

Mark Scheme (Results)

Summer 2014

Pearson Edexcel International
Advanced Level Law (YLA0/02)

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General Marking Guidance

- All candidates must receive the same treatment. Examiners must mark the first candidate in exactly the same way as they mark the last.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than penalised for omissions.
- Examiners should mark according to the mark scheme not according to their perception of where the grade boundaries may lie.
- There is no ceiling on achievement. All marks on the mark scheme should be used appropriately.
- All the marks on the mark scheme are designed to be awarded. Examiners should always award full marks if deserved, i.e. if the answer matches the mark scheme. Examiners should also be prepared to award zero marks if the candidate's response is not worthy of credit according to the mark scheme.
- Where some judgement is required, mark schemes will provide the principles by which marks will be awarded and exemplification may be limited.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, the team leader must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.

General Marking Bands

The guidance on different types of responses below should be read in conjunction with the detailed marking content for each question.

Level	Mark	Descriptor
An excellent answer	25-22	<p>Presents a well-structured response to the question and demonstrates consistently a thorough knowledge and understanding of legal rules and legal institutions and excellent appreciation of the function of law in society. Shows a thorough understanding of legal classification and an excellent approach to problem solving with a particular strength in the use of legal authority together with a demonstrable awareness of matters of legal controversy and legal reform. Demonstrates an ability to appraise and criticise the application of legal principles across different branches of the law.</p> <p>The candidate will express complex ideas extremely clearly and fluently. Sentences and paragraphs will follow on from each other smoothly and logically. Arguments will be consistently relevant and well structured. There will be few, if any, errors of grammar, punctuation and spelling.</p>
A very good answer	21-17	<p>Presents a clearly written answer with a detailed knowledge and understanding of legal rules and also the place and role of institutions, as well as demonstrating a very good appreciation of the role and function of law in society. Shows a good understanding of legal classification and demonstrates a clear grasp of analysis of legal problems, with a real ability to apply rules and use authority. Shows a good understanding of different branches of law and gives evidence of a critical awareness of controversial issues in law and law reform. The majority of relevant legal issues raised by the question are included with appropriate supporting material.</p> <p>The candidate will express complex ideas extremely clearly and fluently. Sentences and paragraphs will follow on from each other smoothly and logically. Arguments will be consistently relevant and well structured. There will be few, if any, errors of grammar, punctuation and spelling.</p>

A good answer	16-13	<p>Demonstrates a sound knowledge and understanding of legal rules, and the role and function of law in society with some evidence of depth and breadth of argument. Is able, where required to distinguish between civil and criminal liability, and shows a sound approach to problem solving. Quotes some appropriate legal authority. Demonstrates a sound knowledge of some of the relevant issues raised by the question and shows awareness of current controversies and legal reform. Identifies significant points in the marking scheme but with some imbalance in the treatment of issues raised by the question.</p> <p>The candidate will express moderately complex ideas clearly and reasonably fluently through well linked sentences and paragraphs. Arguments will be generally relevant and well structured. There may be occasional errors of grammar, punctuation and spelling.</p>
A satisfactory answer	12-8	<p>Presents an answer which demonstrates some knowledge and understanding of legal rules and institutions, and awareness of the role and function of law in society. Demonstrates some ability to solve problems, to identify sources, and to quote relevant authority. Shows knowledge of different branches of law, with some understanding shown also of legal classification. Although awareness of current controversies and reform issues is demonstrated, answers are more descriptive than analytical.</p> <p>The candidate will express straightforward ideas clearly, if not always fluently. Sentences and paragraphs may sometimes not be well connected. Arguments may sometimes stray from the point or be weakly presented. There may be some errors of grammar, punctuation and spelling, but not such to suggest a weakness in these areas.</p>

A basic answer	7-4	<p>Presents an attempt to deal with the question with a superficial knowledge and understanding of legal rules, institutions and the role and function of law in society. Shows an attempt to deal with legal classification and problem solving and uses legal authority, with a little understanding of appropriate branches of law. Gives evidence of a little awareness of issues of controversy and reform. Answers may be commonsense with simple conclusions and little law.</p> <p>The candidate will express simple ideas clearly, but may be imprecise and awkward in dealing with complex or subtle concepts. Arguments may be of doubtful relevance or obscurely presented. Errors in grammar, punctuation and spelling may be noticeable and intrusive, suggesting weakness in these areas.</p>
	3-0	<p>Presents an answer which demonstrates difficulty in understanding the subject. Although struggling, may produce some relevant points. Perhaps produces a social answer with little relevance to law.</p>

Question Number	Indicative content	Mark
1	Offer and acceptance. Intention to create legal relations. Status of newspaper advertisements. Status of offers of rewards. Unilateral contracts. Timing of offer and acceptance in unilateral contracts. Validity of messages left on telephone answering machines. Position if machines do not record messages. Instantaneous and non-instantaneous methods of communication. Timing of validity of text messages and e-mails and other methods of communication. Withdrawal of unilateral offers. Case law.	(25)

Question Number	Indicative content	Mark
2	Pre-contractual negotiations. Mere puffs. Misrepresentation - common law and statute; fraudulent, innocent, negligent. Detailed discussion of these various forms of misstatement, and which would be applicable in the scenario. Terms and conditions of contracts. Remedies in contract and tort. Relevant case law. Appropriate Court.	(25)

Question Number	Indicative content	Mark
3	Consumer Protection legislation. Liability of manufacturers, importers, retailers for injuries sustained by consumers. Explanation of joint and several liability. Possible defences under CPA. Claims in tort and contract where injuries and consequential losses are suffered. Negligence. Breach of contract. Action to be taken by retailers where products are defective. Role of Trading Standards officers, potential quasi-criminal sanctions. Rules about product recall where goods are potentially dangerous.	(25)

Question Number	Indicative content	Mark
4	Status of bookings made via agents. Statements made in brochures. Legal validity of exclusion/limitation clauses. Whether it is possible to exclude liability for statutory provisions. Rights of third parties. Possible misrepresentation. Whether contract is frustrated. Whether damages can be awarded for disappointment in contract. Causation in contract. Remedies. Courts. Possible use of trade organisations (ABTA) to resolve matters. Case law.	(25)

Question Number	Indicative content	Mark
5	Restrictive covenants. Validity. Explanation of the nature of presumptions. Meaning of "void" in this context. Whether clause is reasonable. Legal rules concerning contractual terms. Status of clauses relating to notice. Discussion of sickness issues. Breach of contract. Case law.	(25)

Question Number	Indicative content	Mark
6	Transfer of undertakings. Law relating to equal pay. Rights of employees to discover salary of others in equivalent posts. Nature of posts involved in various schemes. Discrimination on grounds of sex. Age discrimination.	(25)

Question Number	Indicative content	Mark
7	Selection for redundancy. Rules concerning notice of redundancy. Appropriate schemes, Consultation with and involvement of Trade Unions and ACAS. Situation concerning new contracts and reduced salary. Remedies and appropriate procedures.	(25)

Question Number	Indicative content	Mark
8	Employees and independent contractors. How to distinguish between them. Agency workers. Vicarious liability. Primary liability. Ultra hazardous activities. Health and Safety at Work. Common law duties of employers. Tort . Employers' liability. Liability for practical jokes. Case law.	(25)

Question Number	Indicative content	Mark
9	Matters to be taken into consideration when deciding what should happen to A: Role of social workers, care orders, Children Act 1989, Section 8. Law concerning domestic violence issues. Whether A's views should be taken into account at the age of 13. Fostering and child care considerations. Approval of foster parents. Longer term issues. Importance of contact with family. Human rights issues – freedom of religion. Whether conditions can be imposed on B and C in this regard.	(25)

Question Number	Indicative content	Mark
10	uman rights issues. Validity of forced marriages. Role of the police and social workers. Legislative protection. Protection from Harassment Act. Common law protection. How F might apply to the court for protection. Possible involvement of social workers because a child is involved. Children Act 1989. Orders available. Legal position when parents disagree about consenting to vaccinations. Options open to the court to protect children. Case law.	(25)

Question Number	Indicative content	Mark
11	Ancillary relief. Statutory provisions. Factors to be taken into account by a court: length of marriage, the fact that there were no children of the marriage. Emphasis on not blaming either party. Legal rules concerning sharing of property inherited by one party. How the law deals with sharing the value of the matrimonial home. Financial support by spouses for one another. Use of mediation.	(25)

Question Number	Indicative content	Mark
12	How paternity can be established. Role of the court. Status of parental responsibility agreements. Birth certification. Internet advertisements and sales of sperm. Change of surname. Factors taken into account by the courts. Cases.	(25)

Question Number	Indicative content	Mark
13	Age of criminal responsibility. Theft. Mens rea and actus reus. When a citizen's arrest is appropriate and legal. Offences against the person. Assault and battery. Defences. Mistake, intention, mental elements. Common law. Statute. Cases.	(25)

Question Number	Indicative content	Mark
14	Elements of theft and fraud. Mens rea and actus reus. Importance of intention. What is meant by intention permanently to deprive. Theft Acts. Fraud Act. Possible defences. Common law. Sentencing. Cases.	(25)

Question Number	Indicative content	Mark
15	Elements of burglary. Mens rea, and actus reus. Theft Act. Conspiracy. Offences against the person. Common Law. Statute. Wounding. Criminal damage, whether cat is property. Possible defences. Use of proportionate force in defence of property. Status of threat to murder. Possible sentences with emphasis on age of offenders.	(25)

Question Number	Indicative content	Mark
16	Legal rules concerning suicide pacts. Criminal damage. Causation. Whether attempted suicide is a crime. Legal rules concerning assisted suicide. Statute and common law. Murder. Mens rea and actus reus of all possible offences. Role of CPS. Guidance issued by DPP.	(25)

Question Number	Indicative content	Mark
17	Public order legislation and possible offences committed in the scenario. Statutory rules concerning criminal trespass on private land, obstruction of the highway etc. Legal rules concerning protest marches, demonstrations etc. Requirements relating to advance notice. Public nuisance. Private nuisance. Statutory nuisances. Elements of each. Possible defences. Role of the courts. Police powers to remove.	(25)

Question Number	Indicative content	Mark
18	Public Order Act. Outline of numerous possible offences, including riot, violent disorder, arson etc. Position of ring leaders. Assisting or encouraging crime. Whether use of social internet sites could amount to offences. Case law. Role of the courts in imposing sentences. Role of deterrence in the sentencing process.	(25)

Question Number	Indicative content	Mark
19	Role of the media. Legal rules concerning phone tapping. Relationship between the media and the police. Human Rights considerations. HRA 1998. Art.8 and Art.10 ECHR. Balance required by the law. Outline of the relevant law of libel. Consideration of spent offences. Justification defence. Fair comment defence. Statute and case law.	(25)

Question Number	Indicative content	Mark
20	Stop and search. Police and Criminal Evidence Act. Codes of Practice. Validity of "verbals". Role of police. Role of custody officer. Right to legal adviser and interpreter. Hours of detention. Possible remedies against the police. Role and procedures of Police Complaints Authority.	(25)