GradeMax

edexcel

Mark Scheme (Results)

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Pearson Edexcel International Advanced Level in Law (YLA0) Paper 1

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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.
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 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	Analysis of Hart/Devlin debate supported by relevant examples. NOT an invitation to discuss legal positivism or natural law more generally.	(25)

Question Number	Indicative content	Mark
2	Reference to sociological and other theoretical literature on law and social change Candidates are expected to use examples and illustrations.	(25)

Question Number	Indicative content	Mark
3	Discussion of features of origins of equity- Chancellor, flexibility, etc, as opposed to modern characteristics	(25)

Question Number	Indicative content	Mark
4	Analysis of recent case law and legislation and evaluation of the proposition embedded in the question	(25)

Question Number	Indicative content	Mark
5	Assessment of initial aspirations for 1998 Act and focus on novel features. Analysis of impact in terms of substantive case law and impact of interpretational duties in s3 etc.	(25)

Part Two

Question Number	Indicative content	Mark
6	Exposition of literal rule as primary feature. Other rules to be studied for comparative purposes but not to be given equal prominence analytically	(25)

Question Number	Indicative content	Mark
7	Requirement of exposition of doctrine at different levels of hierarchy, esp apex in terms of Supreme Court and Court of Appeal. Notion of incoherence requires specific definition and discussion	(25)

Question Number	Indicative content	Mark
8	Analysis of recent reforms and reports such as Carter and exploration of arguments about the adequacy of legal aid	(25)

Question Number	Indicative content	Mark
9	Discussion of pros and cons of jury- academic commentary, case law, judicial pronouncements etc. Recent proposals for reform	(25)

Question Number	Indicative content	Mark
10	Exposition of truth of statement in terms of supremacy of EU law, 1972 Act, Factortame, etc.	(25)

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