GradeMax

Pearson

Mark Scheme (Results)

Summer 2026

Pearson Edexcel International Advanced Level In Law YLA1_01

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

GradeMax

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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	Answer Describe what is meant by **Legal Personality**.	Mark
1 (a)	**(1 AO1, 1 AO2)** •One mark for describing the meaning in law for example to be capable of having legal rights and duties (1 AO1. •One mark for giving an example –such as a limited company (1 AO2).	**(2)**

Question Number	Answer Explain how a moral rule differs from a law.	Mark
1 (b)	**(2 AO1), (2 AO2), (2 AO3)** •Laws are enforced by the state and have been through an official process when created. •Breach of laws will incur a penalty. •Moral or social rules are not enforced by the state, they are informal and more flexible. •Breaking a rule will not carry such serious consequences as breaking the law. •A sport or society may have rules, which if broken may lead to expulsion from the sport / society. •Unwritten rules may exist within a community / religion, but they are not enforced by legal sanctions. •Examples/cases to illustrate both.	**(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	Assess the features of the theory of positivism. Indicative content	Marks
1(c)	(2 AO1), (2 AO2), (4 AO3), (4 AO4) Law is a reflection of the beliefs and perceptions of society and what is considered to be 'just'. • Explanation of the command theory of law proposed by John Austin • Criticism from Professor H.L.A Hart and Hans Kelsen. • Comparison and contrasting Positivism beliefs with those defined as natural lawyers. • Overall assessment of the theory.	**(12)**

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 address

		competing arguments 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 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	Answer Give **one** example of how civil disputes can be settled of the court system.	Mark
2 (a)	**(1 AO1, 1 AO2)** One mark for accurate identification of one alternative dispute method (1 AO1) and one mark for further detail (1 AO2) (up to a maximum of 2 marks in total). Arbitration (1) - voluntary, arbitrator someone other than a judge, can be written into a contract. (1AO2). Conciliation (1) - parties try to reach an amicable settlement with the assistance of a conciliator who is a neutral third party. who will suggest a non-binding proposal to settle the dispute. (1AO2). Mediation (1) – neutral mediator, confidential, go-between. (1AO2). Negotiation (1) – Private and cheap, between the parties. (1AO2).	**(2)**

Question Number	Answer Explain the jurisdiction of two civil courts of first instance.	Mark
2 (b)	**(2 AO1), (2 AO2), (2 AO3)** **Responses to include:** Up to two marks for courts of first instance and up to two marks for linked explanation of jurisdiction and route for appeals, another 2 marks. • Courts of first instance: - County court – tracks and small claims • High Court - divisions, tracks and work allocation.	**(6)**

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	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	Assess the advantages and disadvantages of the processes governing the selection, appointment and removal of judges. Indicative content	Marks
2(c)	(2 AO1), (2 AO2), (4 AO3), (4 AO4) **Responses are likely to include:** Brief description of selection, appointment and removal 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 Queen, after recommendation by JAC • Removal -Superior judges free from political interference, can't be made to resign although contrast Lord Chancellor. Inferior judges can be removed for incapacity / misbehaviour by Lord Chancellor Advantages of selection, and appointment and removal process 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 are free from political interference • Incompetent inferior judges can be removed Disadvantages of selection, appointment and removal process could include: • best lawyers may not apply	**(12)**

	• 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 • Superior can be removed by crown, but not used since 1830. • Removal of inferior judges can take time and has only been used rarely.	

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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 address competing arguments 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 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	Answer Describe what is meant by Judicial Precedent	Mark
3 (a)	**(2 AO1)** •Laws made by judges in court •Higher courts decisions bind lower court decisions	**(2)**

Question Number	Answer Explain the purpose of the **1966 Practice Statement**.	Mark
3 (b)	**(2 AO1), (2 AO2), (2 AO3)** Responses are likely to include: •Change to the rule brought in by London Street Tramways v London County Council1898. House of Lords / Supreme Court not now bound by previous precedent. Advantages: • Flexibility • Ability to apply law to individual cases • Orderly development of legal rules while keeping some degree of certainty • Allows change in law if feel earlier decision wrong – if 'right to do so' Disadvantages • Not used initially • Vague statement giving little guidance • Criminal law needs to be certain Impact since 1980's R v Shivpuri, Pepper v Hart	**(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	Assess the advantages and disadvantages of the of judicial precedent. Indicative content	Marks
3(c)	(2 AO1), (2 AO2), (4 AO3), (4 AO4) **Responses are likely to include:** Advantages of precedent: • The system provides detailed rules for later cases • The system is flexible as it deals with new situations as they arise, or updates out-of-date rules as in R v R and/or Herrington • It deals with real, as opposed to theoretical cases • It is just as judges are impartial and base their decisions on legal rules • Reporting of cases, so publicity • It is authoritative due to the numbers and experience of the judges in the Supreme Court and Court of Appeal. • It provides certainty and saves time Disadvantages of precedent:	**(12)**

	• The system is rigid and bad decisions are difficult to change • Courts have to be careful not to interfere with supremacy of parliament • The system causes uncertainty for claimants and defendants • in some appeal cases each judge may give a different reason for their decision which may result in the difficulty for later judges/lawyers identifying the ratio of a case • the nature of law making is undemocratic as a judge's role can be said to be applying law passed by Parliament rather than making law • precedent depends on a case coming to court, which may be a lottery based on funding and the lawyer's advice • the system results in large numbers of precedents made and then there is the difficulty of finding a relevant one. • It produces a retrospective kind of decision	

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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	Answer Describe the role of lay magistrates in summary trials.	Mark
4 (a)	**(1 AO1), (1 AO2)** **Responses are likely to include:** •One mark for accurate definition of the role in the relevant process (1 AO1), and one mark for further description of the role in that context (1 AO2) (up to a maximum of 2 marks in total). •pre-trial (1)– - sentence following guilty plea (1), grant bail or custody if case is adjourned for any reason. (1) •trial as summary offence – hearing evidence as bench of three (1), deciding guilt/innocence as unanimous/majority decision (1). •post-trial (1)– deciding sentence (1), committing case to Crown Court if their powers are insufficient (1).	**(2)**

Question Number	Answer Explain how jurors are selected for service in a Crown Court trial.	Mark
4 (b)	**(2 AO1), (2 AO2)** •One mark for explaining qualification criteria, up to two marks (2 AO1), and one mark for further explanation of disqualification or selection criteria up to a maximum of 2 marks. (2 AO2). •Responses are likely to include: •Qualification: Age limits, Electoral register, Residence •Reasons for not qualifiying: disqualification, deferral, excusal, or other good reason for not serving •Selection: initial selection by Jury Central Summoning Bureau (JCSB), in jury waiting room and in court, challenges, swearing in.	**(4)**

Question number	Evaluate the advantages and disadvantages of using jurors in the criminal justice system.	Marks
4(c)	(2 AO1), (2 AO2), (4 AO3), (6 AO4) **Responses are likely to include:** Discussion of disadvantages of use of jurors could include: • return of perverse verdicts • compulsory, so reluctant to be there • burden on employers of absentee staff through jury service • influence / pressure from outside or inside jury • pressure from media publicity • complex issues / lack of understanding, ability to follow • reaching the verdict - issues and problems • cost of jury trial Discussion of advantages of use of 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 A conclusion that could include: • discussion of and connections made between the competing advantages and disadvantages • contrasting and comparing these advantages and disadvantages	**(14)**

	• weighing up the validity and significance of each • effective justification to support the conclusion reached	

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 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	**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	Evaluate, using examples, the similarities and differences between civil law remedies and criminal law sanctions. Indicative content	Marks
5	**(2 AO1), (2 AO2), (8 AO3), (8 AO4)** Responses to include: • Civil liability – standard of proof, purpose, costs of action, result is liable or not liable • Civil sanctions and remedies available – injunction, specific performance, damages, rescission or rectification • Criminal liability – burden and standard of proof, methods of trial, costs of representation, result is guilty or not guilty • Criminal sanctions – prison sentence, community sentence, fines, discharge. • Theories behind sentences – reparation, deterrence and retribution – achievement of aims • Comparison of both the above and using cases/incidents which lead to both actions – e.g. road traffic incident. • Evaluation and conclusion	**(20)**

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 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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