

OCR GCE Law units G153, G155 and G157

Skills pointer guide

This skills pointer guide has been developed to assist teachers and candidates of OCR GCE Law in the delivery of the A2 units G153/5/7.

General Skills

At A2 level OCR's GCE Law specification offers a choice of subject matter, to give centres and candidates the option to study an area of law in depth. Whether studying Criminal law (G153), the law of Contract (G155) or the law of Torts (G157) there is an opportunity to gain an in-depth knowledge of the substantive law relating to that subject area. In addition the composition of the paper means that candidates develop a variety of useful and transferrable skills. These include:

- close and careful reading
- analytical and discursive writing
- problem solving
- logical reasoning
- time management.

G153, G155 and G157 make up 60% of the overall A2 course. Their companion units (G154, G156 and G158) involve an in-depth study of one area of law based around a pre-released booklet of legal sources, a copy of which is available for use in the examination – this is the Special Study paper.

The structure of the paper

G153, G155 and G157 each take the form of a 2 hour written examination paper worth 120 marks which tests knowledge of substantive law and the use of relevant skills. There is a lot of material to cover and the structure of the paper is such that it is **not** possible for candidates just to revise a small number of key topics and be assured of success.

The paper is divided into three sections:

Section A – an essay question; candidates must answer **one** question from a choice of three.

Section B – a hypothetical problem/case study question; candidates must answer **one** question from a choice of three.

Section C – a logical reasoning/dilemma board question; candidates must answer **one** question from a choice of two.

The allocation of marks will be explained in relation to each section later in the guide.

Preparatory steps

There is plenty of material available, to help both teachers and candidates, which can be found on the Law pages of the OCR website – www.ocr.org.uk. Valuable resources include:

- the specification
- past question papers
- past mark schemes
- the marking matrix
- examination reports
- teaching guides.

Understanding the assessment

The 120 marks available are awarded using three Assessment Objectives:

AO1 - Demonstrate knowledge and understanding of legal rules and principles by selecting and explaining relevant information and illustrating with examples and citation.

AO2 - Analyse legal material, issues and situations, and evaluate and apply the appropriate legal rules and principles.

AO3 - Present a logical and coherent argument and communicate relevant material in a clear and effective manner using appropriate legal terminology.

Section A – questions 1-3

Each question in this section is worth 50 marks and has a notional time allocation of 45 minutes. It is often this section of the paper which candidates feel most comfortable answering as they will have had the opportunity to consider themes in advance of the exam and prepare some key analytical points to aid them in the exam. However, an essay question is not an invitation to the candidate to simply write all they know on a given topic area. The question may take the form of a statement or a quotation and the candidate is expected to engage with the stimulus in an analytical and evaluative way.

A consideration of the way the marks are awarded is helpful here:

AO1 – 25 marks – these marks relate to factual information

AO2 – 20 marks – these marks relate to analysis and evaluation

AO3 – 5 marks – these marks relate to communication.

The following points are important in Section A for candidates to be aware of:

- Show good knowledge of relevant information – it is vital to read the question carefully and to include only pertinent material. For example, if an essay on exclusion clauses invites a discussion on common law **and** statutory controls a candidate who deals with only one of these areas is not going to be able to access the higher mark bands. Similarly, if an essay relating to theft gives a clear direction to discuss dishonesty and appropriation no marks will be awarded for an extensive discourse on the meaning of property or the concept of intention to permanently deprive. In addition, to reach the higher mark bands knowledge needs to be both wide ranging and detailed – this encompasses legal principles, statute and case law.

- Use statute law appropriately and clearly – a statute should be named in full, for example as the Offences Against the Person Act 1861, the first time it is referred to and then an abbreviated format can be used. The date of the statute should be given and relevant section numbers cited accurately – for example, when discussing dishonesty in section 2 of the Theft Act 1968 candidates should refer to s2(1)(a), s2(1)(b) and s2(1)(c).
- Refer to cases accurately – candidates should aim to be accurate in naming a case and link it to the correct facts and legal principle. Whilst it is not essential to know the date of every case, it is important to have a sense of chronology so that cases can be referred to in a way that maximises their value. For example, in an essay on the duty of care in negligence it is important to have cases in the right time order, so as to be able to evaluate and discuss the law’s development. It is also useful to be able to place cases before and after important statutes as having a sense of logical order improves the overall quality of an essay and allows the candidate to make more telling evaluative points.
- Use of cases – candidates should aim to name a case correctly, make a concise reference to the key factual elements so as to demonstrate sound and accurate knowledge and then give a clear explanation of the legal principle in the case and its importance. There is no need to give every detail or twist and turn in the case facts – indeed this can be counter-productive as the time taken to do so could be better used to deal with the legal aspect of the case. Here are two examples:

‘In the case of Pagett he had committed a crime and so he was hiding in his house. His pregnant girlfriend was there and Pagett had a gun. He knew the police were coming to arrest him and when he heard the police outside he came out of the house with the gun. He made his girlfriend stand in front of him. When the police told him to put down the gun Pagett fired at them. The police fired back but they missed Pagett. The police hit the girl and she died. Pagett was convicted of manslaughter because his act was foreseeable.’

‘In the case of Pagett he used his pregnant girlfriend as a human shield. P tried to argue that the chain of causation was broken by the police returning his fire and killing the girl. P was convicted and his appeal dismissed as it was foreseeable that the police, as a third party, would return fire so the chain was not broken. This case shows that whilst the ‘but for’ test is an important aspect of causation other elements need to be considered. Although it could be argued that trained police marksmen may have the discipline to hold their fire, this could not be expected in such a pressured situation and it was therefore foreseeable that they would act as they did’.

The first example has a long and overly detailed focus on the facts – only the last sentence makes any reference to the law and then it is simply a short and unsupported statement. The second example is a much more succinct explanation of the case which contains the relevant facts and is much clearer on the importance of the case, as well as containing evaluative development – this will achieve both AO1 and AO2 marks.

- Respond to the question – it is vital to focus on the question that has been asked rather than relying on a pre-prepared answer plan. Although **topics** will reappear on examination papers the area to be covered will vary, as will the evaluative slant so it is important to answer appropriately. It is also important to do more than simply repeat the question as a way of evaluating the area of law being discussed.

- Analyse and comment throughout - although it is acceptable to give all the factual information (AO1) and then go on to evaluation (AO2) the optimum technique is to weave factual and evaluative material together throughout the essay. This makes the essay more cohesive, analytical points which build on factual evidence are presented logically, the candidate begins to achieve both AO1 and AO2 marks quickly and efficiently and there is less danger of missing analytical points – something which is all too easily done when the factual material is in a different part of the essay. You can see how this works by looking at the second example (above) relating to *Pagett*.

This is a basic point

- Develop analytical points – to reach the higher mark bands candidates need to do more than list simple points. A good technique is to introduce and then develop a point before extending it, perhaps by looking at the same point from a different perspective.

For example ‘the test concerning when an act becomes an attempt is more than merely preparatory is controversial because it is construed to be flexible. This can be helpful as it gives the test a clearer focus than was the case before the passing of the Criminal Attempts Act 1981 when there were three confusing and different tests but it can also prove problematic for juries, as seen in the case of *Geddes*, and so it can be argued that the law is not the improvement that Parliament hoped for’.

This is development of that point

This is an extension of that developed point

- Reach a conclusion relating to the title – this shows that the candidate has read the question and a short summary of the main points rounds off an answer.
- Use the time available wisely – it is very easy to spend a disproportionate amount of time on an essay, especially if the topic has been revised thoroughly. However, even the best essay can only score a maximum of 50 marks out of an available 120 marks. Spending too long on this section can prove costly elsewhere so there is a need to be disciplined.
- To summarise, **candidates should try to avoid:**
 - lengthy recounting of case facts
 - simply naming cases
 - having no sense of time line or logical order
 - forgetting to analyse the law at all
 - simply repeating the command words given in the question
 - leaving all of the analysis until the end
 - forgetting an introduction or conclusion
 - spending too long on this section.

Section B – questions 4-6

These questions are each worth 50 marks with a notional time allocation of 45 minutes – candidates choose one question to answer out of the three. This tends to be an area of the paper where candidates feel less comfortable because they cannot plan ahead. However, with good skills a candidate can be successful, not least because they do not need to worry about constructing analytical points.

With Section B questions there is one important difference from Section A questions, as AO2 marks are awarded for application, rather than analysis and evaluation, of relevant law. Candidates should not comment on the law in this section of the paper as there are no marks available for this skill.

The following points are important in Section B in addition to those relating to the use of case and statute law that are covered earlier in this skills pointer:

- Identify relevant law – this is of vital importance. Some questions will indicate the area to be covered – for example ‘Advise John on his criminal liability for theft.’ In this instance the clear direction to the candidate, to consider only theft rather than the wider range of offences under the Theft Act 1968, provides a focus for the question. In some instances candidates will also be given direction as to the best way to use their time – for example ‘Advise whether Belinda **and** Danny have any enforceable claims against Agnes. Do **not** discuss issues of consideration.’ Such guidance is especially relevant when there is a lot of substantive law to be covered and the emboldening of key words is something to which candidates should pay careful attention.
- Read the question carefully – a highlighter is helpful to pick out key words and phrases in the question paper; a few quick notes made on the exam paper to flag up key cases used in the scenario can also be helpful.
- Make a plan – a hypothetical problem question should be handled methodically. It is good technique to deal with each character or offence in turn before moving on to the next.
- A logical method – this gives a response clarity and cohesion. To ensure nothing is missed out a good technique is to deal with the law and its application in relation to each defendant or offence as they appear in the scenario – this also means that the candidate is achieving AO1 and AO2 marks throughout their answer. Such an approach lessens the chance that the candidate will spend a disproportionate amount of time on factual material at the expense of application or that the factual material is totally disconnected from the law the candidate is attempting to apply. A mnemonic, such as the following, is useful:

I – identification of relevant law
 D - definition of relevant law
 E – explanation of relevant law
 A – application of relevant law and conclusion.

- Identification – it is good technique to begin a response with a brief synopsis of what is to be covered; this provides focus for the candidate and shows the examiner that the candidate has distilled the scenario facts and deduced the areas of law which are important.
- For example ‘The relevant areas of law in this hypothetical scenario are murder and attempt. Particular issues relate to whether Fred intended to kill Sarah and whether he had done an act which is more than merely preparatory in relation to the death of Mark. Defences which may be relevant to Fred are intoxication and automatism.’ In a few lines the candidate has demonstrated an ability to focus on the situation being presented and identification points are credited as AO2 marks.
- Definitions – the candidate is awarded AO1 marks for accurate knowledge using statutes, cases and legal principles. In a hypothetical problem question it is especially important to focus on law relevant to the question - for example – if a scenario makes it clear that the property at issue is covered by section 4(1) Theft Act 1968 then the candidate does not need to use valuable time defining sections 4(2), (3) and (4).
- Explanation – detailed and wide-ranging knowledge should be demonstrated in the same way as for Section A, with a focus on the law rather than on the facts. With a scenario it may be necessary to explain points of similarity or difference between the facts given and those in a particular case.

- Application – it is important to link to the scenario and using the names of the characters helps with this, as does picking up on key facts from the scenario. Candidates should apply the law to the information given in the scenario rather than imagining a different set of facts. Dividing a response into sections which deal with different characters or issues helps a candidate achieve clarity as well as making the answer logical and ensures that the candidate is achieving AO2 marks as they move through their answer.
- Defences – defences should be considered **unless** the question specifically directs otherwise. However only relevant defences should be dealt with - for example, if the scenario facts make it clear that a defendant has chosen to drink a litre of vodka before attacking someone then there is no need to refer to involuntary intoxication.
- Reach a conclusion – although the law is not always 100% certain (more of an issue in Criminal Law perhaps) scenarios are constructed so as to allow the candidate to attempt a conclusion based on the approach they have taken. A conclusion also demonstrates the use of a logical method. It may also be necessary to conclude on more than one issue – for example, if the instruction in the question is ‘Discuss whether Red Crow’s contracts with Landlords Limited, Commershops **and** Splatz can be treated as frustrated, **and** the financial consequences which would arise if they are’ it is essential to deal with both aspects to reach the higher mark bands.
- To summarise, **candidates should try to avoid:**
 - not identifying the key areas
 - wasting time on irrelevant offences
 - heavy use of case facts
 - re-writing the scenario facts
 - writing an essay
 - forgetting to apply the law or leaving it all to the end
 - being indecisive.

Section C – questions 7-8

This question is worth a maximum of 20 marks and tests a candidate’s ability to apply law logically to a conclusion in response to a specific statement relating to a short hypothetical problem.

A notional 30 minutes is allocated to this section of the paper. Although knowledge of the law is essential, it is the application of legal principles which brings success. All the marks in this section are awarded as AO2 and there is no requirement to refer to and explain cases. A concise written style is helpful and there is no need for a general introduction and explanation of the area of law contained in the scenario.

The following points are important in Section C for candidates to be aware of:

- Plan by reading all four statements first – each statement is precise in its focus and so it is important to establish where material is used best at the outset.
- Write concisely - in this section of the paper it is a good technique to use bullet points. These help to show the answer moving logically from one step to the next and they also help the candidate to be brief – something which is effective and efficient since there is no need for case citation and analysis.

- Deal with each statement separately – each statement is designed to stand alone to ensure that a candidate has an equal chance of success in each of their responses and so a good technique is to return to first principles when beginning each statement.
- Reason logically – this is a vital aspect – for example, in criminal law a candidate should deal with the *actus reus* element before moving on to *mens rea* and any defences. The use of a logical method can be reinforced by beginning each bullet point or statement except the conclusion with the phrase ‘Reason that.....’
- Use the facts in the scenario – these provide a focus for the particular issue in a given statement and using the facts, along with character names, is clear evidence of application.
- Be decisive – the statements are written in such a way that a candidate can be decisive. Occasionally alternative lines of reasoning will lead to different results and this is dealt with in the mark scheme – however, to achieve marks a candidate needs to follow through the line of reasoning they choose logically.
- Be conclusive – this section of the exam is all about reaching an answer and so the final sentence or bullet point should indicate that the statement is either accurate or inaccurate. Indecisive responses or ones which attempt to ‘hedge their bets’ with phrases such as ‘the statement may be true’, ‘the defendant could be liable’, ‘the statement is accurate and inaccurate’ will not gain any credit for this element.

To summarise, **candidates should try to avoid:**

- writing an essay
- writing a general introduction
- not reading the statement carefully
- ignoring the statement and the scenario facts
- use of cases
- not making a decision
- not reaching a conclusion
- only saying ‘true’ or ‘false’.

In conclusion, each section of this demanding paper requires different skills but mastery of these skills will help candidates make the very best use of the material they have revised. The questions can be done in any order – an increasing number of candidates tackle Section C first as this helps them plan their time better across the rest of the paper. It is then logical to move to Section B as this is still focusing on problem solving skills. This means that Section A is completed last and it is the easiest area where a candidate can move into making notes if necessary at the end of the examination and they do not need to feel under pressure to resolve problem based questions when time is very short.

The OCR website provides a wide range of support materials and you can get answers to specific questions through the OCR Customer Contact Centre.