

Examiners' Report/
Principal Examiner Feedback

Summer 2015

Pearson Edexcel International GCE
in Law (YLA0) Paper 01

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General

As evidenced in last year's examination report for Paper 1, the higher levels of the attainment bands require analysis, not just description. Centres are advised to observe this recommendation for future series. Another feature to be initially highlighted and revisited is the prevalence of stock answers, as it is not often clear whether these responses have any criteria of relevance/irrelevance in terms of the question. When stock answers are learnt, mistakes tend to get embedded, and this feature was particularly prominent in questions 1, 3 and 6.

It was pleasing to note however, that a significant number of students possessed not just the raw knowledge in descriptive terms but were able to train it on the precise terms of the question set.

Part 1

Q1

Last year's question in this field of legal philosophy required primary focus on the Hart/Devlin debate on the enforcement of morals, but this year that discussion had at best a minor role; the main focus should have been on the centuries old struggle between natural lawyers and positivists, with reference also to the more basic analysis of Salmond and practical intersection. The stronger answers naturally developed these areas, but some responses predominantly focused on last year's question.

Q2

The majority of students who tackled this question on the rule of law were well equipped to discuss it in terms of Dicey, and many of those continued to discuss Raz and the criticisms from Marxist theory and the distinctive contribution of E P Thompson. Weaker answers confused the issue with the necessity of law or offered discursive accounts of types of law or particular problems of enforcement within their jurisdiction.

Q3

As invariably happens with questions on equity, the extent of descriptive knowledge overlooked analytical ability in terms of the question, which was designed to reward students who could offer a chronological account with reference to keywords such as fairness, flexibility, and rigidity. Unfortunately repetition of the stock answer, often detailed, was not coupled with analysis in terms of the question in the vast majority of cases, holding back many top end answers.

Q4

This question was about theories of punishment and their practical efficacy. Some students demonstrated a knowledgeable and focused approach but this was not the case with all candidates.

Q5

This question was clearly anticipated, although the precise force of "unique", drawing attention in particular to certain parts of the Human Rights Act and their effect on adjudication, did not always receive sufficient attention. However in general there was a gratifying awareness of the legal and political debates connected with the Act. Some impressively detailed analyses were offered of the judiciary's perception of its task under s3 of the 1998 Act.

Part Two**Q6**

As there is a wealth of detail that can fairly readily be learned by students about the "rules" of statutory interpretation, answers tend to be lengthy and descriptive. This year the main focus was centred on the purposive rule, and many students could offer a good account of it even if their responses lacked much critical focus. As indicated earlier, this question also attracted stock answers, which did not extend beyond description of the "rules."

Q7

Precedent questions tend to attract more descriptive responses, such as the rules at different levels in the judicial hierarchy, and providing little analysis in terms of the question which required exploration of leeways within the doctrine and methods of avoiding awkward precedents as by distinguishing. However some of the high performing answers were to be found here, with accurate discussion of the related constitutional issues and sometimes accounts of jurists such as Dworkin.

Q8

Although this was a topical question, it was by and large handled rather weakly with generalisations and basic description displacing concrete analysis backed by relevant statistics.

Q9

Most students who answered this question spoke only of the jury and could therefore receive no marks. A few detailed and contextual responses were forthcoming.

Q10

This year's question 10 assessed the examination of specific doctrine such as direct effect and applicability, and the stronger candidates coped very well with the altered emphasis and had clearly been well taught. The weaker answers preferred not to stray too far from Dicey and the clutch of cases associated with sovereignty.

Grade Boundaries

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