

Examiners' Report/
Principal Examiner Feedback

Summer 2015

Pearson Edexcel International GCE
in Law (YLA0) Paper 02

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General Comments

It was clear that many students who entered the examinations for IAL Law this year had learned details of the law, including the cases and statutory provisions, and were able to transfer their knowledge and skills across both papers. Some students wrote answers in which they attempted to reproduce everything they knew about the general area of law to which the questions related, rather than focusing attention on the particular points raised by the questions. The examiners again urge students to read the questions carefully and focus strongly on the issues referred to in each question. The strongest answers contained detail and supporting legal authorities. There were some students who answered only two or three questions instead of the four questions as instructed, and this inevitably affected their overall grade in these instances.

Paper Two

In general, students who sat Paper Two were able to identify the relevant issues raised in each question to state the rules applicable to the particular scenario and to apply those rules to the question. This approach is logical and it also prevents candidates from omitting important points which need to be discussed. Well-prepared students would also use cases and statutes to support the arguments. The sections dealing with the Market, Criminal law, and the Individual were the most popular with students. It is unfortunate that some students used up valuable words and time by simply re-writing the questions. Well-structured responses demonstrating thorough knowledge and understanding of relevant legal rules and legal structures performed well. Where appropriate, awareness of proposals for reform and official reports reviewing matters of controversy can lift marks into a higher band.

Section A

Q1

Most candidates who attempted this question identified the need to discuss the legal significance of advertisements and the distinction between invitations to treat, mere puffs and offers. However, there was considerable uncertainty concerning the legal rules relating to competitions and unilateral contracts. Some candidates ignored the issues relating to the crucial timing required for acceptance, and only the high performing answers contained discussion of remoteness of damage and compensation for loss of a chance. Many candidates demonstrated familiarity with the case law on offer and acceptance, but only the strongest answers contained an explanation of the facts and rules laid down in the cases, and their relevance to the question. It is seldom adequate merely to state the names of the relevant cases.

Q2

This question concerned terms and conditions, exclusion and limitation clauses and it was tackled by a large number of students, though many appeared to find it difficult to support their answers with appropriate authorities. Many candidates did not discuss in depth the particular areas of law involved in this question, and it was disappointing that many candidates did not attempt to analyse the case law or the relevant legislation. The possible remedies available were generally covered well.

Q3

This question proved attractive to many candidates, and it was answered competently by some, but there was evidence of confusion about the law on misrepresentation which was covered in bare outline by a large number of candidates. Issues around causation were often disregarded and the role of regulatory and professional bodies was not discussed in depth.

Q4

Some of the stronger answers contained a large amount of detail about the status of sale goods and manufacturers' guarantees. The Consumer Protection legislation and the Consumer Credit legislation should have been central to the discussion, but these matters tended to be overlooked. The law relating to the sale of goods, including the distinction between merely shoddy goods and damaged goods was also important, and some of the strongest answers contained an analysis of these matters in detail. Few answers dealt with complaints and remedies in much depth.

Section B

Very few candidates attempted this section of the paper this year.

Q5

Restrictive covenants usually appear in this section as do the legal rules concerning void clauses, the burden of proof and the effect of; such clauses on contracts. Further issues, such as mobility clauses and consideration of the position when there are no specific requirements for mobility clauses, tended to be disregarded. However, repudiation, dismissal and constructive dismissal were better understood. The relevant remedies were covered fairly well.

Q6

Question 6 was reasonably well answered and covered: the status of contractual terms in this employment contract; interpretation of clause under consideration and meaning of employer's discretion; reasonableness of terms; express and implied terms in employment contracts at common law and by statute; discussion of Employment Act 2002; status of medical examinations; possible role of mediation and ACAS involvement; occupational health issues; health and safety at work issues.

Q7

There was some good discussion of the law relating to bullying and harassment and the protection afforded by the law for people who are the victims of workplace bullying. The relevant statutory provisions were

recognised by higher performing students, and there were few answers containing discussion of grievance procedures, whistle blowing and unfair treatment by employers.

Q8

Only a handful of candidates dealt with the questions concerning Trade Union law, the rights and privileges afforded to trade union representatives and the legal framework and rules governing industrial action, including picketing and the impact of pressure exerted on employees of other organisations.

Section C

Family Law was covered by few centres this year, but students who had prepared well for this section wrote some very good answers. The concept of the best interests of the child was discussed in some depth by stronger performing candidates.

Q9

This question, which concerned financial settlement, was not chosen by many centres but most of those who attempted it recognised the legal issues to be discussed, including the relative roles of the husband and wife and their respective contributions to the finances of the marriage. The issues of the need to ignore the matter of blame and the factors to be taken into account were handled well. Pension rights and the relevant case law were covered well, as were discussions about contact and residence and "best interests of the children". The importance of mediation was recognised, and the role of social reports and child-centred decisions were handled sensibly by higher performing students.

Q10

This question dealing with the legal position of vulnerable adults and mental capacity raised issues concerning some important recent developments and the role of social services and health services. Matters relevant to communication issues and the knowledge of previous convictions for domestic violence and criminal records of one or more parties were recognised and discussed by many candidates and there was some interesting discussion about the rights of grandparents and future children.

Q11

The paternity issues and donor insemination gave rise to some interesting discussion of the legal framework for identifying the paternity of children, including genetic testing and the role of the courts. Some of the more complex matters about birth certification, financial support for children and the rights of children born as a result of AID to discover the identity of their sperm donors were outlined well.

Q12

There was some good discussion about the role of the police and social services in cases concerning non-accidental injury to children and some good candidates made reference to the evidential difficulties involved in establishing criminal liability. However, few students recognised the need

to discuss the possibility of bringing civil proceedings against the school for breach of their potential duty of care in negligence, and resulting psychiatric injury. Some common sense discussion was inevitable in connection with internet and social media grooming. Most students attempting this question contained discussion of the CPS guidelines and the potential roles of police, social services and internet companies.

Section D

Criminal Law was very popular as usual this year, and many candidates were able to describe the relevant statutes in good detail and to illustrate their answers with cases. In general, there was a good understanding of basic criminal law concepts such as actus reus and mens rea, causation and remoteness of damage.

Q13

There was some excellent discussion of the law of homicide and the legal position of people who are acting on instructions. The difficult question of joint enterprises was not always tackled well, however, and there were some students who did not discuss causation or defences to homicide. There were many answers in which the appropriate courts and possible sentences were not mentioned.

Q14

This question required discussion of a range of crimes, including homicide and the basic elements of murder and manslaughter. The law of theft was not given as much prominence in many of the responses as the law of homicide and threats to kill. However, issues of intention and causation were handled well and cases were used by way of illustration.

Q15

This was an interesting and popular question involving offences relating to theft of fuel, intention and later realisation, as well as the question of fraud. Crimes involving damage to property and offences against the person were also recognised and discussed in some depth by many candidates. The issues of remoteness of damage, including the thin skull rule, were not clearly articulated and some matters, including possible remedies through the criminal courts, were not covered in some answers.

Q16

This question on the law of fraud was not dealt with particularly well by some students. In addition, deliberately deceiving or misleading someone in order to obtain a pecuniary advantage, and offences concerning expenses claims including theft and the intention permanently to deprive were overlooked in a large number of answers. The possibility of compensation orders in criminal cases needed to be outlined as well as possible sentences; however it was evident in some cases that students had run out of ideas by the time they had worked through all the issues in this question.

Section E

Some of the best candidates who tackled this section demonstrated ability to cover the complexities of the legal framework in this area, including human rights matters and relevant case law.

Q17

Some controversial matters concerning the investigation of crime and the issue of entrapment were relevant here. Despite recent media interest, many students appeared to be unaware of the concept of entrapment by a police officer and the idea of encouraging the commission of offences. However, there were some very good answers in which the Serious Crime Act 2007, PACE and Code C were discussed in depth. The legality of plea bargaining was given little attention.

Q18

The law of protests and public law offences was described and analysed well by a fair number of students who answered this question, including the mens rea and actus reus of the relevant offences. Some of the main elements of civil and criminal trespass to land were recognised and discussed along with public nuisance. Human rights issues were important here, and it was heartening to observe that students were able to identify these matters and to use relevant cases to illustrate their answers.

Q19

As is often the case, there were several very good answers to this question concerning the legal rules governing demonstrations and marches and the way in which protestors may act within the law. Several public order offences were identified and described in detail, including offences involving wearing uniforms and the related legislation and case law.

Q20

This was a topical and popular question concerning defamation and phone hacking and crimes involving intercepting of electronic communications. However, some answers did not indicate a deep understanding of the law of libel and recent legal developments in this area. Many students wrote about everything they had learned on libel without demonstrating real understanding of the legal rules and the reasons underlying recent changes in the law. However, an encouraging number of students were able to discuss the developing law of privacy and human rights issues. There was little interest in the framework for complaining about media intrusion or the role of the Press Complaints Commission.

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