GradeMax



Mark Scheme (Results)

Summer 2025

Pearson Edexcel International Advanced Level in Law (YLA1/01)

Paper 1: Underlying Principles of Law and the English Legal System

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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.

Question number	1(a) Describe the type of delegated legislation known as a statutory Instrument. (2) **Answer**	Marks
1(a)	**(1 AO1, 1AO2)** **One mark for describing a statutory instrument and one mark for giving an example up to a total of two marks.** • Statutory instruments – law made by government ministers with delegated powers under the authority of primary legislation (Enabling Acts) (1), example. (1)	**(2)**

Question number	(b) Analyse the advantages of delegated legislation. (6) **Indicative content**	Marks
1(b)	**(2 AO1), (2 AO2), (2 AO3)** • Name and explain the other two kinds of delegated legislation • Parliament does not have the time to consider every small detail of complex legislation. • Parliament may not have the technical expertise or local knowledge required. • Ministers can have further consultation on technical matters and regulations. • Process of legislation is time-consuming, and this allows for action in emergency situations. • Examples to illustrate.	**(6)**

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	**1–2**	Isolated elements of knowledge and understanding are demonstrated. Application of knowledge and understanding is not appropriately related to the given context. Reasoning may be attempted, but the support of legal authorities may be absent.
Level 2	**3–4**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.
Level 3	**5–6**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented in a consistent and balanced manner and supported by appropriate legal authorities.

Question number	(c) Evaluate the controls that exist for delegated legislation. (12) **Indicative content**	Marks
1(c)	**(2 AO1), (2 AO2), (4 AO3), (4 AO4)** **Responses on control are likely to include assessment of:** **Parliament and the courts** **1) Parliament** • Initial control with the enabling act setting out the parameters. • Delegated Powers Scrutiny Committee in the Lords to consider whether the provisions of any bills delegated legislative power inappropriately- reports findings before Committee stage of a bill but has no power to amend bills. • Small number of statutory instruments will be subject to an affirmative resolution – so will not become law unless specifically approved by Parliament e.g. The Police and Criminal Evidence Act 1984. However, this procedure does not allow amendment, only approval or withdrawal. • Most other statutory instruments will be subject to a negative resolution which means it will become law unless rejected by Parliament within 40 days. • More effective check is the Joint Select Committee on Statutory Instruments. It reviews all statutory instruments and draws attention to both houses to points requiring further consideration, examples include imposition of a charge or tax, retrospective effect, beyond the powers, unclear or defective. However, committee can only report back, not actually make changes. Examples to illustrate the above points. **2) The courts** Challenge on the grounds of Ultra Vires - goes beyond the powers Parliament granted in the Enabling Act R v Home Secretary ex parte Fire Brigade union Question validity through • Judicial Review Procedure • Civil claim between parties • Appeal for example case stated Relevant case examples. Presumption if no express power given in enabling Act, then no	**(12)**

	power for unreasonable regulations, levy taxes, or sub-delegation Incorrect procedure – Aylesbury Mushroom case R v Secretary of State for Education ex parte National Union of Teachers2000 Relevant case examples. Level 4 will require coverage of both the courts and Parliament	

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Level 2	**4–6**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately. There is an attempt to gauge the validity of competing arguments based on interpretations of the law.
Level 3	**7–9**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced. The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.
Level 4	**10–12**	Accurate and thorough knowledge and understanding are demonstrated. Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation. Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities. The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.

Question number	(a) Name two requirements for selection to sit on a jury. (2) **Answer**	Marks
2(a)	**(2 AO1)** **One mark for each accurate explanatory point (1 AO1),** • Minimum age is 18 **(1 AO1)** • Maximum age 75 **(1 AO1)** • Registered as an elector **(1 AO1)** • not mentally disordered **(1 AO1)** • No serious criminal convictions • Any other correct explanatory point	**(2)**

Question number	(b) Explain the role laypeople play in deciding the outcome of a criminal trial. (6) **Answer**	Marks
2(b)	**(2 AO1), (2 AO2), (2 AO3)** **Responses to include:** **Answer could be based on Jury and/or magistrates** • Magistrates are local people not lawyers – 3 sit together • Some training but not experts or professional lawyers • Decide on innocence / guilt – beyond reasonable doubt • Limited powers of sentencing • Guided by Clerk • Jury – requirements for service • Role to listen to evidence and judges summing up • Appoint a foreperson • Decide on innocence / guilt – beyond reasonable doubt • Sentence left to judge	**(6)**

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Question number	(c) Assess the advantages and disadvantages of using laypeople to decide guilt in the criminal courts. (12) **Indicative content**	Marks
2(c)	**(2 AO1), (2 AO2), (4 AO3), (4 AO4)** Discussion for the continued use of the jury could include: • cross section of community • wide variety of views / backgrounds/ ages • local knowledge • trial by peers • number of jurors on jury • burden of proof and need for unanimous / majority verdict • guidance and direction of judge on legal issues Discussion against could include: • Perverse decisions • Secrecy • Bias • Media influence • Lack of understanding or even interest • High acquittal rates • Compulsory nature of jury service • Relevant examples to illustrate. • Allow reference to magistrates also • Magistrates are local people not lawyers • System relies on volunteering • Some training but not experts or professional lawyers • Often older or professional people	**(12)**

	• Not a true cross section of community so no trial by peers • May be biased • May be intimidated by accused or relatives as live nearby • Limited powers of sentencing • However, advantages are – cheap, and local knowledge	

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Level 4	**10–12**	Accurate and thorough knowledge and understanding are demonstrated. Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation. Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities. The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.

Question number	(a) State, in the correct order, four stages in the process of a bill becoming a statute. (4) (2) **Answer**	Marks
3(a)	**(4 AO1) Any 4 in correct order** • A bill is presented in Parliament, usually in the House of Commons (1) • First Reading • Second Reading • Committee Stage • Report stage and process in other House • Third Reading • Royal Assent	**(4)**

Question number	(b) Explain the role and powers of the House of Lords in the process of a bill becoming a statute. (6) (4) **Answer**	Marks
3(b)	**(2 AO1), (2 AO2) (2 AO3)** • Bill can start in the Lords, if not will be sent there at one stage • Lords can make amendments, then goes back to Commons for consideration • Limitation on powers Parliament Acts 1911 and 1949, Royal Assent Act 1967 • Lords not democratically elected • Procedure to become law if Lords reject bill • Examples where acts used – Hunting Act 2004.	**(6)**

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Level 2	**3–4**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.
Level 3	**5–6**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented in a consistent and balanced manner and supported by appropriate legal authorities.

Question number	(c) Assess the criticisms made of the legislative process. (10) **Indicative content**	Marks
3(c)	**(2 AO1), (2 AO2), (3 AO3), (3 AO4)** • Language used in Acts is obscure and complex • Acts difficult to understand as draftsmen try to cover every contingency • Too many stages to become law • Too many opportunities to delay or amend • Not easy to trace all Acts on the same topic • Unhelpful practice to just amend small sections of an Act with a later one, so difficult to find out what the law on a topic is • Sometimes necessary to read two or more acts on a topic to understand current law	**(10)**

	• Lack of accessibility to/for the public • Law can be added to by delegated legislation • Language used in Acts is difficult to understand as seen by cases going to court • Parliamentary law sovereign idea based on democracy but MPs voting on party lines • Drafting done by civil servants not democratically elected representatives • Criticisms suggest law not democratic, not certain or accessible, not made quickly.	

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Level 2	**3-4**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately. There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.
Level 3	**5-7**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced. Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.
Level 4	**8-10**	Accurate and thorough knowledge and understanding are demonstrated. Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation. Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities. Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.

Question number	(a) Describe the roles of the two branches of the legal profession. (4) **Answer**	Marks
4(a)	**(2 AO1), (2 AO2)** **Barristers –Up to two marks for describing the barrister's role** • Barristers are specialists who group together in Chambers, not usually in offices on the high street and are self-employed (1 AO1). • In most parts of the country they are not as accessible to the general public for advice (1 AO1) • They provide advice or briefs to clients, usually via a referral by solicitors and then represent the client in court (1 AO1). **Solicitors – Up to two marks for explaining the solicitor's role** • Provide advice on all legal matters directly to clients (1 AO1) and are the first point of contact (1 AO1) like a GP is for medical matters (1 AO1) • Solicitor firms available on every high street/online (1 AO2) • Provide general advice and staff duty solicitor rota for help when a person detained at police station (1 AO2) • Usually restricted to representing clients in lower courts (1 AO2) • More common to instruct solicitor (general advice) first and then be referred to appropriate specialist barrister (1 AO1), as barristers can appear to represent clients in all courts (1 AO2). • Or other appropriate examples	**(4)**

Question	(b) Explain the selection and appointment process	Marks

number	for judges. (6) **Answer**	
4(b)	**(2 AO1), (2 AO2) (2 AO3)** **Responses are likely to include:** Brief description of selection, appointment of judges – • Selection - eligibility, advertisements for posts, application, testing, promotion, reference to Judicial Appointments Commission (JAC) and consideration of application • Appointment –inferior judges' appointment by Minister of Justice and Lord Chancellor after recommendation by JAC; superior judges' appointment by King, after recommendation by JAC Advantages of selection, and appointment could include: • legal knowledge of appointees as they will have existing knowledge of court rules and procedure • selection methods provide choice of best applicants, and this now includes solicitors and academics as well as barristers • independence of JAC • Superior judges are free from political interference Disadvantages of selection, appointment and removal process could include: • best lawyers may not apply • predominance of barristers applying • judiciary is not representative of sexual/racial/educational mix of country • judges may not have practical experience or knowledge or be a specialist in the law they are required to deal with in court • limited training given for appointees	**(6)**

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Level 3	**5–6**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented in a consistent and balanced manner and supported by appropriate legal authorities.

Question number	(c) Assess the advantages and disadvantages of having two separate legal professions.	**Marks**

	(10) **Indicative content**	
4(c)	**2 AO1), (2 AO2), (3 AO3), (3 AO4)** **Responses to include:** • Different training required for both • Regulation and professional bodies • The Royal Commission on Legal Services in 1979 (the Benson Commission) • The Marre Committee (set up by the Bar Council and Law Society) in 1988 and recent surveys • Rights of audience **Courts and Legal Services Act 1990** and the **Access to Justice Act 1999** • Availability of training places for both professions, selecting route and cost to trainees • Availability of employment/pupillage on qualification • Duplicating work • Cost to clients • Independence of the Bar and cab-rank rule • Alternative business structures - **Legal Services Act 2007** • Legal Education and Training Review (LETR) Awareness of current proposals Conclusion, weighing up the evidence.	**(10)**

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Level 2	**3-4**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately. There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.
Level 3	**5-7**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced. Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.
Level 4	**8-10**	Accurate and thorough knowledge and understanding are demonstrated. Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation. Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities. Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.

Question number	Evaluate the effectiveness of the theories of punishment, and their related sanctions, in criminal law. (20) (20) **Indicative content**	Marks
5	**(2 AO1), (2 AO2), (8 AO3), (8 AO4)** **Responses to include:** Revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence – examples and applicability of each, including their relationship with sentences/sanctions including relevant aspects of Criminal Justice Act 2003. Explanation of the aims of the theories Retribution Offender needs to be punished. It does not try to reduce crime in society or try to alter the future behaviour of the offender. 'Eye for an eye'. Idea expressed by Kant. • Deterrence Aim is to reduce crime. Individual deterrence (to make sure the offender does not reoffend) General deterrence (to try to prevent others committing crime). • Rehabilitation Aim to reform offender and rehabilitate into society. Hope is behaviour will be influenced by sentence. Effect or impact of the theories on criminal sanctions imposed on offenders. • Retribution – tariffs, and sentence required to be proportionate to the crime • Deterrence – heavy fines or long sentences to deter others • Rehabilitation – forward looking and positive aim in 21st century. Important for young offenders. Problems/criticisms of impact/effect of theories • Retribution –does not allow for mitigating factors and can be unjust • Deterrence –does not stop offenders acting on spur of moment, or under influence of drugs or alcohol	**(20)**

	• Rehabilitation – individualised sentence, but criticism that it leads to inconsistency in sentencing. • Reparation, denunciation, protection of the public Sentences/Punishments • Custodial sentences • Young Offenders • Community Sentences • Discharges • **Level 4 answers must include reference to 3 theories.**	

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	0	A completely inaccurate response.
Level 1	**1–4**	Isolated elements of knowledge and understanding are demonstrated. Application of knowledge and understanding is not appropriately related to the given context. Reasoning may be attempted, but the support of legal authorities may be absent. There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.
Level 2	**5–8**	Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation. Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately. There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.
Level 3	**9–14**	Accurate knowledge and understanding are demonstrated. Knowledge and understanding are supported by relevant legal authorities and legal theories and applied to the given legal situation. Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced. Evaluation attempts to contrast the validity and significance of competing arguments, which may include unbalanced comparisons, possible outcomes and conclusions based on valid interpretations of the law.
Level 4	**15–20**	Accurate and thorough knowledge and understanding are demonstrated. Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation. Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities. Evaluation shows a full awareness of the validity and significance of competing arguments, leading to balanced comparisons, possible outcomes and effective conclusions based on justified interpretations of the law.

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