

INTERNATIONAL ADVANCED LEVEL

LAW

**SAMPLE ASSESSMENT
MATERIALS**

Pearson Edexcel International Advanced Level in Law (YLA1)

First teaching September 2015

First examination from June 2017

First certification from August 2017



Edexcel, BTEC and LCCI qualifications

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Introduction

The Pearson Edexcel International Advanced Level in Law is designed for use in schools and colleges. It is part of a suite of International A Level qualifications offered by Pearson.

These sample assessment materials have been developed to support this qualification and will be used as the benchmark to develop the assessment students will take.

General marking guidance

- All candidates must receive the same treatment. Examiners must mark the last candidate in exactly the same way as they mark the first.
- Mark schemes should be applied positively. Candidates must be rewarded for what they have shown they can do rather than be penalised for omissions.
- Examiners should mark according to the mark scheme – not according to their perception of where the grade boundaries may lie.
- 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/indicative content will not be exhaustive.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, a senior examiner must be consulted before a mark is given.
- Crossed-out work should be marked **unless** the candidate has replaced it with an alternative response.

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Other names

Pearson Edexcel
International
Advanced Level

Centre Number

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Candidate Number

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International Advanced Level in Law

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

Sample assessment materials

Time: 3 hours

Paper Reference

YLA1/01

You do not need any other materials.

Total Marks

Instructions

- Use **black** ink or ball-point pen.
- **Fill in the boxes** at the top of this page with your name, centre number and candidate number.
- Answer **all** questions.
- Answer the questions in the spaces provided
– *there may be more space than you need.*

Information

- The total mark for this paper is 100.
- The marks for **each** question are shown in brackets
– *use this as a guide as to how much time to spend on each question.*

Advice

- Read each question carefully before you start to answer it.
- Try to answer every question.
- Check your answers if you have time at the end.

Turn over ►

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(b) Analyse how judges apply statutory provisions when deciding a case.

(6)

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(c) Assess the effectiveness of judicial interpretation of statutes.

(10)

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(Total for Question 1 = 20 marks)

(c) Evaluate the statement that 'judges can use precedent to arrive at decisions which suit them rather than following the doctrine of judicial precedent strictly'.

(14)

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Question 3 begins on the next page.

3 Under the 2013 School Attendance Regulations, made by a statutory instrument under the Education Act 1996, local councils and schools acquired various powers that can be used against parents who cause a child to miss school without good reason. These powers range from ordering attendance at parenting classes, appointing an education supervisor to help a child attend school, fines of up to £120, to prosecution with a fine of up to £2,500 and jail for up to three months.

(a) Describe the meaning of the term 'statutory instrument'.

(2)

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(b) Explain **two** reasons why the law adopts criminal sanctions rather than civil liability.

(4)

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Question 4 begins on the next page.

4 From 1st September 2014, certain vacuum cleaners for sale in the UK were banned as a result of new European Union (EU) energy efficiency regulations that came into force. Subsequently, it will become a breach of these regulations for such vacuum cleaners to exceed 1,600 watts. Companies will be prohibited from manufacturing or importing any vacuum cleaners with motors above 1,600 watts.

(a) Explain the meaning of the terms 'regulation' and 'directive'.

(4)

Regulation

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Directive

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(c) Assess the impact of EU laws on the English legal system.

(10)

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(Total for Question 4 = 20 marks)

5 Evaluate the extent to which it can be said that law always follows morality

(20)

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Question number	Answer	Marks
1(a)	<p style="text-align: center;">(4 AO1)</p> <p>One mark for describing each stage of the legislative process in the correct order up to four marks.</p> <ul style="list-style-type: none"> • A bill is presented in Parliament, usually in the House of Commons (1) • First reading (1) • Committee stage (1) • Second reading (1) • Report stage and after repeated process in other House (1) • third reading (1) • becomes an Act after receiving Royal Assent (1) 	(4)

Question number	Indicative content	Marks
1(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <p>When considering a case, judges need to interpret how they understand an Act applies to the facts in issue</p> <p>Tools used by judges include:</p> <ul style="list-style-type: none"> • literal rule • mischief rule • golden rule • purposive approach • intrinsic aids • extrinsic aids • reference to binding and persuasive precedents 	(6)

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

Question number	Indicative content	Marks
1(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Statutes can often be expressed in complex, technical and obscure terms. • In applying the law, judges need to decide on the meaning of an act of Parliament through an interpretation of the wording of the act. • As a non-elected body, judges interpreting statutes can be said to play an important role in declaring the law. Whereas, the parliamentary law-making process is slow. • Judges, in examining a statute closely in a case before them, can detect problems in the wording used in the parliamentary drafting. • Such problems are addressed by judges employing the statutory rules of interpretation: literal, mischief and golden and also by adopting the purposive approach. • Reviewing evidence through the judge's role in such cases as <i>Whiteley versus Chappell</i> 1868, <i>R versus Sigsworth</i> 1935, <i>R versus Allen</i> (1872), <i>Smith versus Hughes</i> (1960) and <i>Pepper versus Hart</i> (1993), <i>Magor and St Mellons versus Newport Corporation</i> (1950). 	(10)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Answer	Marks
2(a)	<p>One mark for accurate definition of the doctrine (1 AO1), and one mark for explanation (1 AO2).</p> <ul style="list-style-type: none"> • Judges have to follow previous decisions (1 AO1) • Intrinsic aspect of English law whereby judgments made by superior courts bind future courts addressing the same or similar legal issues (1 AO2). 	(2)

Question number	Answer	Marks
2(b)	<p style="text-align: center;">(4 AO1)</p> <p>Up to two marks for courts of first instance and up to two marks for appeal courts.</p> <ul style="list-style-type: none"> • Courts of first instance: <ul style="list-style-type: none"> - magistrates court (1) - Crown court (1). • Appeal courts, examples: <ul style="list-style-type: none"> - Crown court by way of case stated (1) - Court of appeal (criminal division) (1) - Supreme court (1) - Possible references to ECJ (1). 	(4)

Question number	Indicative content	Marks
2(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (4 AO3), (6 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Under the doctrine of judicial precedence, judges are bound to follow previous decisions that relate to an instant case before a court. • Discussion of the principles underlying the doctrine, including: <i>stare decisis</i>, <i>ratio decidendi</i> and <i>obiter dicta</i>. • Decisions of the Supreme Court and the Court of Appeal (civil or criminal division) bind all lower courts. • Reasons why courts depart from strict adherence to the doctrine of judicial [precedent. • The Supreme Court can choose not to follow its own decisions, through the 1966 Practice Court Direction. • The Court of Appeal can also choose not to follow its own decisions, following <i>Young versus Bristol Aeroplane Co.</i> • Ways of departing from previous binding decisions, including: reversing, overruling, distinguishing. • Use of relevant authorities such as <i>Whiteley versus Chappell</i>, <i>R versus Sigsworth</i>, <i>R versus Allen</i>, <i>Smith versus Hughes</i> and <i>Pepper versus Hart</i>, <i>Gillick versus West Norfolk & Wisbeck Area Health Authority</i>, <i>R versus R</i>, <i>Balfour versus Balfour</i>. 	(14)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding is applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding is demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

Question number	Answer	Marks
3(a)	<p style="text-align: center;">(1 AO1), (1 AO2)</p> <p>One mark for providing an accurate definition (1 AO1), and one mark for expansion (1 AO2).</p> <ul style="list-style-type: none"> Statutory instruments allow the provisions of an act of parliament to be brought into force (1 AO1) <p>AND one of:</p> <ul style="list-style-type: none"> this means Parliament does not need to pass a new Act (1 AO2) also known as secondary, delegated or subordinate legislation (1 AO2) they are overseen by Parliament and/or the courts (1 AO2). 	(2)

Question number	Answer	Marks
3(b)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>One mark for identifying each reason up to two marks (2 AO1), and one mark for each linked explanation (2 AO2).</p> <p>Criminal law is applied as:</p> <ul style="list-style-type: none"> civil law alone may not be enough to encourage a change in behaviour of parents/individuals (1 AO1), whereas the application of criminal law provides additional pressure (1 AO2) it puts pressure on parents to comply with the law (1 AO1), through fear of prosecution and criminal conviction (1 AO2) the publicity generated when there has been a breach of the law (1 AO1), will act as a deterrent to other parents (1 AO2). 	(4)

Question number	Indicative content	Marks
3(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (4 AO3), (6 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Stating the nature of the powers being employed and their effect as law • Explaining how the law applies in the given situation and the impact on the parents for non-compliance and the threat of the severity of punishment. • Assessing the reasons supporting the use of the criminal law rather than creating civil sanctions to address this conduct . • Evaluating the consequences of the use of criminal sanctions by weighing up the benefit of the regulation against the interference with parents' wishes. • Balancing the protection of a child's education, including other fears affecting school children such as forced/arranged marriages and female genital mutilation (FGM). 	(14)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

Question number	Answer	Marks
4(a)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>One mark for each accurate definition up to two marks (2 AO1), and one mark for each linked expansion/example up to two marks (2 AO2).</p> <ul style="list-style-type: none"> • a regulation is a binding EU legislative act (1 AO1) for example Regulation (EC) No 2027/97 imposes unlimited liability on Community air carriers in the event of death or injury to passengers (1 AO2) • a directive lays down certain results to be effected by member countries by a given date (1 AO1), for example Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (1 AO2). 	(4)

Question number	Indicative content	Marks
4(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Describing the European Commission (EU) as one of the principal institutions that binds the member states together. • Explaining that the European Commission is charged with ensuring EU member states comply with EU law, taking action for failure to incorporate EU directives into national law or suspected breaches of EU law. In the absence of resolving an issue, the European Commission can commence formal infringement proceedings and eventually refer the member state to the ECJ • Analysing the process under which the UK as a member state can be declared to be in breach of EU law. Examples may include the 2013 case successfully brought by 'Client Earth' in the Supreme Court over the UK Government's failure to control environmental legislation on air pollution. The case has now been remitted to the ECJ for judgment 	(6)

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

Question number	Indicative content	Marks
4(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • the historical context of parliamentary sovereignty • discussion of the supreme law-making powers of Parliament • the fact of dispersing this sovereignty through the European Communities Act 1972 • exploration of the impact on the role of the courts in the English legal system • assessing the development of the courts to carry out EU Law • an examination of authorities such as Van Gend en Loos, Costa versus ENEL, Factortame and Brassiere du Pechier and Factortame [No 4] • an evaluation of the impact of balancing the effect of EU Law prevailing over English national law and concluding as to whether the loss of sovereignty imposes a threat to national interests 	(10)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated. Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>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.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Indicative content	Marks
5	<p style="text-align: center;">(2 AO1), (2 AO2), (8 AO3), (8 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Stating the definition of law as a set of legal rules • Contrasting this with rules that are defined by standards of morality • Differentiating law from morals and recognising that rules adopted by people following personal conscience may not necessarily be reflected in legislation • Illustrating the similarities and differences between moral and legal rules • Explaining the debate following the Wolfenden Committee report on homosexuality and prostitution • The Hart – Devlin debate: the latter arguing the damage caused by law lacking morality against the view that some people's moral values ought not to be used to stop others' behaviour • Evaluating decided cases such as R versus Brown, Shaw versus DPP, R versus R, the Gillick case and concluding as to the extent to which morals ought to inform English laws. 	(20)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–4	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	5–8	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	9–14	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	15–20	<p>Accurate and thorough knowledge and understanding is demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

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Surname	Other names
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**Pearson Edexcel
International
Advanced Level**

Centre Number

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Candidate Number

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International Advanced Level in Law

Paper 2: The Law in Action

Sample assessment materials
Time: 3 hours

Paper Reference
YLA1/02

You do not need any other materials.

Total Marks

Instructions

- Use **black** ink or ball-point pen.
- **Fill in the boxes** at the top of this page with your name, centre number and candidate number.
- Answer **all** questions.
- Answer the questions in the spaces provided
– *there may be more space than you need.*

Information

- The total mark for this paper is 100.
- The marks for **each** question are shown in brackets
– *use this as a guide as to how much time to spend on each question.*

Advice

- Read each question carefully before you start to answer it.
- Try to answer every question.
- Check your answers if you have time at the end.

Turn over ►

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(Total for Question 1 = 20 marks)

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QUESTION 2 BEGINS ON THE NEXT PAGE.

2 (a) Explain **one** example of a right to privacy.

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(b) Explain **two** principles of data protection contained in the Data Protection Act 1998.

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(Total for Question 2 = 20 marks)

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QUESTION 3 BEGINS ON THE NEXT PAGE.

(c) Assess whether L owes H a duty of care under the Occupier's Liability Acts.

(10)

A series of horizontal dotted lines for writing the answer.

(Total for Question 3 = 20 marks)

(b) Analyse whether R is in breach of contract.

(6)

A series of horizontal dotted lines for writing the answer.

(c) Assess the effectiveness of C's rights and remedies against R.

(10)

A series of horizontal dotted lines for writing the answer.

(Total for Question 4 = 20 marks)

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Area with horizontal dotted lines for writing.

(Total for Question 5 = 20 marks)

TOTAL FOR PAPER = 100 MARKS

Question number	Indicative content	Marks
1(a)	<p style="text-align: center;">(2 A01), (2 A02), (2 A03)</p> <p>Responses are likely to include:</p> <p>Reasons favouring defining offences as crimes of strict liability:</p> <p>Definition of crimes of strict liability: in criminal law, strict liability is liability for which <i>mens rea</i> does not have to be proved in relation to one or more elements comprising the <i>actus reus</i> of the offence.</p> <p>The prosecution is allowed to focus only on the existence of an <i>actus reus</i> to convict the defendant, as <i>mens rea</i> does not have to be proved, which makes conviction more likely.</p> <p>Strict liability is employed to denote the seriousness of certain types of behaviour which are deemed to be damaging to general society. In the case of unlawful speeding, it may act as a general deterrent.</p> <p>Reasons against defining offences as crimes of strict liability:</p> <p>Strict liability carries a risk of holding innocent and blameless individuals liable for crimes they are not personally responsible for, as in <i>Sweet versus Parsley</i> prior to final appeal.</p> <p>In the case of businesses, the burden of fines paid is often transferred to blameless parties, for example on employees, customers and shareholders.</p> <p>There may be more cost-effective methods of regulating behaviours than through the imposition of strict liability. There is no clear evidence that strict liability raises standards any more than better inspection and monitoring alone.</p>	(6)

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

Question number	Indicative content	Marks
1(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (4 AO3), (6 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Discussion of reasons why strict liability would apply in the case of this crime eg, impact of toxic waste on general society, deterring violations etc. • Explanation of the rationale for the creation of sanctions for this type of conduct. • Identification that a fine is just one of a range of sentences that could be applied to a case. • Distinguishing between the 'fault' of S and B plc. • Analysis of possible aggravating and mitigating factors, and aims of sentencing. • Evaluation that includes how effective the imposed sanctions were in meeting the purpose of the law, i.e. to control pollution by punishing those in control. 	(14)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding is demonstrated.</p> <p>Knowledge and understanding is supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

Question number	Answer	Marks
2(a)	<p style="text-align: center;">(1 AO1), (1 AO2)</p> <p>One mark for stating what is meant by a right to privacy (1 AO1), and one mark for appropriate expansion/example (1 AO2).</p> <ul style="list-style-type: none"> • The right to privacy involves rules governing the collection and handling of personal data (1 AO1), such as credit information and medical records) (1 AO2). <p>OR</p> <ul style="list-style-type: none"> • the protection of physical autonomy (1 AO1) (including the right to control personal matters) (1 AO2). <p>OR</p> <ul style="list-style-type: none"> • the right to limit access to oneself (1 AO1). <p>for example: controlling communication and intrusion into domestic and work space/the right to control one's identity (1 AO2).</p>	(2)

Question number	Answer	Marks
2(b)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>One mark for each statement of principle, up to two marks (2 AO1), and one mark for each appropriate expansion/example, up to two marks (2 AO2).</p> <p>Data protection principles ensure information is:</p> <ul style="list-style-type: none"> • used fairly and lawfully (1 AO1), for example with the consent of the person whose data is stored (1 AO2) <p>OR</p> <ul style="list-style-type: none"> • used for limited, specifically stated purposes (1 AO1), for example reasons stated by the data controller such as communicating with the person whose data is stored (1 AO2) <p>OR</p> <ul style="list-style-type: none"> • used in a way that is adequate, relevant and not excessive (1 AO1), for example a school keeping and using a parent's phone number for use in an emergency and not as a marketing tool (1 AO2). 	(4)

Question number	Indicative content	Marks
2(c)	<p style="text-align: center;">(2 A01), (2 A02), (4 A03), (6 A04)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Identification of parties involved - ISSP's, app providers, offenders, victims. • The problem of anonymity. • Identification of relevant law - s 127 of Communications Act 2003, Obscene Publications Acts 1959 and 1964 etc. • The victim will wish to protect their rights under Article 8 of ECHR. • Possible difficulty of getting remedies for victims. • Conflicting rights of freedom of expression (Art 10) and the protection of reputation and of private life (Art 8). • The statutory framework of the Defamation Act 2013, which shifts the balance away from the protection of reputation and the enhanced test. • The European Court of Human Rights decision in Delfi AS versus Estonia (App no 64569/09). • Norwich Pharmacal orders may be granted to identify otherwise anonymous perpetrators. • injunctions involving 'persons unknown' as defendants. • Electronic service of proceedings can be obtained on ISSPs. • The above procedures help litigation to protect against the posting of revenge pornography, anonymous cyber-stalkers and harassers. • Injunctions can include restraining (unknown) defendants from publishing material on social media and internet forums and can order the removal of offensive material. 	(14)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–3	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	4–6	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	7–10	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	11–14	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

Question number	Answer	Marks
3(a)	<p style="text-align: center;">(2 AO1), (2 AO2)</p> <p>Up to two marks for identifying each correct Act (2 AO1), and up not two marks for explaining the distinction between them (2 AO2).</p> <ul style="list-style-type: none"> • The 1957 Act deals with visitors (1 AO1), by stating that a duty of care is owed by the occupier to them (1 AO2) • The 1984 Act deals with non-visitors (1 AO1) by recognising a limited duty by the occupier (1 AO1). 	(4)

Question number	Indicative content	Marks
3(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • identification of the civil wrong • identification of the appropriate remedies available • identification that the remedies that could be applied to this case are damages and an injunction • identification that damages are not appropriate as, presumably, a homeless person has no money or other assets with which to pay damages • injunction, therefore relevant remedy • suggestion for wording of injunction along the lines of H may not enter L's land at any time. 	(6)

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

Question number	Indicative content	Marks
3(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • identification of Occupier's Liability Acts 1957 and 1984 • identification that H is a non-visitor so the 1984 Act might apply <p>When the 1984 Act applies:</p> <ul style="list-style-type: none"> • The occupier is aware of the danger or has reasonable grounds to believe that it exists. Here L must do so as he placed the items on the land • The occupier knows or has reasonable grounds to believe the other is in the vicinity of the danger or may come into the vicinity of the danger. This may be difficult to prove as the scenario states that H's presence is unknown to L. • The risk is one in which in all circumstances of the case, L may reasonably be expected to offer the other some protection. This is dependent on the evidence with respect to <i>knowledge or reasonable grounds</i> for L's presence • If all three of these are present the occupier owes a duty of care to the non-lawful visitor • Reference to and application of cases such as <i>Donoghue versus Folkestone Properties</i> • Reference to and application of cases such as <i>Revill versus Newbury</i>; <i>Tomlinson versus Congleton</i> • No warning signs involved, so the issue about remoteness of damage or defences need be discussed as they are irrelevant and therefore gain no credit 	(10)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Answer	Marks
4(a)	<p style="text-align: center;">(4 AO2)</p> <p>One mark for each element of formation linked to details in the scenario, up to four marks.</p> <ul style="list-style-type: none"> • Offer made by R when he said van could be ready for Monday (1) • Acceptance – by conduct when C leaves the van on Friday night – usual means of communication (1). • Legal intention – assumed as a business transaction (1). • Consideration – doing the work and paying a reasonable price for it (1). 	(4)

Question number	Indicative content	Marks
4(b)	<p style="text-align: center;">(2 AO1), (2 AO2), (2 AO3)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • breach can be actual or anticipatory • breach can be a breach of condition or warranty. • in this case it is actual breach of condition as failure to perform on time happened and there is a specific term that has been broken, which goes to the root of the contract • reference to cases such as Charles Rickards versus Oppenheim 	(6)

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

Question number	Indicative content	Marks
4(c)	<p style="text-align: center;">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p>Responses are likely to include:</p> <ul style="list-style-type: none"> • Identification of breach of contract through failure to perform on time. Damages are the remedy. • Normally a condition as time is of the essence, but rescission not relevant as a remedy here as the work was completed • Analysis of remedy of damages. Distinguish between Hadley versus Baxendale and Victoria Laundry versus Newman Industries. • Argument as to whether additional £200 is recoverable based on analysis of The Heron II (Czarnikow versus Koufos), Transfield Shipping versus Mercator Shipping (The Achilles), Ruxley Electronics and Construction versus Forsyth. • Mitigation of loss White and Carter versus McGregor and arguments as to whether C should/could have mitigated her loss (both £300 and £200). • Further evaluation of effectiveness of remedy based on arguments of difficulty of getting an award of damages from defendant, cost of taking action (monetary and mental and time). Possible reference to Law Commission 1997 report on Exemplary and Restitutionary Damages. 	(10)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–2	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to address competing arguments based on interpretations of the law.</p>
Level 2	3–4	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to gauge the validity of competing arguments based on interpretations of the law.</p>
Level 3	5–6	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and support of legal authorities may be inconsistent or unbalanced.</p> <p>The response attempts to contrast the validity and significance of competing arguments, which may include comparisons, based on valid interpretations of the law.</p>
Level 4	7–10	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>The response shows an awareness of the validity and significance of competing arguments, leading to balanced comparisons based on justified interpretations of the law.</p>

Question number	Indicative content	Marks
5	<p style="text-align: center;">(2 AO1), (2 AO2), (8 AO3), (8 AO4)</p> <p>Responses are likely to include:</p> <p>Identification of theft and burglary as possible offences:</p> <ul style="list-style-type: none"> • Theft • Burglary • application of theft and burglary to the scenario • analysing the relevant elements of theft, ss1 – 6, and burglary, s9(1)(a)/(b), in relation to the facts given in the scenario. <p>For theft, consideration of:</p> <ul style="list-style-type: none"> • appropriation • property • belonging to another • dishonestly • intention to permanently deprive <p>For burglary, consideration of:</p> <ul style="list-style-type: none"> • entry • as a trespasser • a building, or part • with intention to steal <p>OR</p> <ul style="list-style-type: none"> • Having entered as a trespasser • steals <p>Coming to logical conclusions focusing on key elements of difficulty for the prosecution</p> <p>Theft of property belonging to another – Woodman and Williams versus Philips</p> <ul style="list-style-type: none"> • dishonesty and the Ghosh test • abandoned goods and dishonesty as in Small • Burglary – distinction between 9(1) (a) and 9(1) (b) • the question of entry and the stage – Collins, Brown • part of a building – Walkington, as a trespasser – Collins • Jones and Smith. 	(20)

Level	Mark	Descriptor
	0	A completely inaccurate response.
Level 1	1–4	<p>Isolated elements of knowledge and understanding are demonstrated.</p> <p>Application of knowledge and understanding is not appropriately related to the given context.</p> <p>Reasoning may be attempted, but the support of legal authorities may be absent.</p> <p>There may be an incomplete attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 2	5–8	<p>Elements of knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are applied appropriately to the given legal situation.</p> <p>Chains of reasoning are attempted but connections are incomplete or inaccurate, and support of legal authorities may be applied inappropriately.</p> <p>There is an attempt to raise possible outcomes and conclusions based on interpretations of the law.</p>
Level 3	9–14	<p>Accurate knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported by relevant and legal authorities and legal theories and applied to the given legal situation.</p> <p>Logical chains of reasoning are presented, but connections and/or unbalanced support of legal authorities may be inconsistent or unbalanced.</p> <p>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.</p>
Level 4	15–20	<p>Accurate and thorough knowledge and understanding are demonstrated.</p> <p>Knowledge and understanding are supported throughout by relevant legal authorities and legal theories and applied to the given legal situation.</p> <p>Well-developed and logical chains of reasoning, showing a thorough understanding of the strengths and weaknesses in different legal authorities.</p> <p>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.</p>

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