GradeMax

edexcel

Mark Scheme (Results)

Summer 2015

Pearson Edexcel International Advanced Level in Law (YLA0/01)

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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**	Presents a well-structured response to the question and consistently demonstrates 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. 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.
A very good answer	**21–17**	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. 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.

A good answer	**16–13**	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. 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.
A satisfactory answer	**12-8**	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. 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 as to suggest a weakness in these areas.
A basic answer	**7-4**	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. 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.
	3-0	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.

Part One

Question Number	Indicative content	Mark
1	Discussion of relationship between positivistic and natural law approaches to the question of any connection between law and morals. Authors such as Cicero, Aquinas, Austin and Hart are appropriate sources. Examples can usefully be drawn from own jurisdiction. Answers concentrating on separate question of enforcement of morals cannot attain mark in higher achievement bands.	(25)

Question Number	Indicative content	Mark
2	Analysis of the concept of the rule of law through characterisation of Dicey and more recent commentary from writers such as EP Thompson.	(25)

Question Number	Indicative content	Mark
3	Historical overview of origins and changing nature of equity's contribution, with specific focus on and illustration of concepts such as fairness and rigidity. Unfocused descriptive answers cannot get above a satisfactory mark.	(25)

Question Number	Indicative content	Mark
4	General exposition of three putative justifications of punishment with comparative analysis of merits of different theories, drawing on practical examples where appropriate.	(25)

Question Number	Indicative content	Mark
5	General account of substance of 1998 Act with examination of particular sections such as 3 and 4 in relation to interpretation of legislation and declarations of incompatibility. Case law involving the Act will receive appropriate reward.	(25)

Part Two

Question Number	Indicative content	Mark
6	Exposition with examples of purposive rule, and examination of possible difficulties and susceptibility to fluctuating judicial attitudes. Answers which are predominantly descriptive of range of rules of statutory interpretation cannot attain higher levels.	(25)

Question Number	Indicative content	Mark
7	Analysis of nature of precedent at different levels of hierarchy, coupled with awareness of leeways of interpretation/recognised routes for judges to circumvent awkward precedents. Answers must be supported with case illustration.	(25)

Question Number	Indicative content	Mark
8	Exposition of recent history of legal aid in UK including reports such as Carter and Jackson and account of extent to which statement in question is justified in terms of accessibility, legal aid deserts, etc.	(25)

Question Number	Indicative content	Mark
9	Discussion of original aspirations for Tribunals and approach such as that of Franks. Analysis of recent changes.	(25)

Question Number	Indicative content	Mark
10	As indicated, candidates will be expected to explain the nature of primary and secondary sources, and explore the different meanings of applicability and effect, with case illustration where appropriate.	(25)

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