GradeMax

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Mark Scheme (Results)

Summer 2016

Pearson Edexcel International Advanced Level in Law (YLA0) Paper 2

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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, ie 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 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. 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.
Level	**Mark**	**Descriptor**
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 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.

Section A

Question Number	Indicative content	Mark
1	Offer and acceptance. Withdrawal of offers. Validity of pre-contractual and contractual information sent by post and fax, and left on telephone answering machines/voice mail. Crucial importance of timing and rules of postal contracting. Role of courts in contract disputes.	**(25)**

Question Number	Indicative content	Mark
2	Pre-contractual negotiations. Contractual terms. Agency. Status of bookings made via agents. Breach of contract. Conditions, warranties, frustration of contract. Negligence. Exclusion clauses. Legal validity of exclusion/limitation clauses. Whether it is possible to exclude liability for statutory provisions. Damages for disappointment in contract. Causation in contract. Remedies in Tort and Contract. Remoteness of damage. Relevant case law. Courts. Possible use of trade organisations (ABTA) to resolve matters. Case law.	**(25)**

Question Number	Indicative content	Mark
3	Advertisements. Possible misrepresentation and relevant legislation. Statements made in brochures Sale of Goods legislation. Quality of goods. Sales by description. Consumer Protection legislation. Consumer Rights Act. Liability of manufacturers and sellers of goods on line. Breach of contract. Consumer Credit legislation. Action where products are defective but not dangerous. Role of agencies in protecting consumers.	**(25)**

Question Number	Indicative content	Mark
4	Exclusion and limitation clauses. Ticket cases. Timing of notice. Type of notice and where positioned. Importance of terms and what they cover. Reasonableness of clauses. Common law and statutory rules. Relevant case law. Attempts to exclude liability for personal injuries. Compensation.	**(25)**

Total for Section A = 50 Marks

Section B

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. Case law. Breach of contract. Repudiation Legal rules concerning mobility clauses, role of trade unions. Remedies.	**(25)**

Question Number	Indicative content	Mark
6	Whistle blowing and legal protection in employment. Statutory rules. Gorrect procedures. Dealing with complaints and grievances. Termination of contracts of employment, Procedural issues. Remedies.	**(25)**

Question Number	Indicative content	Mark
7	Terms of contracts of employment. Bonuses and commission. Liability for injuries at work. Dismissal and law relating to unfair dismissal. Legislation and case law. Remedies.	**(25)**

Question Number	Indicative content	Mark
8	Law concerning picketing and demonstrating against employers. Rules concerning transfer of undertakings. Consultation with and involvement of Trade Unions and ACAS. Situation concerning new contracts. Legislation. Remedies and appropriate procedures.	**(25)**

Total for Section B = 50 Marks

Section C

Question Number	Indicative content	Mark
9	Same sex relationships. Domestic violence. Legislative protection. Common law protection. Protection from Harassment Act. Role of the police. How F might apply to the court for protection.	**(25)**

Question Number	Indicative content	Mark
10	Ancillary relief. Statutory provisions. Factors to be taken into account by courts. Length of marriage. The fact that there were no children of the marriage. Emphasis on not blaming either party. Legal rules concerning property. Access to pensions. How the law deals with sharing the value of the matrimonial home. Financial support by spouses of one another. Prenuptial agreements. Possible use of mediation.	**(25)**

Question Number	Indicative content	Mark
11	Matters to be taken into consideration when deciding what should happen to children. Fostering and adoption. Fostering and child care considerations. Approval of foster parents. Longer term issues. Role of social workers. Care orders Children Act. Section 8. Orders to be considered. Importance of contact with family.	**(25)**

Question Number	Indicative content	Mark
12	Position of 14 year old in respect of consent to medical treatment. Gillick case. Role of doctors and social workers. Confidentiality. Parental rights. Requirements of Abortion Act. Role of the courts. Considerations to take into account in cases involving 14 year olds. Best interests. Case law.	**(25)**

Total for Section C = 50 Marks

Section D

Question Number	Indicative content	Mark
13	Arson. Mens rea and actus reus. Criminal damage to property. Murder or Manslaughter. Transferred malice. Discussion about long term abuse and the defence of loss of control. Offences involving conspiracy – common law and statute. Cases. . How young offenders are dealt with.	**(25)**

Question Number	Indicative content	Mark
14	Offences against the person. Statutory provisions. Manslaughter. Mens rea and actus reus. Omission as opposed to positive acts. Theft. . Causation. Case law.	**(25)**

Question Number	Indicative content	Mark
15	Offences involving violence to the person. Elements of murder and manslaughter. Relevance of mens rea where D may lack full mental capacity. Foresight. Offences involving dangerous dogs. Causation.	**(25)**

Question Number	Indicative content	Mark
16	Theft offences. Elements of burglary. Mens rea, and actus reus. Theft Act. Offences involving theft of vehicles and fuel. Possible defences to these crimes.	**(25)**

Total for Section D = 50 Marks

Section E

Question Number	Indicative content	Mark
17	Defamation. Role of the media. Outline of the relevant law of libel. Defences to defamation, including discussion of Parliamentary privilege. Malice. Statutory position. Human Rights considerations. HRA 1998. Art.8 and Art.10 ECHR. Balance required by the law.	**(25)**

Question Number	Indicative content	Mark
18	Public Order Act. Outline of possible public order offences, including wearing of certain uniforms, riot, violent disorder, arson etc. Legal rules concerning protest marches, demonstrations etc. Requirements relating to advance notice. Failing to inform the police of public meetings, processions etc. Public nuisance. Private nuisance. Statutory nuisances. Elements of each. Possible defences. Role of the courts. Position of ring leaders. Highways offences. Criminal trespass involving vehicles. Case law.	**(25)**

Question Number	Indicative content	Mark
19	Legal rules relating to Stop and Search. Requirements of the Police and Criminal Evidence Act. Codes of Practice. Role of police. Role of custody officer. Right to legal adviser, phone calls etc. Hours of detention. Property of detainees. Possible remedies against the police. Role and procedures of Police Complaints Authority.	**(25)**

Question Number	Indicative content	Mark
20	Legal requirements at designated sporting events and voluntary codes of conduct. Regulations and voluntary agreements for coach operators. Law concerning alcohol at sporting events. Specific offences relating to racist abuse in football matches. Relevant statutory provisions. Checklist for prosecutions. Public order offences. Offences under the Serious Crime Act 2007.	**(25)**

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