✓	✓		
Year 2 Complete the A Level			✓	✓
3 A Level (Candidates take all components in the same exam series)	✓	✓	✓	✓

* Candidates carry forward their AS Level result subject to the rules and time limits described in the *Cambridge Handbook*.

Candidates following an AS Level route are eligible for grades a–e. Candidates following an A Level route are eligible for grades A*–E.

Assessment objectives

The assessment objectives (AOs) are:

AO1 Knowledge and understanding

- Demonstrate knowledge and understanding of legal concepts, principles and rules.
- Use statutes, cases, examples and legal terminology.

AO2 Analysis and application

- Analyse legal concepts, principles and rules.
- Apply legal concepts, principles and rules.

AO3 Evaluation

- Evaluate legal concepts, principles and rules.
- Communicate legal argument coherently on the basis of evidence.

Weighting for assessment objectives

The approximate weightings allocated to each of the assessment objectives (AOs) are summarised below.

Assessment objectives as a percentage of each qualification

Assessment objective	Weighting in AS Level %	Weighting in A Level %
AO1 Knowledge and understanding	40	45
AO2 Analysis and application	40	30
AO3 Evaluation	20	25
Total	100	100

Assessment objectives as a percentage of each component

Assessment objective	Weighting in components %			
	Paper 1	Paper 2	Paper 3	Paper 4
AO1 Knowledge and understanding	45	35	50	50
AO2 Analysis and application	30	50	20	20
AO3 Evaluation	25	15	30	30
Total	100	100	100	100

3 Subject content

This syllabus gives you the flexibility to design a course that will interest, challenge and engage your learners. Where appropriate you are responsible for selecting subject contexts, resources and examples to support your learners' study. These should be appropriate for the learners' age, cultural background and learning context as well as complying with your school policies and local legal requirements.

Each topic description includes the key concepts important to teaching and learning in that topic.

Cambridge International AS Level students study topics 1.1–2.3.

Cambridge International A Level students study topics 1.1–4.4.

AS Level content

1 English legal system

This topic is assessed on Paper 1 English Legal System.

1.1 Principles and sources of English law

This topic introduces the principles behind English law and the modern day sources of English law.

This topic is an opportunity to reflect on the key concepts of justice, fairness and morality; power and its limits; and effectiveness and certainty.

1.1.1 English legal system and its context

- Legal systems around the world – civil law (codified), common law, customary law, religious law, mixed legal systems
- Adversarial and inquisitorial systems
- The rule of law and its application to law making, the legal system and substantive law
- The difference between civil and criminal law
- The relationship between law and morality
- Law and justice
- The role of law in society
- The importance of fault in civil and criminal law

1.1.2 Parliamentary law making

- The legislative process from green paper to Royal Assent, role of the House of Commons and the House of Lords in the process, different types of bill
- Parliamentary supremacy
- Influences on parliament – political pressure, public opinion, pressure groups, media
- The role and composition of the Law Commission

1.1 Principles and sources of English law continued

1.1.3 Delegated legislation

- Types of delegated legislation – Orders in Council, statutory instruments and bylaws
- The Legislative and Regulatory Reform Act 2006
- Parliamentary controls on delegated legislation – pre-drafting consultation, scrutiny committees, affirmative and negative resolution
- Court controls on delegated legislation – judicial review, *locus standi*, procedural *ultra vires*, substantive *ultra vires*, and unreasonableness

1.1.4 Statutory interpretation

- The common law rules of interpretation – literal, golden, mischief, and purposive approach
- Rules of language – *ejusdem generis*, *expressio unius exclusio alterius*, *noscitur a sociis*
- Intrinsic aids to interpretation – preamble, long and short titles, headings, schedules, marginal notes, interpretation sections
- Extrinsic aids to interpretation – previous Acts on the same topic, earlier case law, the historical setting, dictionaries of the time, Hansard, reports of law reform bodies, international treaties
- The impact of European Union law and of the Human Rights Act 1998 on statutory interpretation

1.1.5 Judicial precedent

- The doctrine of judicial precedent
- *Ratio decidendi*, *obiter dicta* and law reporting
- Binding, original and persuasive precedents
- The hierarchy of the courts
- The Supreme Court and use of the Practice Statement
- The Court of Appeal and the exceptions in *Young v Bristol Aeroplane Co* (1944)
- Avoidance techniques – overruling, reversing and distinguishing

1.2 Machinery of justice

This topic introduces the institutions and processes involved in the resolution of civil and criminal matters.

This topic is an opportunity to reflect on the key concepts of power and its limits; justice, fairness and morality; effectiveness and certainty; and liability.

1.2.1 Civil courts and civil process

- Role and jurisdiction of Magistrates' Court, County Court, High Court, Court of Appeal, Supreme Court
- The Woolf reforms
- Pre-trial procedures
- Allocation of cases – small claims, fast and multi-track
- Appeals

1.2 Machinery of justice continued

1.2.2 Alternative methods of dispute resolution

- Negotiation, conciliation and mediation
- Arbitration, Arbitration Act 1996, *Scott v Avery* clauses

1.2.3 Criminal courts and criminal process

- Role and jurisdiction of Magistrates' Court and Crown Court
- Classification of criminal offences – summary, triable either way and indictable
- Pre-trial process for summary, triable either way and indictable offences
- Appeals
- Police bail – Police and Criminal Evidence Act 1984 (PACE), Criminal Justice and Public Order Act 1994
- Bail from the court – Bail Act 1976
- Factors and conditions for bail

1.2.4 Police powers

- Stop and search – ss1–7 Police and Criminal Evidence Act 1984 (PACE); PACE Code A; Misuse of Drugs Act 1971; Terrorism Act 2000
- Arrest – s24 PACE, as amended by Serious Organised Crime and Police Act 2005; PACE Code G
- Detention of suspects at police stations – time limits (ss34–46 PACE; PACE Code C); rights of the detained person (s56 PACE; PACE Code C); appropriate adult (PACE Code C); interviews (s60 and s60A PACE; PACE Codes E and F)
- Treatment of suspects at police stations – searches (s54 and s55 PACE; PACE Code C); fingerprints (s61 PACE); samples (s62 and s63 PACE); physical conditions of interview room (PACE Code C); role of the custody officer (PACE Code C)
- Impact of the breach of these rules – statements obtained through oppression (s76 PACE); exclusion of evidence (s78 PACE)

1.3 Legal personnel

This topic focusses on the key legal personnel involved in the resolution of legal matters.

This topic is an opportunity to reflect on the key concepts of justice, fairness and morality; power and its limits; and effectiveness and certainty.

1.3.1 The judiciary – superior and inferior judges

- Qualifications
- Selection and appointment
- Role
- Training
- Retirement and removal
- Independence

1.3 Legal personnel continued

1.3.2 Legal professionals

- Barristers, solicitors and legal executives
- Qualifications
- Training
- Role
- Regulation – The Bar Council, Bar Standards Board, The Law Society, Solicitors Regulation Authority, Legal Ombudsman

1.3.3 Lay personnel

- Role of lay magistrates in civil and criminal cases
- Qualifications
- Selection and appointment
- Training
- Jury role in criminal courts
- Qualifications for jury service
- Vetting and challenges
- Alternatives to the use of the jury

2 Criminal law

This topic is assessed on Paper 2 Criminal Law.

This topic links with English legal system, which is assumed knowledge for the topic.

2.1 Elements of a crime

This topic is about the principles underpinning fault in the criminal law and considers the elements which make up a crime.

This topic is an opportunity to reflect on the key concepts of rights, duties and responsibilities alongside liability, justice, fairness, and effectiveness.

2.1.1 *Actus reus*

- *Actus reus* as the conduct element of a crime
- *Actus reus* by omission
- Causation

2.1.2 *Mens rea*

- *Mens rea* as the mental element of a crime
- Intention – direct and indirect/oblique
- Recklessness

2.2 Offences against property

This topic is about the components of substantive offences against property.

This topic is an opportunity to reflect on the key concepts of liability, justice, fairness, effectiveness and certainty.

2.2.1 Theft as defined in s1 Theft Act 1968

- s2 – dishonesty
- s3 – appropriation
- s4 – property
- s5 – belonging to another
- s6 – intention to permanently deprive
- s7 – sentencing

2.2.2 Robbery as defined in s8 Theft Act 1968

- *Actus reus*
- *Mens rea*
- Sentencing

2.2.3 Burglary as defined in s9 Theft Act 1968

- s9(1)(a) and (2) – *actus reus* and *mens rea*
- s9(1)(b) – *actus reus* and *mens rea*
- s9(3) – sentencing
- s9(4) – a building
- Aggravated burglary as defined in s10 Theft Act 1968

2.2.4 Blackmail as defined in s21 Theft Act 1968

- *Actus reus*
- *Mens rea*
- Sentencing

2.2.5 Handling stolen goods as defined in s22 Theft Act 1968

- *Actus reus*
- *Mens rea*
- Sentencing

2.2 Offences against property continued

2.2.6 Making off without payment as defined in s3 Theft Act 1978

- *Actus reus*
- *Mens rea*
- s4 – sentencing

2.2.7 Criminal damage as defined in Criminal Damage Act 1971

- s1 – destroying or damaging property – *actus reus* and *mens rea*
- s2 – threats to destroy or damage property – *actus reus* and *mens rea*
- s3 – possessing anything with intent to destroy or damage property – *actus reus* and *mens rea*
- s4 – sentencing
- s5 – ‘without lawful excuse’

2.2.8 Fraud as defined in the Fraud Act 2006

- s2 – fraud by false representation – *actus reus* and *mens rea*
- s3 – fraud by failing to disclose information – *actus reus* and *mens rea*
- s4 – fraud by abuse of position – *actus reus* and *mens rea*
- s11 – obtaining services dishonestly – *actus reus* and *mens rea*

2.3 Sentencing in England and Wales

This topic is about the sentences that can be handed down to both adult and young offenders who have been convicted of offences.

This topic is an opportunity to reflect on the key concepts of liability, justice, fairness, power and its limits, and effectiveness.

2.3.1 Adult offenders

- Types of sentence – custodial, community, fines and discharges
- Factors in sentencing

2.3.2 Young offenders

- Types of sentence – custodial and community, parental responsibility
- Factors in sentencing

2.3.3 Aims of sentencing – what sentences are trying to achieve

- Adult offenders
- Young offenders

A Level content

3 Law of contract

This topic is assessed on Paper 3 Law of Contract.

This topic links with English legal system, which is assumed knowledge for the topic.

3.1 Formation of a valid contract

This topic considers the nature of a contract and the rules that a court of law applies to determine whether a contract is valid or not.

This topic is an opportunity to reflect on the key concepts of liability; rights, duties and responsibilities, and freedoms; and effectiveness and certainty.

3.1.1 Nature of a contract

- Agreement; unilateral; bilateral; collateral

3.1.2 Offer and acceptance

- Principles and evidence – offers; invitation to treat; counter offers; requests for information; termination; acceptance; application of the rules to standard form contracts, auction sales, contracts by tender

3.1.3 Intention to create legal relations

- Reason for requirement; presumption and rebuttal in commercial and social/domestic agreements

3.1.4 Consideration

- Nature and function; sufficiency/adequacy; past; performance of existing duties; part payment of debt; promissory estoppel

3.1.5 Capacity (minors only)

- Reason for limitation and possible reform
- Categories of contracts – necessities; beneficial contracts of service (education, training and employment); voidable (continuing obligations)
- Remedies against minors – in equity; the Minors' Contracts Act 1987, s2 and s3; limits

3.2 Contents of a contract

This topic is about the relative importance of different types of terms that a contract may incorporate. This topic considers the duties and obligations the terms impose on the parties to a contract.

This topic is an opportunity to reflect on the key concepts of liability, freedoms, justice, morality, and effectiveness.

3.2.1 Express terms

- The distinction between representations and terms, and importance
- Written terms – incorporation by signature; the parol evidence rule

3.2.2 Terms implied into a consumer contract by the Consumer Rights Act 2015

- To supply goods – s9 goods to be of satisfactory quality; s10 goods to be fit for a particular purpose; s11 goods to be as described and consumer rights for breach provided by: s20 right to reject; s22 time limit for short-term right to reject; s23 right to repair or replacement; s24 right to price reduction or a final right to reject
- To supply a service – s49 service to be performed with reasonable care and skill; s52 service to be performed within a reasonable time and consumer rights for breach provided by: s55 right to repeat performance; s56 right to a price reduction

3.2.3 Status of terms

- Conditions, warranties, innominate terms – nature; effects of breach

3.2.4 Control of exemption clauses

- Common law – rules of incorporation; the *contra proferentem* rule
- Statutory
- Unfair Contract Terms Act 1977 (business to business contracts only) – s1(3) definition; s2 negligence liability; s3 liability arising in contract; s11 reasonableness test
- Consumer Rights Act 2015 (trader and consumer contracts s61) – s2 definition; s31 exclusion of liability goods contracts; s57 exclusion of liability service contracts; s62 requirement for contract terms to be fair; s65 negligence liability; s68 requirement for transparency

3.3 Discharge of a contract

This topic is about some of the ways in which a contract can come to an end.

This topic is an opportunity to reflect on the key concepts of rights, duties and responsibilities, fairness, and effectiveness.

3.3.1 Performance

- The entire or strict performance rule
- Exceptions to the entire or strict performance rule – substantial performance; voluntary acceptance of partial performance; divisible contracts; prevention of performance; tender of performance; time of performance; vicarious performance

3.3.2 Breach

- Actual breach and anticipatory breach

3.3.3 Frustration

- Types of frustrating event – impossibility of performance; supervening illegality; change of circumstance making performance pointless
- Limitations on the doctrine of frustration – contractual provision; inconvenience or additional expense; foreseen or reasonably foreseeable event; self-induced
- The effect of frustration at common law
- The effect of frustration under the Law Reform (Frustrated Contracts) Act 1943, s1(2) and s1(3)

3.4 Remedies for breach of a contract

This topic is about the purpose and nature of the different types of remedy available for breach of contract and the limitations on their award.

This topic is an opportunity to reflect on the key concepts of liability, justice, fairness, and effectiveness.

3.4.1 Common law

- Purpose and nature of damages
- The measure or calculation of damages – the categories of expectation loss, reliance loss, non-pecuniary loss
- Limitations on recovery – causation; remoteness; mitigation
- Evaluation of the use of the remedy of damages

3.4.2 Equitable

- Purpose of equitable remedies
- Nature of specific performance; specific restitution; rescission; injunction
- Limitations on their award in contract law
- Evaluation of the use of equitable remedies

4 Law of tort

This topic is assessed on Paper 4 Law of Tort.

This topic links with English legal system, which is assumed knowledge for the topic.

4.1 The tort of negligence

This topic is about the nature of liability in negligence. This topic is also about the development of the tests, which determine whether negligence has occurred.

This topic is an opportunity to reflect on the key concepts of duties, liability, justice, fairness, power and its limits, effectiveness and certainty.

4.1.1 Nature of liability in negligence

- Personal liability, vicarious liability (in outline only) and joint liability

4.1.2 Duty of care

- The neighbour principle and the modern three-part test (Caparo test)
- The importance of policy considerations

4.1.3 Breach of duty

- The standard of care and the objective test
- The standard of care and different classes of defendant – children, experts and professionals

4.1.4 Causation and remoteness of damage

- Factual and legal causation, multiple causes and intervening acts
- The test for remoteness of damage

4.1.5 Novel duty situations

- Pure economic loss and liability for negligent misstatement
- Liability for nervous shock; restrictions on the scope of the duty and policy considerations; possible reforms

4.2 Torts affecting land

This topic considers a number of torts relating to land. This topic encompasses a number of different legal duties imposed on those in control of land and the responsibilities owed to different categories of visitor.

This topic is an opportunity to reflect on the key concepts of liability, duties, justice, fairness, power and its limits, effectiveness and certainty.

4.2.1 Occupiers' liability

- Lawful visitors and the Occupiers' Liability Act 1957 – special duty owed to children; persons carrying out a trade or calling; liability for torts of independent contractors; exclusion of liability and defences
- Unlawful visitors and the Occupiers' Liability Act 1984 – scope of the duty, exclusion of liability and defences

4.2.2 Private nuisance

- Nature of liability; parties to the case
- Meaning of unreasonable interference and factors considered by the courts such as locality, duration, sensitivity and malice
- Defences – prescription; statutory authority

4.2.3 *Rylands v Fletcher*

- Nature of strict liability; relationship between *Rylands* and other torts relating to land
- Definition and conditions of liability

4.2.4 Trespass to land

- Nature of trespass – unlawful entry; intentional and direct interference; continuing trespass

4.3 Torts affecting the person

This topic is about the tort of trespass in relation to the infringement of an individual's personal rights. This topic considers the action involved, including alternative actions that can be taken.

This topic is an opportunity to reflect on the key concepts of rights, responsibilities, freedoms, liability, justice, power and its limits, and effectiveness.

4.3.1 Assault

- Definition and elements required to establish liability, actionable per se
- Actions which may amount to assault; words and silence

4.3 Torts affecting the person continued

4.3.2 Battery

- Definition and elements required to establish liability, actionable per se
- Meaning of force and relevance of hostility
- Defences of consent, self-defence and necessity

4.3.3 False imprisonment

- Definition and elements required to establish liability
- Requirements of total restraint and knowledge of restraint; lawful restraint

4.4 General defences and remedies

This topic considers the general defences available in tort and the nature and purpose of the remedies, which may be awarded by the court.

This topic is an opportunity to reflect on the key concepts of liability, justice, fairness, and effectiveness.

4.4.1 Defences

- *Volenti non fit injuria* – meaning of consent and importance of knowledge and understanding; application in cases of employment, medical treatment and sport
- Contributory negligence – nature of a partial defence, apportionment of blame and reduction of damages
- Inevitable accident, Act of God, Statutory authority, illegality and necessity

4.4.2 Remedies

- Damages – purpose of damages in tort; calculation of damages; special and general damages; non-compensatory damages; damages for personal injuries, issues relating to future losses and death; policy issues and possible reforms
- Equitable remedies in tort; the use of injunctions; mandatory, prohibitory and interlocutory injunctions; damages in lieu of an injunction; evaluation of the use of the injunction in tort

4 Details of the assessment

Paper 1 – English Legal System

Written paper, 1 hour 30 minutes, 75 marks

Paper 1 examines candidates' knowledge of the English legal system.

This paper has two sections, Section A and Section B.

Section A

A total of 25 marks is available for Section A.

In this section there are five questions. Candidates answer all questions. There are four short answer questions and one extended answer question.

In this section, the questions will generally increase in difficulty.

Candidates will be expected to give in their extended answer question supporting evidence, including relevant and appropriate law. They will need to provide evidence of analysis and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section A assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Section B

A total of 50 marks is available for Section B.

In this section there are three essay questions. Candidates answer two questions.

The questions are structured essay-based questions which are divided into two parts.

There are 10 marks for the part (a) question and 15 marks for the part (b) question.

Candidates will be expected to give in their answers supporting evidence, including relevant and appropriate law. In their part (b) answers they will need to provide evidence of analysis and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section B assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Paper 2 – Criminal Law

Written paper, 1 hour 30 minutes, 60 marks

Paper 2 examines candidates' knowledge of criminal law. Topic 1 English legal system is assumed knowledge for Paper 2.

This paper has two sections, Section A and Section B.

Section A

A total of 30 marks is available for Section A.

In this section there is one scenario-based question.

Candidates answer the question using the given source material. The source material is provided in the question paper. Candidates answer this question using only the source material provided.

This question is divided into three part questions, (a), (b) and (c). Each part question will be about a separate scenario. Candidates answer all part questions. There are 10 marks for each part question.

Candidates apply their knowledge and understanding of criminal law to the three scenarios. They will need to identify and cite relevant law, and provide evidence of analysis and application. Candidates should support their answers with appropriate legal terminology.

The question in Section A assesses AO1 Knowledge and understanding and AO2 Analysis and application.

Section B

A total of 30 marks is available for Section B.

In this section there are two questions. Candidates answer one question.

Each question is divided into two parts. Part (a) is a short answer question and part (b) is an essay. There are 5 marks for part (a) and 25 marks for part (b).

No source material is used in this section.

Candidates will need to give in their part (b) answer supporting evidence, including relevant and appropriate law. They will need to provide evidence of analysis and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section B assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Paper 3 – Law of Contract

Written paper, 1 hour 30 minutes, 75 marks

Paper 3 examines candidates' knowledge of the law of contract. Topic 1 English legal system is assumed knowledge for Paper 3.

This paper has two sections, Section A and Section B.

Candidates will be expected to give in their answers for both Sections A and B supporting evidence, including relevant and appropriate law.

Section A

A total of 25 marks is available for Section A.

In this section there are two scenario-based questions. Candidates answer one question. There are 25 marks for the question.

In their answer to a scenario-based question, candidates will need to use relevant and appropriate law to support their argument. They will need to provide evidence of application and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section A assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Section B

A total of 50 marks is available for Section B.

In this section there are three essay questions. Candidates answer two questions, worth 25 marks each.

In their essay answers, candidates will need to use relevant and appropriate law to support their argument. They will need to provide evidence of analysis and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section B assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Paper 4 – Law of Tort

Written paper, 1 hour 30 minutes, 75 marks

Paper 4 examines candidates' knowledge of the law of tort. Topic 1 English legal system is assumed knowledge for Paper 4.

This paper has two sections, Section A and Section B.

Candidates will be expected to give in their answers for both Sections A and B supporting evidence, including relevant and appropriate law.

Section A

A total of 25 marks is available for Section A.

In this section there are two scenario-based questions. Candidates answer one question. There are 25 marks for the question.

In their answer to a scenario-based question, candidates will need to use relevant and appropriate law to support their argument. They will need to provide evidence of application and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section A assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Section B

A total of 50 marks is available for Section B.

In this section there are three essay questions. Candidates answer two questions, worth 25 marks each.

In their essay answers, candidates will need to use relevant and appropriate law to support their argument. They will need to provide evidence of analysis and evaluation. Candidates should support their answers with appropriate legal terminology.

The questions in Section B assess AO1 Knowledge and understanding, AO2 Analysis and application and AO3 Evaluation.

Command words

Command words and their meanings help candidates know what is expected from them in the exam. The table below includes command words used in the assessment for this syllabus. The use of the command word will relate to the subject context.

Command word	What it means
Advise	write down a suggested course of action in a given situation
Analyse	examine in detail to show meaning, identify elements and the relationship between them
Assess	make an informed judgement
Compare	identify/comment on similarities and/or differences
Contrast	identify/comment on differences
Define	give precise meaning
Describe	state the points of a topic / give characteristics and main features
Discuss	write about issue(s) or topic(s) in depth in a structured way
Evaluate	judge or calculate the quality, importance, amount, or value of something
Examine	investigate closely, in detail
Explain	set out purposes or reasons / make the relationships between things evident / provide why and/or how and support with relevant evidence
Identify	name/select/recognise
Justify	support a case with evidence/argument
State	express in clear terms

Phrases such as 'How far do you agree...?' and 'To what extent...?' may also be seen in the assessment for this syllabus.

5 What else you need to know

This section is an overview of other information you need to know about this syllabus. It will help to share the administrative information with your exams officer so they know when you will need their support. Find more information about our administrative processes at www.cambridgeinternational.org/eoguide

Before you start

Previous study

We do not expect learners starting this course to have previously studied law.

Guided learning hours

We design Cambridge International AS & A Level syllabuses based on learners having about 180 guided learning hours for each Cambridge International AS Level and about 360 guided learning hours for a Cambridge International A Level. The number of hours a learner needs to achieve the qualification may vary according to local practice and their previous experience of the subject.

Availability and timetables

All Cambridge schools are allocated to one of six administrative zones. Each zone has a specific timetable.

You can view the timetable for your administrative zone at www.cambridgeinternational.org/timetables

You can enter candidates in the June and November exam series.

Check you are using the syllabus for the year the candidate is taking the exam.

Private candidates can enter for this syllabus. For more information, please refer to the *Cambridge Guide to Making Entries*.

Combining with other syllabuses

Candidates can take this syllabus alongside other Cambridge International syllabuses in a single exam series. The only exceptions are:

- syllabuses with the same title at the same level.

Group awards: Cambridge AICE

Cambridge AICE (Advanced International Certificate of Education) is a group award for Cambridge International AS & A Level. It allows schools to offer a broad and balanced curriculum by recognising the achievements of learners who pass exams in a range of different subjects.

Learn more about Cambridge AICE at www.cambridgeinternational.org/aice

Making entries

Exams officers are responsible for submitting entries to Cambridge International. We encourage them to work closely with you to make sure they enter the right number of candidates for the right combination of syllabus components. Entry option codes and instructions for submitting entries are in the *Cambridge Guide to Making Entries*. Your exams officer has a copy of this guide.

Exam administration

To keep our exams secure, we produce question papers for different areas of the world, known as administrative zones. We allocate all Cambridge schools to one administrative zone determined by their location. Each zone has a specific timetable. Some of our syllabuses offer candidates different assessment options. An entry option code is used to identify the components the candidate will take relevant to the administrative zone and the available assessment options.

Support for exams officers

We know how important exams officers are to the successful running of exams. We provide them with the support they need to make your entries on time. Your exams officer will find this support, and guidance for all other phases of the Cambridge Exams Cycle, at www.cambridgeinternational.org/eoguide

Retakes and carry forward

Candidates can retake Cambridge International AS Level and Cambridge International A Level as many times as they want to. Information on retake entries is at www.cambridgeinternational.org/entries. To confirm what entry options are available for this syllabus, refer to the *Cambridge Guide to Making Entries* for the relevant series.

Candidates can carry forward the result of their Cambridge International AS Level assessment from one series to complete the Cambridge International A Level in a following series, subject to the rules and time limits described in the *Cambridge Handbook*.

Regulations for carrying forward entries for staged assessment (Cambridge International AS & A Level) can be found in the *Cambridge Handbook* for the relevant year of assessment at www.cambridgeinternational.org/eoguide

Equality and inclusion

We have taken great care to avoid bias of any kind in the preparation of this syllabus and related assessment materials. In our effort to comply with the UK Equality Act (2010) we have taken all reasonable steps to avoid any direct and indirect discrimination.

The standard assessment arrangements may present barriers for candidates with impairments. Where a candidate is eligible, we may be able to make arrangements to enable that candidate to access assessments and receive recognition of their attainment. We do not agree access arrangements if they give candidates an unfair advantage over others or if they compromise the standards being assessed.

Information on access arrangements is in the *Cambridge Handbook* at www.cambridgeinternational.org/eoguide

Language

This syllabus and the related assessment materials are available in English only.

After the exam

Grading and reporting

Grades A*, A, B, C, D or E indicate the standard a candidate achieved at Cambridge International A Level. A* is the highest and E is the lowest grade.

Grades a, b, c, d or e indicate the standard a candidate achieved at Cambridge International AS Level. 'a' is the highest and 'e' is the lowest grade.

'Ungraded' means that the candidate's performance did not meet the standard required for the lowest grade (E or e). 'Ungraded' is reported on the statement of results but not on the certificate. In specific circumstances your candidates may see one of the following letters on their statement of results:

- Q (PENDING)
- X (NO RESULT).

These letters do not appear on the certificate.

If a candidate takes a Cambridge International A Level and fails to achieve grade E or higher, a Cambridge International AS Level grade will be awarded if both of the following apply:

- the components taken for the Cambridge International A Level by the candidate in that series included all the components making up a Cambridge International AS Level
- the candidate's performance on the AS Level components was sufficient to merit the award of a Cambridge International AS Level grade.

On the statement of results and certificates, Cambridge International AS & A Levels are shown as General Certificates of Education, GCE Advanced Subsidiary Level (GCE AS Level) and GCE Advanced Level (GCE A Level).

'Cambridge International A Levels are the 'gold standard' qualification. They are based on rigorous, academic syllabuses that are accessible to students from a wide range of abilities yet have the capacity to stretch our most able.'

Director of Studies, Auckland Grammar School, New Zealand

How students, teachers and higher education can use the grades

Cambridge International A Level

Assessment at Cambridge International A Level has two purposes:

- to measure learning and achievement

The assessment:

- confirms achievement and performance in relation to the knowledge, understanding and skills specified in the syllabus, to the levels described in the grade descriptions.

- to show likely future success

The outcomes:

- help predict which students are well prepared for a particular course or career and/or which students are more likely to be successful
- help students choose the most suitable course or career.

Cambridge International AS Level

Assessment at Cambridge International AS Level has two purposes:

- to measure learning and achievement

The assessment:

- confirms achievement and performance in relation to the knowledge, understanding and skills specified in the syllabus.

- to show likely future success

The outcomes:

- help predict which students are well prepared for a particular course or career and/or which students are more likely to be successful
- help students choose the most suitable course or career
- help decide whether students part way through a Cambridge International A Level course are making enough progress to continue
- guide teaching and learning in the next stages of the Cambridge International A Level course.

Grade descriptions

Grade descriptions are provided to give an indication of the standards of achievement candidates awarded particular grades are likely to show. Weakness in one aspect of the examination may be balanced by a better performance in some other aspect.

Grade descriptions for Cambridge International A Level Law will be published after the first assessment of the A Level in 2023. Find more information at www.cambridgeinternational.org/alevel

Changes to this syllabus for 2023, 2024 and 2025

The syllabus has been reviewed and revised for first examination in 2023.

You must read the whole syllabus before planning your teaching programme.

Changes to syllabus content	<ul style="list-style-type: none"> • Learner attributes have been added at the beginning of the syllabus. • Key concepts and topic introductions which link to the key concepts have been added. • The syllabus aims have been reworded. • At AS Level the topics have been revised and updated. Topic 1 is the English legal system and Topic 2 is criminal law. • At A Level the topics have been updated. Topic 3 is the law of contract and Topic 4 is the law of tort. • A list of command words has been included.
Changes to assessment (including changes to specimen papers)	<ul style="list-style-type: none"> • The assessment objectives (AOs) have been revised and the AO weightings adjusted. • The structure of the question papers has been simplified. Each paper has two sections. • The titles of Paper 1 and Paper 2 have been updated as follows: Paper 1 English Legal System and Paper 2 Criminal Law. • The weightings for Paper 1 and Paper 2 have been adjusted. Each is worth 50% at AS Level and 25% at A Level. Paper 2 has 60 marks. • In Paper 1 Section A, candidates answer all questions, four of which are shorter questions. Section B questions are essay questions split into two parts and candidates choose two out of three questions. Section A has 25 marks and Section B has 50 marks. • Paper 2 is about the basic principles of criminal law. In Paper 2 Section A, there is one question. The question is in three parts. Candidates answer the question using given source material. In Section B, candidates choose one out of two questions. Each question is in two parts, a short answer question and an essay question. Each section has 30 marks. • In both Paper 3 and Paper 4, candidates choose one scenario-based question out of two for Section A and in Section B, two essay questions out of three. Section A has 25 marks and Section B has 50 marks. • The mark schemes for Papers 1–4 have been revised. • The specimen assessment materials have been updated.

In addition to reading the syllabus, you should refer to the updated specimen papers. The specimen papers will help your students become familiar with exam requirements and command words in questions. The specimen mark schemes explain how students should answer questions to meet the assessment objectives.

Any textbooks endorsed to support the syllabus for examination from 2023 are suitable for use with this syllabus.



'While studying Cambridge IGCSE and Cambridge International A Levels, students broaden their horizons through a global perspective and develop a lasting passion for learning.'

Zhai Xiaoning, Deputy Principal, The High School Affiliated to Renmin University of China