GradeMax



Mark Scheme (Results)

Summer 2025

Pearson Edexcel International Advanced Level In Law (YLA1/02)

Paper 2: The Law in Action

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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	State the meaning of a 'discharge' as a sanction in criminal law. **Answer**	Marks
1(a)	**(1 AO1), (1 AO2)** **One mark for stating the meaning of 'discharge' in criminal law (1 AO1), and one mark for a brief explanation/enhancement (1 AO2).** • A discharge means that the person is released from court without any further action/ isn't punished (1 AO1), it can be absolute/ (1 AO2) conditional (1 AO2) • A conditional/qualified discharge (1 AO1) means that if the offender commits another crime then they can be sentenced for the first and new offence (1 AO2). • Accept any other appropriate meanings.	**(2)**

Question number	Explain briefly the meaning of 'omissions' as part of the actus reus of a crime. **Answer**	Marks
1(b)	**(2 AO1), (2 AO2)** **Up to two marks for explaining the meaning of omissions in criminal law (2 AO1), and one mark for each appropriate expansion/example, up to two marks (2 AO2).** • An omission will form the actus reus of an offence only when the law imposes a duty to act and the defendant is in breach of that duty/ failure to act when required by law **(1 AO1)**, such as a duty arising from a contract of employment (**1 AO2),** e.g. R v Pittwood. • Where a person causes accidental damage, he is under a duty to take reasonable steps to limit the spread of the damage **(1 AO1)**, such as where a fire has been accidentally caused in a house **(1 AO2)**, e.g. R v Miller. Other suitable descriptions and cases, e.g. R v Dytham, The Road Traffic Act 1988 S7(6), R v Stone & Dobinson, R v Gibbons & Proctor. **NB:** Credit for explanations of when omissions may not be sufficient to form the actus reus of an omission, e.g. no good Samaritan law.	**(4)**

Question number	Evaluate the criminal liability of Robin for failing to pay his hotel bill and petrol bill. **Indicative content**	Marks
1(c)	**(2 AO1), (2 AO2), (4 AO3), (6 AO4)** **Responses are likely to include:** • Identification of the components of Making Off Without Payment (Theft Act 1978 S3): goods supplied or services done, makes off from the spot, fails to pay on the spot as required or expected, dishonesty, knows that payment on the spot is required or expected, intention to avoid payment permanently. Analysis of Robin's criminal liability: • Services done – Hotel stay, use of room and other facilities and the delivery of petrol to his car. • Makes off from the spot - departure from the hotel must be dishonest, i.e. Robin knows he cannot pay and attempts to leave the hotel. However, as the attempt was thwarted by the manager may not be sufficient evidence. Leaves the petrol station without paying. • Fails to pay as required or expected – Robin is given the bill for the hotel stay and knows he must pay as he remembers he has not got enough money to pay the hotel. Robin waited until the petrol attendant was not looking before leaving. • Dishonesty – Robin did not genuinely believe his behaviour in not paying his hotel bill was dishonest as he made arrangements to pay later. Speeding off from the petrol station when the attendant was not looking clearly shows evidence Robin knew his non-payment for petrol was dishonest. Reasonable and honest person would not have attempted to leave the hotel and left the petrol station without payment. However, perhaps making arrangements to pay later might be regarded as not being dishonest over the hotel bill. • Knows that payment on the spot is required – Robin forgot his money after getting the bill and attempted to leave the hotel as well indicating knowledge of payment required. • Intention to avoid payment permanently – Robin made arrangements to pay the hotel bill later so difficult to prove. Speeding off from the petrol station shows clear evidence of avoiding payment permanently as left no details. • Reference to cases such as R v Allen, R v Brooks & Brooks, R v McDavitt, R v Vincent, R v Barton v Booth. NB: Application of theft achieves L2 max	**(14)**

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	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	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 raise possible outcomes and conclusions based on interpretations of the law.
Level 3	7–10	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/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	11–14	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	Analyse whether Rosie can prove there was a duty of care in negligence, held by the council. **Indicative content**	Marks
2(a)	**(2 AO1), (2 AO2), (2 AO3)** **Responses are likely to include:** • Definition of duty of care e.g. We owe a duty of care to all our neighbours to make sure we don't act, or fail to act, in ways that will harm them, the neighbour principle. • Where a case falls within an established category the duty should be determined by principles in that category; where it is a novel situation the law should be applied by analogy to established categories, Robinson v CC West Yorkshire Police • Identification that Rosie was owed a duty of care to keep her safe from harm by council workers, Haley v London Electricity Board. • Identification that Rosie may not be owed a duty of care by Boris, the firefighter. • Analysis that Rosie is blind and that the falling into the hole and suffering injuries is harm that was reasonably foreseeable due to poorly placed fences e.g. Haley v London Electricity Board. • Analysis that Rosie's relationship to the Council workers is likely to be considered sufficiently close as she is a road user and that her relationship to Boris, a firefighter is also sufficiently close as she is victim that needs the aid of the emergency services, e.g. Law Society v KPMG Peat Marwick. • Analysis that it is not fair and reasonable to impose a duty of care on Boris as the fire service had to take a risk to save Rosie's life e.g. Hill v Chief Constable of West Yorkshire, Watt v Hertfordshire County Council, Robinson v Chief Constable of West Yorkshire police. NB: Allow credit for any other reasonable applications. **Do not** allow credit for other elements of negligence such as breach of duty or reference to Occupiers Liability Act	**(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 is 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 in a consistent and balanced manner, and supported by appropriate legal authorities.

Question number	Evaluate the rights and remedies of Roja, Dev and Rob in connection with the harm suffered at the restaurant. **Indicative content**	Marks
2(b)	**(2 AO1), (2 AO2), (4 AO3), (6 AO4)** **Responses are likely to include:** • Identification of Occupiers Liability Act 1957, occupier, premises under S1(3)(a), lawful visitor, express or implied, duty of care under S2(2) Applying Occupiers Liability Act 1957: • Ismail is the occupier and Roja, Dev and Rob the lawful visitors. • Factors relevant to deciding whether Ismail has discharged his duty to Roja, e.g. reasonable warnings under S2(4)(a) and that the warnings did not apply to Dev as he was over 10. • The fact that Rob was a specialist visitor under S2(3)(b) i.e. 'ordinarily incident to Rob's calling'. • The defence of independent contractors under S2(4)(b) this is likely as Rob is a specialist in fixing play area equipment. • Contributory negligence section 2 OLA & Law Reform (Contributory Negligence) Act 1945, that Roja's father allowed Dev to play on the swing even though he was informed it wasn't suitable • Remedies such as damages for Roja's broken leg, Dev's broken arm and Rob's brain injury. • Possible remedies for Rob such as loss of earnings • Credit can be given for alternative application of Negligence Use of appropriate cases such as Wheat v Lacon, Paris v Stepney Borough Council, Woollins v British Celanese, Roles v Nathan, Haseldene v Daw.	**(14)**

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	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	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 raise possible outcomes and conclusions based on interpretations of the law.
Level 3	7–10	Accurate knowledge and understanding is demonstrated. Knowledge and understanding is 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/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	11–14	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	Describe **two** essential elements in the formation of a contract. **Answer**	Marks
3(a)	**(2 AO1), (2 AO2)** **Up to two marks for describing requirements where acceptance to be valid in the formation of a contract (2 AO1), and one mark for each appropriate expansion/example, up to two marks (2 AO2).** • The final expression of agreement (assent) to the terms of an offer/ parties are in agreement (1 AO1), for example where a verbal statement is clearly heard and understood or example (1 AO2) • The postal rules only apply if the post is the usual method of communication between the parties involved in the contract or is specifically stated as the only or an accepted method of communication of acceptance (1 AO1), acceptance takes place when a correctly stamped and addressed letter is posted / a letter is posted (1 AO2) • Positive conduct can be acceptance where that is a method of communication set out in the offer/ must be unequivocal (1 AO1) but silence or inaction cannot be an acceptance as some positive act is needed (1 AO2) • Accept any other appropriate examples and cases, e.g. Adams v Lindsell, Entores v Miles Far East Corp, Carlill v Carbolic, Felthouse v Bindley, Thomas v BPE Solicitors.	**(4)**

Question number	Analyse whether Josie has breached her contract with Gethin. **Indicative content**	Marks
3(b)	**(2 AO1), (2 AO2), (2 AO3)** **Responses are likely to include:** • Identification of the breach of contract when one party to the contract fails or states that he will fail to perform part or all of his side of the contract. • Identification of breach of condition of the contract, which is a term of the contract that, if not performed, will go to the heart of the contract, giving the innocent party the right to end the contract, if he chooses, in addition to the right to claim damages for any losses. • Identification breach of warranty of the contract, which is a minor term of the contract that, if not performed, will cause loss but does not go to the heart of the contract, giving the innocent party the right to claim damages for any losses but not to terminate the contract. • Analysis of Josie's failure to attend rehearsals, e.g. that this was an actual breach of a warranty as the heart of the contract was to perform in front of an audience rather than attend rehearsals, a minor term. • Josie's possible argument that as she attends 2 of the 3 rehearsals this did not breach the warranty as this was too minor an issue. • Analysis that Josie's failure to sing at two performances was an actual breach of a condition going to the heart of the contract. • Remedies, damages against Josie for the breach of a warranty but no right to terminate the contract at this point. Damages for failure to perform at the 2 concerts and a right to terminate the contract at the point Josie fails to perform at the first concert this is a breach of condition. • Use of appropriate cases such as Poussard v Spiers, Bettini v Gye, Couchman v Hill, Oscar Chess Ltd v Williams, Routledge v McKay.	**(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 and 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	Assess the contractual rights and remedies, if any, of The Sands Hotel against Dahlia's florist. **Indicative content**	Marks
3(c)	**(2 AO1), (2 AO2), (3 AO3), (3 AO4)** **Responses are likely to include:** • Identification of the elements of offer and acceptance – offer, invitation to treat, acceptance • Analysis of the key issues for example, Dahlia's quote is a valid offer at the date of communication to The Sands Hotel when received in the post on Tuesday • Analysis of key stages in the negotiations of the contract such as: Monday email sent – request for information – no offer, Tuesday letter arrives – offer made £10,000 then, Tuesday email rejecting offer and making counter offer of £5,500, Tuesday telephone call – rejecting counter offer and makes new offer of £10,000 – confirms method of acceptance to be post, Tuesday email by Sands but not acceptance - letter of acceptance valid when posted by Sands – contract made then – arrival date irrelevant except to indicate that the letter needed to be correctly addressed, stamped and posted , Wednesday email is anticipatory breach of contract/ alternative number of emails indicates postal rules do not apply and therefore email takes precedent • Evaluation of offer and acceptance between Dhalia's and The Sands Hotel such as Thornton v Shoe Lane, Chappleton v Barry, Harvey v Facey, Gibson v Manchester City Council, Hyde v Wrench, Felthouse v Bindley • Identification of damages, i.e. the purpose is to put the claimant in the position he would have been in had the contract been properly performed • Evaluation of damages such as loss of bargain, mitigation of loss, direct or indirect loss, e.g. The Sands Hotel may be able to claim £2,000 loss for the difference between the contract price and actual price paid for flowers • Use cases such as Wiseman v Virgin Atlantic, Jarvis v Swan Tours, Hadley v Baxendale, Victoria Laundry v Newman Industries NB: Credit any alternative approach	**(10)**

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. There may be an incomplete attempt to address competing arguments based on interpretations of the law.
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 gauge the validity of competing arguments based on interpretations of the law.
Level 3	**5–6**	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	**7–10**	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	Identify Petra's rights under Article 11 of the Human Rights Act 1998, and whether these have been restricted. **Answer**	Marks
4(a)	**(4 AO2)** **One mark for each point identifying where Petra's rights under Article 11 may have been restricted, up to four marks.** • Petra's right to attend the meeting with workers, during working hours, to discuss health and safety (1) • Petra's right to assembly can be restricted as the assembly point in the call centre is "dangerous" / non-peaceful(1) • Petra disrupting the entry to the call centre is unlawful so her right to assembly is restricted in this situation, i.e. the manager is acting lawfully when Petra is asked to move away from the gates (1) • Petra has a right to join an organised trade union (1). • Accept any other relevant application NB: The explanation of Article 11 gains no credit.	**(4)**

Question number	Analyse Anton's legal obligations arising from the storage of tenant personal data and its subsequent illegal use. **Indicative content**	Marks
4(b)	**(2 AO1), (2 AO2), (2 AO3)** **Responses are likely to include:** • Definition of either Data Protection Act 2018 e.g. an act of parliament designed to control how a person's personal information is used by organisations, businesses or the government • Identification of the data protection principles under the act, e.g. that an individual's personal data must be stored for a legitimate reason and securely • Analysis that Anton is a business covered by the act and that tenants' personal data such as names and addresses should be held under the principles of the act • Analyse that data can only be held by a "controller", a competent authority and that this would be Anton • Analyse whether Anton is legally responsible under the Data Protection Act for the use of data to purchase illegal products online • Analyse that Anton will be liable for criminal sanctions, e.g. a penalty notice under Section 155 of the act with a maximum fine of 20 million euros or 4% of Anton's annual turnover, whichever is the higher • Damage for injury to feelings as a result of unlawful processing of data Vidal-hall v Google. Reference and application of Article 8 Human Rights Act and to other suitable sanctions.	**(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 and 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	Assess Rosa's rights and remedies against The Moon newspaper. **Indicative content**	Marks
4(c)	**(2 AO1), (2 AO2), (3 AO3), (3 AO4)** **Responses are likely to include:** • Definition of defamation e.g. where a person can sue another person or company for words that are published or said which can be shown to have damaged their good reputation • Identification of the tort of defamation of character and the difference between libel (written) and slander (spoken) under the Defamation Act 2013 S1 statements published that are likely to cause or have caused serious harm to the reputation of the claimant, meaning of serious harm in S2 and S3, truth and honest defences in S4. • Identification that statement must be false. • Identification that the Defamation Act 2013 requires proof that the publication has caused or is likely to cause serious harm to the reputation of the claimant under S1. • Analysis of Rosa's claim focusing on the meaning of serious harm (S1), i.e. something that is likely to be very damaging to Rosa's reputation, Cooke v MGN Ltd or Youssoupoff v MGM Pictures • Analysis of truth (S2) and honest opinion (S3)- the newspaper's ability to satisfy either of these sections e.g. Wasserman v Freilich • Analysis of the newspaper's potential defamation publicly under the Defamation Act 2013 and the newspaper's possible claim that they were acting in the public interest, e.g. S4 and Reynolds v Times Newspapers 1999, Observer & Guardian v United Kingdom 1991. • Reference and application to possible damages **NB:** Credit application of S8 right to privacy and S10 right to freedom of expression, Human Rights Act 1998	**(10)**

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. There may be an incomplete attempt to address competing arguments based on interpretations of the law.
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 gauge the validity of competing arguments based on interpretations of the law.
Level 3	**5–6**	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	**7–10**	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	Evaluate Nancy's and Trevor's legal rights and remedies in negligence. **Indicative content**	Marks
5	**(2 AO1), (2 AO2), (8 AO3), (8 AO4)** **Responses are likely to include:** **Nancy for the tort of Negligence** Identification of: • Identification of the elements required to establish the tort of Negligence, such as a duty of care and breach of a duty of care. • Identification of the key issues for establishing a duty of care for example, that the Robinson v CC West Yorkshire Police - Where a case falls within an established category the duty should be determined by principles in that category; where it is a novel situation the law should be applied by analogy to established categories • Difficulty in establishing what is a duty of care e.g. Bourhill v Young • Analysis of Nancy's ability to satisfy the components of establishing a duty of care such Hill v Chief Constable of West Yorks vs Kent v Griffiths • Evaluation that a duty of care is likely to be satisfied as it would be fair and reasonable to impose a duty on the ambulance service as they failed to arrive in good time and provided no reasonable explanation for the 7-hour delay • Identification of a breach of duty of care, i.e. negligence occurs where the defendant falls below the standard of the reasonable man • Identification of the reasonable man test, i.e. negligence is the omission to do something which a reasonable man would do, or doing something which a prudent and reasonable man would not • Analysis of breach of duty of care to Nancy by the Ambulance service and the hospital, such as the effect of the rules on trainees, and the size of risk, e.g. fact that the trainee doctor will be judged by the same standards as an experienced doctor meaning that there would likely be a breach of a duty of care due to the misdiagnosis • Analysis that the side effects of the drugs were unknown and therefore the reasonable man would not have known that the drug was not suitable for under 16's	**(20)**

	• Evaluation that the ambulance service and the trainee doctor are likely to have fallen below the standards of the reasonable man but the experienced doctor is likely not to have been judged as breaching their duty of care. • Possible damages available to Nancy, e.g., general and special damages, lump sum or structured settlement **Trevor for the tort of Negligence** Identification of: • Identification of the elements required to establish the tort of Negligence, such as a duty of care and breach of a duty of care. • Identification of the key issues for establishing a duty of care for example, that the Robinson v Chief Constable West Yorks • Difficulty in establishing a duty of care e.g. Bourhill v Young • Analysis of Trevor's ability to satisfy the components of establishing a duty of care such as Bourhill v Young, Haley v London Electricity Board • Evaluation that a duty of care is not likely to be established as the harm would not be reasonably foreseeable, i.e. Trevor mistakenly believing that he had seen his son in an accident on the way to the hospital in the ambulance • Identification of a breach of duty of care, i.e. negligence occurs where the defendant falls below the standard of the reasonable man • Evaluation that the ambulance service is unlikely to be regarded as having a duty of care in negligence to Trevor and therefore his claim for negligence would fail • Coming to logical conclusions focusing on key elements of each tort such as Nancy having a claim for negligence but Trevor failing in his claim as harm was not reasonably foreseeable and using cases such as Bourhill v Young, Haley v London Electricity Board, Hill v Chief Constable of West Yorks, Kent v Griffiths, Nettleship v Weston, Blyth v Birmingham Waterworks, Bolam v Friern, Roe v Minister of Health, Bolton v Stone, Watt v Hertfordshire County Council, Latimer v AEC, Paris v Stepney BC, Bolitho v City and Hackney Health Authority, Alcock v Chief Constable of Yorkshire Police, Wilsher v Essex Area Health Authority **NB**: Credit any other suitable discussions regarding the application of evidence for the tort of negligence	

Level	Mark	Descriptor
	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 and 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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