

Mark Scheme (Results)

Summer 2015

Pearson Edexcel International  
Advanced Level in 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 that 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 that demonstrates difficulty in understanding the subject. Although struggling, may produce some relevant points. Perhaps produces a social answer with little relevance to law.</p>

## Section A

Question Number	Indicative content	Mark
1	Advertisements; mere puffs; Offer and acceptance; competitions; unilateral contracts; instructions in offers and acceptance; various modes of acceptance; legal rules concerning answering machines, e-mail and postal communications; crucial timing of acceptance; remoteness of damage; loss of a chance; case law.	(25)

Question Number	Indicative content	Mark
2	Contractual rules concerning deposits; booking in advance; ticket cases and related rules; notice; timing of notice; terms of contracts; mere puffs and contractual terms; rights of third parties to contracts; claims in contract and tort; remedies.	(25)

Question Number	Indicative content	Mark
3	Internet transactions; mere puffs; misrepresentation; fraudulent, innocent, negligent; contractual terms; proof of causation; the role of trading standards officers; role of regulatory of professional regulators; criminal sanctions; civil remedies for consumers; statutory provisions; use of appropriate courts; case law.	(25)

Question Number	Indicative content	Mark
4	Status of sale goods; consideration of the meaning and status of goods labelled "manager's specials"; status of manufacturer's guarantee; role of retailers; Consumer Protection legislation; Consumer Credit Act protection; status of honours clauses; distinction between damaged goods and shoddy goods; complaints; possible remedies; case law.	(25)

Total for Section A = 50 Marks

## Section B

Question Number	Indicative content	Mark
5	Status of restrictive covenants; rules about void clauses, presumption and burden of proof; effect of clause on contract; further clauses in contract; mobility clauses and consideration of the position when there are no specific requirements for mobility clauses; repudiation, dismissal and constructive dismissal; reasonableness of employer's/ employee's conduct; remedies; statutes; case law.	(25)

Question Number	Indicative content	Mark
6	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.	(25)

Question Number	Indicative content	Mark
7	Bullying and harassment; how the law deals with issues of bullying and health matters; case law; Protection from Harassment Act, section 3; Grievance procedures; whistle blowing; dismissal; possible unfair treatment by employer; discrimination; remedies.	(25)

Question Number	Indicative content	Mark
8	Trade Union law; rights of unions representatives; ballots; legal framework and rules governing industrial action; law relating to picketing; effect of pressure and persuasion on employees of other organisations; remedies.	(25)

Total for Section B = 50 Marks

## Section C

Question Number	Indicative content	Mark
9	Financial settlement; role of husband and wife and relative contributions to the marriage; factors to be taken into account; decisions as to financial settlement not to be based on “blame”; predictions about the future of the business to be taken into account; relevance of pension rights on maturity; division of property; decisions on contact and residence of children to be based on “best interests of the children”; importance of mediation and role of the courts; Cafcass; role of social report, child-centred decisions; legislation, including check-list in Children Act; and case law.	(25)

Question Number	Indicative content	Mark
10	Mental Capacity issues; vulnerable adults; possibility of a POVA; role of social services, health services and police; communication issues; relevance of knowledge of previous domestic violence convictions and criminal record; rights of grandparents and protection of the future child; decisions to be based on best interests; legislation; case law.	(25)

Question Number	Indicative content	Mark
11	Paternity issues; donor insemination; legal framework for determining paternity of children; genetic testing; role of the courts; birth certification; contact; financial support for children; role of the courts; removal of children of the marriage from the jurisdiction; rights of children born as a result of AID to discover the identity of sperm donors.	(25)

Question Number	Indicative content	Mark
12	Role of social workers in cases of suspected child abuse; criteria for the care order; risk of future harm; best interests of child; criteria for adoption; rights of parents; parental consent and objection; legislation.	(25)

Total for Section C = 50 Marks



## Section D

Question Number	Indicative content	Mark
13	Discussion of the law of homicide; mens rea and actus reus of murder; acting on instructions; joint enterprises; causation; defences to homicide; necessity; relevance of ages of defendants; relevant Courts and possible sentences; case law.	(25)

Question Number	Indicative content	Mark
14	Law of homicide; discussion of elements of murder and manslaughter; mens rea and actus reus; loss of control and exclusion of sexual infidelity as a qualifying trigger; elements of theft; mens rea and actus reus; relevance of ownership of goods; threats to kill; offences against the person; intention; injuries; causation; case law; legislation.	(25)

Question Number	Indicative content	Mark
15	Theft; offences relating to theft of fuel; mens rea and actus reus; original intention and later realisation; making off without payment; fraud; possible remedies through criminal courts; elements of crimes relating to damage to property; offences against the person; mens rea and actus reus; causation; remoteness of damage; thin skull rule; legislation; case law.	(25)

Question Number	Indicative content	Mark
16	Elements of fraud; false representation and failure to disclose; whether details which are not sought should be supplied as a matter of law; theft; intention permanently to deprive; mens rea and actus reus of all relevant offences; discussion of courts; possibility of compensation orders in criminal cases; possible sentences.	(25)

Total for Section D = 50 Marks

## Section E

Question Number	Indicative content	Mark
17	Investigation of crime; encouraging commission of offence; Serious Crime Act 2007; PACE and Code C; whether taking of fingerprints and photographs was within the legal requirements; whether confession is admissible; role of Crown Prosecution Service; legality of plea bargaining; legality of D's arrest and possible conviction; rules about accomplices; legislation; case law.	(25)

Question Number	Indicative content	Mark
18	Protests; public law offences; mens rea and actus reus of offences; details of elements of public order offences; elements of civil and criminal trespass to land; elements of public nuisance; causation; remoteness of damage; remedies; human rights issues; legislation; case law.	(25)

Question Number	Indicative content	Mark
19	Legal rules governing demonstrations and marches; how protestors may comply with the law; elements of public order offences; offences involving wearing of uniforms; remedies; legislation; case law.	(25)

Question Number	Indicative content	Mark
20	Legal rules concerning phone hacking and intercepting of electronic communications; elements of libel; whether libel claims are appropriate; whether any defences to libel might apply; law of privacy; human rights issues; framework for complaining about media; role of Press Complaints Commission; remedies; legislation; case law.	(25)

Total for Section E = 50 Marks

Total for Paper = 100 Marks

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