CAPE® LAW UNIT 1

Subject Report

May-June 2025

CARIBBEAN EXAMINATIONS COUNCIL

REPORT ON CANDIDATES' WORK IN THE
CARIBBEAN ADVANCED PROFICIENCY EXAMINATION

MAY-JUNE 2025

LAW
UNIT 1

Table of Contents

INTRODUCTION

This guide has been put together using candidates' responses to the 2025 May-June examination in CAPE Law. The report follows the original design of the examination which consists of the following papers.

- Paper 01   — Multiple-Choice items
- Paper 02   — Extended Response items
- Paper 031 — School-Based Assessment (SBA)
- Paper 032 — Alternative to SBA

The modules covered in this unit are Module 1: Caribbean Legal Systems, Module 2: Principles of Public Law and Module 3: Criminal Law.

There was a slight increase in the number of candidates registered to sit Unit 1 of the 2025 CAPE Law examinations. Compared with 1361 in 2023 and 1347 in 2024, a total of 1403 candidates were registered in 2025.

This year, Unit 1 performance showed a modest decline in overall pass rates, with approximately 86 per cent of candidates achieving Grades I–V. This represented a slight decrease from 90 per cent in both 2023 and 2024. Despite this drop, the proportion of candidates attaining Grades I–III remained stable over the three-year period, consistently ranging between 59 and 61 per cent. This indicates steady performance among top-tier candidates. Notably, 2025 recorded a significant increase in the percentage of candidates awarded Grade I compared to the previous two years.

In 2025, performance in Caribbean Legal Systems (Module 1) showed a notable improvement over the previous year; approximately 69 per cent of candidates attained Grades A–C compared with 60 per cent in 2024. This nine-percentage-point increase indicates a positive shift in candidate outcomes. However, when compared with 2023 when 84 per cent of candidates achieved Grades A–C, the 2025 performance still reflects a decline. Performance in Module 2 remained relatively stable between 2024 and 2025. Approximately 47 per cent of candidates attained Grades A–C in 2024 while 48 per cent reached this attainment in 2025. This represents a significant improvement over 2023 when only 31 per cent of candidates achieved Grades A–C. In contrast, performance in Module 3 (Criminal Law) experienced a notable decline; approximately 55 per cent of candidates attained Grades A–C compared with 67 per cent in 2024 and 59 per cent in 2023.

PAPER 01 – MULTIPLE CHOICE

Paper 01 comprised 45 compulsory multiple-choice questions, 15 based on each module. The paper contributed 30 per cent to candidates' overall scores.

The mean percentage score for this paper this year was 71.46 compared with 68.54 in 2024 and 69.27 in 2023.

PAPER 02 – EXTENDED RESPONSES

Paper 02 comprised three essay or problem-type questions, one assessing each module. Each question was marked out of 25, totalling 75 marks on the paper. This paper contributed 50 per cent to the candidates' overall score.

The mean percentage score for Paper 02 of this unit was 35.85 compared with 35.77 last year. However, both of those scores represented a decline from 2023 when the mean percentage score was 41.35.

Module 1: Caribbean Legal Systems

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Question 1

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Part (a) (i)

Candidates were able to provide a definition of the term *legislation* and the function of legislation. Weaker candidates often confused legislation with the arm of government called the legislature. These candidates provided responses regarding the role of the legislature and were therefore unable to score any marks.

Part (a) (ii)

Candidates were able to accurately define delegated legislation as *laws made by people or bodies other than parliament, under the authority granted by parliament*. These candidates also successfully outlined the function of delegated legislation. However, weaker candidates seemed to have confused delegated legislation with primary legislation whilst others broke apart the term and tried to define the word delegated. Such candidates did not score any marks.

Part (b)

Some candidates were able to explain at least two of the four advantages of delegated legislation. Responses included *it saves parliamentary time*, *it is good use of technical expertise*, and *it allows flexibility in law making*. Other candidates gave more general responses as advantages. Weaker candidates seemed to have confused delegated legislation with general legislation and struggled to explain the advantages. In some cases, candidates listed one or two of the advantages without any explanation; this afforded them little or no marks.

Part (c) (i)

Candidates were able to explain two rules of statutory interpretation, identifying the common rules of interpretation, that is, literal, golden, mischief and purposive rules. They were also able to explain each concept. Weaker candidates seemed to have misunderstood the question and tried to use the details of the scenario given to interpret/explain the rules of statutory interpretation; this is not what was expected. As such, those candidates were unable to score any marks.

Part (c) (ii)

Using the wording of the legislation given in the scenario, candidates responded to this part by correctly identifying the most applicable rule of statutory interpretation, that is, The Literal Rule, and they established the criminal liability of Mr Vader. As examples of The Literal Rule, candidates used the more

popular cases such as Baptiste v Alleyne, R v Harris and Fisher v Bell. Weaker candidates did not identify any rule of statutory interpretation nor were they able to apply the law to the facts.

A few candidates focused on Mr Longeye, the burglar, to justify why Mr Vader would not be criminally liable. These candidates used The Mischief Rule or The Golden Rule to support their response; this was incorrect. Hence, such candidates were unable to score any marks.

Recommendations

- Facilitators are encouraged to spend time guiding candidates regarding how to interpret questions under the Caribbean Legal Systems module. This includes how to write clear, precise and definite definitions with respect to concepts and doctrines. In addition, when learning how to explain these concepts or doctrines, the focus should be on creating clear and coherent explanations that incorporate legal jargon. This practice would eliminate the trend where candidates utilized parts of Part (c) to help them interpret and answer Part (a) or Part (b).

- Candidates should be acquainted with the IRAC format or at least ensure that their responses include a clear introduction, transitional phrases for paragraphs and a conclusion.

- Facilitators are reminded of the importance of completing this area of the syllabus and doing tutorials continuously.

Module 2: Principles of Public Law

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Question 2

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Part (a)

Candidates were able to enunciate what *locus standi* is and why it is important in judicial review proceedings. This was done while referring to access to justice, the use of court resources, etc. Some candidates were able to identify what judicial review is but were uncertain what *locus standi* is and therefore could not relate to its importance where judicial review proceedings are concerned. Weaker candidates seemed to be entirely unfamiliar with *locus standi*, mistaking it for other legal concepts such a *stare decisis*. Consequently, such candidates were unable to score any marks.

Part (b) (i)

Candidates were able to identify that *locus standi applies to individuals who are negatively affected in some way by a decision taken by a public body*. In addition, candidates were able to clearly explain the sufficient interest criterion. Weaker candidates did not understand and could not correctly articulate the application of *locus standi* to individuals. As a result, they often discussed other concepts relating to public law. Hence, such candidates were unable to score marks.

Part (b) (ii)

Candidates were able to explain that interest/pressure groups can challenge decisions taken by public bodies once those decisions affect a matter of broad public interest. In their responses, candidates articulated that the interest/pressure groups need to have sufficient interest, that is, their members must be affected by the decision taken by the public body. Weaker candidates could not articulate how *locus standi* applied to interest/pressure groups but in attempting to respond to the question, often used the characters in Part (c) to form illustrations as answers.

Part (c)

Given the scenario, some candidates sufficiently addressed the question of whether the RIC was subject to judicial review and correctly concluded that it was. These candidates' responses were supported by relevant case law, application and conclusion. Weaker candidates generally did not have a good grasp of the law relevant to assessing whether a body is a public body. They were therefore unable to apply analysis of the law to resolve the issue and advise 'NoMoreTaxes'. In addition, these weaker candidates failed to link the RIC being subject to judicial review to the fact that it would be considered a public body/authority with a public purpose. Instead, such candidates merely stated that 'the RIC was subject

to judicial review because it failed to consult with the public'. Such candidates also often concentrated on whether 'NoMoreTaxes' had *locus standi* rather than whether RIC was amenable to judicial review.

Recommendations

- Facilitators are encouraged to spend time guiding candidates regarding how to interpret questions under the Public Law module. This includes how to write clear, precise and definite definitions with respect to concepts and doctrines relating to public law. In addition, when learning how to explain these concepts or doctrines, the focus should be on creating clear and coherent explanations that incorporate legal jargon. This practice would eliminate the trend where candidates utilized parts of Part (c) to help them interpret and answer Parts (a) and (b).

- Candidates should be acquainted with the IRAC format or at least ensure that their responses include a clear introduction, transitional phrases for paragraphs and a conclusion.

- Candidates need to be prepared with case laws and other relevant pieces of legislation as it relates to the various aspects of public law.

- Facilitators are also reminded of the importance of completing the relevant area of the syllabus and doing tutorials continuously.

Module 3: Criminal Law

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Question 3

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Part (a) (i)

Candidates were able to provide a definition for *partial defences* and use a relevant example. Some candidates confused the term for this part with the term for Part (a) (ii) and provided responses in relation to *general defences*. As a result, such candidates were unable to score any marks.

In addition, weaker candidates did not demonstrate an understanding of the differences between partial and general defences. Therefore, they did not use the correct examples required for this response and hence, were unable to score any marks.

Part (a) (ii)

Compared to responses regarding partial defences, candidates demonstrated a very good understanding of general defences and were therefore able to provide a definition with a relevant example. As noted in Part (a) (i), weaker candidates did not demonstrate an understanding of the differences between partial and general defences and could not provide correct examples. As such, these candidates did not score any marks.

Part (b)

Candidates were able to provide two elements relating to the *defence of provocation* and they supported those elements with two relevant cases. The elements provided were *sudden and temporary loss of self-control* as well as *the objective test and the reasonable man test*. Weaker candidates often utilized the battered woman syndrome as a provoking act that leads to the defence of provocation. Additionally, some of those weaker candidates erroneously indicated that the provoking act must have been inflicted for a prolonged period to qualify as provocation. These candidates made little or no reference at all to relevant case law. They were unable to score any marks.

Part (c)

Candidates accurately stated the law surrounding the defence of involuntary intoxication. They also recognized the presence of the *mens rea* formed by Mark, thereby denying him the defence of involuntary intoxication and making him liable for the charge of Wounding with Intent to Kill. This was supported by the relevant cases, correct application and conclusion. Weaker candidates were unable to state the law as it pertains to involuntary intoxication or had difficulty applying the law to the facts of the scenario. In some cases, weaker candidates seemingly confused voluntary intoxication with that of involuntary

intoxication and discussed other defences that were irrelevant. Such discussions included diminished responsibility, automatism, and provocation. Some of the weaker candidates often focused on the elements for *actus reus* and *mens rea,* and the legal elements that are required to prove that there was a wound. These candidates failed to recognize the importance of discussing the applicable 'cooling off' period which resulted in the *mens rea* being formed. Such candidates often had no knowledge of the names of relevant cases and as such, they were unable to score full marks. Some scored no marks at all.

Recommendations

- Facilitators are encouraged to spend time guiding candidates regarding how to interpret questions under the Criminal Law module. This includes how to write clear, precise and definite definitions with respect to concepts and doctrines relating to criminal law. In addition, when learning how to explain these concepts or doctrines, the focus should be on creating clear and coherent explanations that incorporate legal jargon. This practice would eliminate the trend where candidates utilized parts of Part (c) to help them interpret and answer Parts (a) and (b).

- Candidates should be acquainted with the IRAC format or at least ensure that their responses include a clear introduction, transitional phrases for paragraphs and a conclusion.

- Candidates need to be prepared with case laws and other relevant pieces of legislation as it relates to the various aspects of criminal law.

PAPER 031 – SCHOOL BASED ASSESSMENT

Samples of the SBA projects were moderated by a team authorized by CXC. The following are comments presented by those moderators regarding the different sections of the project reports.

The mean percentage score for this paper declined this year from 75.44 in 2024 to 71.51. In previous years the mean percentage score was as follows: 61.66 in 2023, 65.06 in 2022 and 64.72 in 2021.

General Comments

Students' performance was generally satisfactory. There was an improvement in topic selections when compared to previous years. However, a few students selected topics that were outside the scope of the syllabus.

Projects were moderated based on the criteria provided in the CAPE Law Syllabus (CXC A23/U2/17). Using that criteria as a guide, it was observed that students are submitting assessments with headings such as Acknowledgement, Introduction, Literature Review, Thesis Statement, and Interpretation of Findings and Analysis of Data. These are not in keeping with syllabus guidelines regarding projects.

Title and Table of Contents

Most students submitted projects containing a title and a table of contents as stipulated in the syllabus. However, in a significant number of instances, the table of contents was presented without corresponding page numbers for the relevant sections of the project. In some instances, the page numbers, when presented, did not accurately reflect what was presented in the project.

Description of Research Problem/Issue, Aims and Objectives

Students identified the legal problem within the border context of the topic and linked it to their specific area/community. They also provided plausible rationales for investigating. Weaker students merely provided background information on the area of law.

Most projects contained clearly stated and relevant aims/objectives which facilitated the conduct of focused research. Some weaker students presented aims and objectives that were unclear and unattainable given the scope of the project. Others wrote aims that were far removed from the topic selected; this often occurred when the topics were too vague or general. Some of the weaker students also merely listed phrases or sentences with no attempt to frame them as aims or objectives.

Methodology

Students were generally able to lay out their methodology well. Weaker students failed to carefully select an appropriate sample and sample size or to reference any at all. In some cases, sample sizes were questionable given the scope of the research. Additionally, most students failed to provide a rationale/justification for the sample selected.

There were instances where students seemed unable to make a distinction between the concept of primary data collection and primary sources of law. As a result, they indicated that they were using primary data such as law books, cases, inter alia.

One other observation was that, at times, the method(s) stated in the methodology was/were not reflected in the body of the research.

Presentation of Findings

The most notable concern regarding this section was the failure of students to present findings from both primary and secondary data even though both were mentioned in their methodology. In many cases, for example, students presented secondary findings in the Discussion section, or they presented the narrative equivalent to primary findings, as represented by graphs and tables, without making reference to them in the Presentation of Findings section.

In addition, not enough students were able to present clear and relatable findings. Some students failed to find a comprehensive, clear, and accurate way to present the legal findings they intended to rely on in their discussion. In many of these instances, they only presented findings from the interview and/or questionnaires (primary instruments) using graphs or tables but did not provide the accompanying description under each chart.

Too often, students cited laws which were not applicable to the research or to the local jurisdiction under study.

Discussion of Findings

Students fell short of providing the level of legal analysis which was required for this section; the discussion was not comprehensive and often did not relate to the relevant law or legal theories; hence, students received low marks or scored no marks at all.

Students also failed to properly analyse and interpret the data obtained. Seemingly, they did not know how to analyse or interact with the data in a critical manner which suggests that their higher order and critical thinking skills still need to be cultivated.

Often, students opted to provide a summary or reiteration of the same information they placed in the Presentation of Findings or they used this section to present their secondary data only or to introduce new findings.

Conclusion and Recommendations

Some students were able to provide plausible conclusions that are based on the findings and make sound recommendations to remedy the issue identified. Weaker students merely provided a summary of the research. Others presented sociological and/or psychological summaries instead of ones that should be practical and legally sound.

Referencing

Many students were unable to correctly cite their sources (including cases, journals, textbooks, interviews, and internet sources) with all the relevant details required. It is to be noted that search engines such as Google.com, Lawteacher.com/net, Sixthformlaw.com, Wikipedia.com and Ask.com are not proper or preferred reference sites.

In a few notable cases, no reference list or bibliography was presented. Of concern is the number of students who merely presented the URL with no additional reference information such as author, date, title, etc. Teachers and students are reminded that referencing is to be consistently and accurately done in a well-organized manner, using the appropriate OSCOLA format.

Recommendations

The table of contents must have appropriate headings and corresponding page numbers.

Aims and objectives are to be specific, concise, and allow for proper research. Students should limit the number of aims and objectives to a practical, manageable number; three to four should suffice.

The statement of the law should be a clearly stated guide to the research. It should logically and coherently connect the distinct parts of the investigation and indicate why the law is important.

The use of a mixture of primary and secondary methods of data collection is strongly recommended since this allows for greater variety, validity, and reliability in interpretating, analysing and drawing conclusions from the data generated.

Teachers and students are reminded of the need to present both the primary data and the secondary legal data. The primary data would be based on the results of the questionnaires and/or interviews conducted and the secondary legal data would be the information that a student intends to rely on during discussion;

this would include legislation, case laws, literature obtained from journal articles or books, and statistics from other secondary sources.

Teachers need to instruct students regarding how to analyse and interpret both primary and secondary data to arrive at an informed conclusion based on the aims and objectives as well as the legal theories being studied. Students are to show the connection between the two, using comparisons, contrasts, and trends, while demonstrating how those affect the area of study.

Students are to ensure that the conclusion is hinged to the recommendations. Therefore, this section is to be both a conclusion of the research and a statement of what the student is proposing as solutions based on their findings.

Teachers and students are reminded that the syllabus contains properly cited reference materials relating to texts and cases. In addition, OSCOLA is to be consulted and followed strictly as a guide on how to properly reference the sources used in the research. The hyperlink to this guide is provided in the syllabus.

PAPER 032 – ALTERNATIVE TO THE SCHOOL BASED ASSESSMENT

Paper 032 is the alternate paper to the SBA and is normally done by candidates outside of the formal school setting. The syllabus prescribes the topic for candidates to research and prepare for the examination and candidates write an essay on this topic in the examination. They are allowed to take their notes into the examination to be used as reference.

The mean on this paper was 14.63 or 24.38 per cent compared to last year's mean which was 29.09 or 48.49 per cent.

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The Question

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Part (a) (i)

Some candidates were able to discuss *improper delegation* as ground for judicial review and also appropriately explain the concept while using relevant cases to support their answers. Weaker candidates seemed not to have a sound understanding of this topic. Most of their responses were based on assumption or contained nonlegal terms and definitions. In many instances, applicable cases were not utilized. Candidates who fell into these categories were unable to attract any marks.

Part (a) (ii)

Candidates were able to discuss *breach of natural justice* as ground for judicial review and were also able to use two decided cases to support their answers. In addition, candidates were able to speak to the concept of fairness. A few candidates discussed law and morality adequately and explained the distinction between the two. Weaker candidates struggled to give proper explanations for these concepts and did not utilize the applicable cases, thus, they were unable to score full marks. In some cases, no marks were awarded them.

Part (b)

Candidates were able to formulate a fairly good discussion regarding whether abuse of discretion as ground for judicial review was applicable to the scenario. They were also able to use two decided cases in support of their responses and to rightly conclude that, based on the facts, there was an abuse of discretion. Weaker candidates struggled to apply the law to the facts so that they could support their conclusions. Hence, such candidates were unable to score full marks; some scored no marks at all. On a whole, the application of cases was not done well.

Recommendations

Candidates must be reminded that they are to review the syllabus to ascertain the topics for the examining year; these topics align with the content as explained in the various module descriptors. Also, candidates sitting this paper are reminded that it is of the same standard as an SBA and must be treated as such, with extensive discussion on cases and points of law.

Candidates are encouraged to seek support regarding writing in a coherent manner. In addition, candidates are also reminded of the importance of completing the relevant area of the syllabus and reviewing pass questions continuously.