GradeMax

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Mark Scheme (Results)

October 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, 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 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. Consideration. Rewards. Unilateral contracts. Intention to create legal relations. Specified modes of acceptance. Contractual capacity. Case Law.	(25)

Question Number	Indicative content	Mark
2	Advertisements. Booking arrangements. Terms and conditions. Excluding and limiting terms. Legality of exclusion clauses. Ticket cases. Time and validity of notice. Misrepresentation – various types and remedies available for each. Breach of contract. Negligence. Causation. Proof of causation. Remoteness of damage. Liability in tort and contract for illness and inconvenience. Case law. Statutes.	(25)

Question Number	Indicative content	Mark
3	Terms and conditions. Consumer sales. Sale Goods. Sale of Goods legislation. Waiver of statutory and common law rights. Excluding and limiting clauses. Unfair consumer contracts. Notice of clauses. Causation. Loss of a chance in contract law. Case law statutes.	(25)

Question Number	Indicative content	Mark
4	Sale of goods legislation. Terms of contracts. Breach of contract. Relative seriousness of breach of different types of terms. Consumer credit agreements. Legal requirements in legislation and regulations. Cooling off period. Remedies. Responsibility of manufacturers and retailers. Case law.	(25)

Total for Section A = 50 Marks

Section B

Question Number	Indicative content	Mark
5	Working hours. Working Time Directive. Contracts of employment. Interpreting contracts of employment. Express and implied terms. Statute and common law. Role of Trade Unions. Confidentiality. Case law and legislation.	(25)

Question Number	Indicative content	Mark
6	Grievance procedures. Bullying. Whistle-blowing. Discrimination. Grounds. Legislation and case law dealing with aspects of whistle-blowing and discrimination. Remedies. Role of management in instituting investigations, disciplining and protecting employees.	(25)

Question Number	Indicative content	Mark
7	Rules concerning notice of redundancy. Selection for redundancy. Appropriate schemes. Consultation with and involvement of Trade Unions and ACAS. Situation concerning new contracts and reduced salary. Remedies and appropriate procedures. Treatment of trade union representatives. Picketing. Legislation and case law.	(25)

Question Number	Indicative content	Mark
8	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. Discussion of sickness issues. Case law	(25)

Total for Section B = 50 Marks

Section C

Question Number	Indicative content	Mark
9	Unmarried parents. Change of surname. Legal rules on removal from jurisdiction. Best interests of child. Immunisations. Education. Consent issues. Role of courts. Relevance of age of child. Legislation. Examples from cases.	(25)

Question Number	Indicative content	Mark
10	Civil partnerships. Parental rights. Domestic abuse – various kinds – protection. Advice on orders to prevent stalking and harassment. Role of the court. Possible roles of social services and police. Best interests of child. Legislation and case law.	(25)

Question Number	Indicative content	Mark
11	Ancillary relief. Statutory provisions. Factors to be taken into account by a court. 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. Possibility of mediation.	(25)

Question Number	Indicative content	Mark
12	Domestic abuse. Forced marriages. Circumcision without consent of mother. Assault and battery. Care orders. Fostering and adoption. Longer term issues. Role of social workers. Children Act. Orders to be considered. Importance of contact with family.	(25)

Total for Section C = 50 Marks

Section D

Question Number	Indicative content	Mark
13	Mens rea. Actus reus. Murder. Manslaughter. Defences. Specific discussion of the context of women suffering domestic abuse. Causation. Thin skull rule. Criminal damage to property. Offences against the person. Legislation. Case law.	(25)

Question Number	Indicative content	Mark
14	Offences against the person. Mens rea and actus reus. Practical jokes. Defences. Sentencing. Legislation. Case law.	(25)

Question Number	Indicative content	Mark
15	Basic criminal law concepts. Mens rea. Actus reus. Fraud. Theft. Possible defences. Relevance of age of the defendant. Court system.	(25)

Question Number	Indicative content	Mark
16	Suicide. Suicide pacts. Mens rea. Actus reus. Refusal of medical treatment. Role of the medical profession. Assisted suicide. Guidelines issued by DPP. Murder. Sentencing.	(25)

Total for Section D = 50 Marks

Section E

Question Number	Indicative content	Mark
17	Public Order legislation. Outline of possible public order offences, including riot, violent disorder 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
18	Confidentiality. Common law. Data Protection Act. Human Rights Act. European Convention on Human Rights. Balance between Article 8 privacy and exceptions. Exceptions to the legal rules. Professional guidance. Remedies. Defences. Case law. Police Powers. Legislation and Codes of Practice relating to detention and questioning of suspects. Remedies for citizens	(25)

Question Number	Indicative content	Mark
19	Libel. Slander. Various elements of each and what must be proved to succeed in a claim. Defences to libel that might apply to the scenario. Burden of proof. Legislation. Defamation Act 2013. Case law illustrations.	(25)

Question Number	Indicative content	Mark
20	Police powers. Details of the law on stop and search. Treatment of suspects in custody. Informal statements made before formal arrest or charge. Return of suspects' property. Relevant legislation and Codes of Practice. Legal rules relating to carrying knives. Remedies.	(25)

Total for Section E = 50 Marks

Total for Paper = 100 Marks

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