



PEARSON EDEXCEL INTERNATIONAL AS / A LEVEL

LAW

TEACHER RESOURCE PACK



Pearson Edexcel

International Advanced Level

International Advanced Level in Law

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

XXXXXX

Time: 3 hours

Paper Reference(s)

YLA1/01

You do not need any other materials.

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.

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.

Answer ALL questions.

Write your answers in the spaces provided

- 1 (a) Describe the Green and White Paper stages of the legislative procedure

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(Total for Question 1 = 20 marks)

SAMPLE

Mark Scheme

Pearson Edexcel International Advanced
Level in History (YLA1)

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

| Question number | Answer | Marks |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1(a) | <p style="text-align: center;">(4 AO1)</p> <p>Two marks for explaining each of the stages – Green and White Paper – up to four marks.</p> <ul style="list-style-type: none"> • Green Papers are consultation documents produced by the Government. (1) • Green Papers create initial debate and discussion on the policy change proposed. (1) • They contain no commitment to action. (1) • The aim of this document is to allow people both inside and outside Parliament to give the department feedback on its policy or legislative proposals. (1) • White Papers are 'statements of policy' documents produced by the Government and are drawn up following the response to the Green Paper. (1) • They set out firm proposals for future legislation. (1) • They may include a draft Bill. (1) • They may provide a basis for further consultation. (1) | (4) |

| Question number | Indicative content | Marks |
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| 1(b) | <p data-bbox="598 318 1034 353">(2 AO1), (2 AO2), (2 AO3)</p> <p data-bbox="411 376 938 412">Responses are likely to include:</p> <ul data-bbox="411 434 1220 1456" style="list-style-type: none"> • Based on the Latin doctrine of <i>stare decisis</i>, when considering a case before them in court judges are bound by a previous similar case decision made by a higher court. • A binding precedent must normally be followed if set by a higher court (or some appeal court of the same level) and the cases are sufficiently similar. • There are options available to the judge to allow him/her to depart from precedent. • Distinguishing – explanation of distinguishing. Which court(s) can distinguish. How a court can distinguish from an earlier decision in a different but similar case. Example: <i>Balfour v Balfour</i> (1919) and <i>Merritt v Merritt</i> (1970) or <i>Brown</i> (1993) and <i>Wilson</i> (1996). • Disapproving – explanation of disapproving. • Reversing a precedent – explanation of reversing. • Overruling – which courts can overrule. Overruling of its own decision by the Supreme Court/Court of Appeal. • The Supreme Court may use the 1966 Practice Statement to overrule themselves when 'it appears right to do so'. Examples might include: <i>Herrington v British Railways Board</i> overruling <i>Addie v Dumbreck</i>, <i>Horton v Sadler</i> 2006, <i>Kay and others v Lambeth LBC</i> 2006, <i>The Wagon Mound</i>. • The Court of Appeal may overrule its own decisions as per the <i>Young v Bristol Aeroplane</i> exceptions (civil division). | (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 |
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| 1(c) | <p data-bbox="518 315 1114 353">(2 AO1), (2 AO2), (3 AO3), (3 AO4)</p> <p data-bbox="411 371 935 409">Responses are likely to include:</p> <ul data-bbox="411 427 1136 607" style="list-style-type: none"> • Explanation of law reform and the fact that Parliament is sovereign. (1) • State that there are several influences on Parliament – political, public opinion, pressure groups, lobbyists, etc. (1) <p data-bbox="411 663 963 701">Advantages of political influence:</p> <p data-bbox="411 719 1034 757">(One required for the mark available)</p> <ul data-bbox="411 775 1219 987" style="list-style-type: none"> • Each political party has its own proposals for reform in a Manifesto and, if then elected, the electorate are aware of the likely reforms. (1) • A Government with a good majority in the House of Commons is likely to be successful in introducing most of the law it proposes. (1) <p data-bbox="411 1043 999 1081">Disadvantages of politics influence:</p> <p data-bbox="411 1099 1034 1137">(One required for the mark available)</p> <ul data-bbox="411 1155 1190 1335" style="list-style-type: none"> • Uncertainty in the law as a new Government may repeal the previous Government's laws. (1) • A Government with a small majority may struggle in getting laws through Parliament. Example – coalition following 2015 election. (1) <p data-bbox="411 1402 900 1440">Advantages of public opinion:</p> <p data-bbox="411 1458 1034 1496">(One required for the mark available)</p> <ul data-bbox="411 1514 1198 1727" style="list-style-type: none"> • Can be affected by specific events, therefore reflecting the public opinion of the time – e.g. Dunblane. (1) • Freedom of expression (press, social media) – can criticise the Government and bring issues to the attention of Parliament – e.g. MPs' expenses. (1) <p data-bbox="411 1783 951 1821">Disadvantages of public opinion:</p> <p data-bbox="411 1839 1034 1877">(One required for the mark available)</p> <ul data-bbox="411 1895 1209 2038" style="list-style-type: none"> • The Government may have a 'knee jerk' reaction and not properly consider the impact of the change in the law. This might lead to a poorly drafted statute – e.g. the Dangerous Dogs Act 1991. (1) | (10) |

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| | <ul style="list-style-type: none"> • Manipulation of public opinion by the media following high profile campaigns – e.g. News of the World. (1) <p>Advantages of pressure groups: (One required for the mark available)</p> <ul style="list-style-type: none"> • Consist of experts who can assist in the consultation stage of legislation. (1) • They often have a large membership and so reflect the opinions of a large section of society. (1) • They often raise important issues to the Government, e.g. environmental issues, of which the Government may not be fully aware. (1) <p>Advantages of pressure groups: (One required for the mark available)</p> <ul style="list-style-type: none"> • Outside pressure groups can take illegal action to highlight their causes – e.g. Fathers4Justice. (1) • Pressure groups can be biased towards their cause and are, arguably, seeking to impose their ideas. (1) <p>Advantages of lobbyists: (One required for the mark available)</p> <ul style="list-style-type: none"> • They highlight issues to MPs which may then lead to a debate in Parliament. (1) • They can increase publicity of an issue which may subsequently lead to a change in the law. (1) • Anyone can lobby – it is accessible to the general public or companies. (1). <p>Advantages of lobbyists: (One required for the mark available)</p> <ul style="list-style-type: none"> • Professional lobbyists have greater influence on the system which, arguably, is not fair and an abuse of process. (1) • Example – cash for questions. (1) | |
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| 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 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, but connections and/or unbalanced 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> |

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| | | <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> |
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SAMPLE

International Advanced Level in Law

Exam-style questions, answer extracts and analysis

Paper 1: Underlying Principles of Law and the English Legal System 6-mark questions

Law

Model Exam Answers

Question 1 (b):

Analyse the role of pressure groups in reforming the law.
(6 marks)



Law

Model Exam Answers

This question covers three Assessment Objectives, with a maximum of two marks available for each assessment objective:

AO1 Demonstrate knowledge and understanding of legal terms, concepts, cases, statutes and theories. (2)

AO2 Apply appropriate knowledge and understanding of legal rules and principles to a situation. (2)

AO3 Analyse legal problems, showing an understanding of how the law might resolve disputes. (2)

Student Response 1

Pressure groups are groups of people who are interested in particular subjects in law reform and use different ways to make parliament listen to the changes they think should happen. They can be extremely persuasive and the area they are fighting for is normally something the pressure groups are passionate about, so the methods they use can be very extreme.

Pressure groups sometimes try to influence a change in the law by using some illegal methods. A good example of this is Fathers 4 Justice. A group who campaign for father's rights. They dressed up as comic book superhero's, such as Batman and Spiderman, and climbed up onto the roof of Buckingham Palace. This gained them attention but wasn't a legal method and so wasn't the best way to use to convince a court to allow them to see their children.

Law

Model Exam Answers

Other examples of pressure groups are Greenpeace, who have also used some illegal methods such as stopping whaling and breaking onto boats in the arctic. They are trying to pressurise the government into changing the law. There are also trade unions who are legally recognized bodies. They try to pressurise the government into changing the law but can also use techniques such as striking.

These are just some of the examples that pressure groups use. Other methods that they use include speaking to their MP to see if they have any influence in parliament or doing petitions and getting people to sign it as a way of supporting them. These ways are not guaranteed to work, especially not the illegal ones.

This section would benefit from examples where pressure groups have been successful in helping to reform the law.

4 marks

Is this a good response?

| Good | Could be improved |
|--------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| This answers provides good use of pressure group examples such as Fathers for Justice and Greenpeace. | There are some errors of expression and the answer doesn't always convey the points clearly or in a sophisticated manner. |
| There is some explanation of methods that pressure groups can use to exert pressure for a change in the law. | The answer focuses mainly on examples and it lacks depth. |
| | The answer would have benefited from looking at some areas where pressure groups have successfully influenced a change in the law and an examination of other methods used to exert pressure. |

acceptance unequivocal agreement to the terms of an offer

acquittal the defendant has been found not guilty and will go free

act of parliament (statute) law made by the UK legislature (parliament). Otherwise known as statute law

actus reus the guilty act in a criminal offence

aggravating factor examples include the defendant having previous convictions, or if a weapon was used in the offence. It has the effect of increasing the sentence given to the convicted person

appropriate adult a parent, guardian or social worker who must be present when a youth under the age of 17 is being interviewed in police custody, or on trial at the youth court

bail the suspect is at liberty before their court hearing. May or may not be subject to conditions

binding precedent a previous decision that has to be followed. Found in the *ratio decidendi*

breach of contract to break a contract by not following its terms and conditions

Brexit the common name given to Britain's exit from the European Union and widely used by the media when referring to issues surrounding the negotiations

cab rank rule a barrister must accept any work in a field in which they are competent to practice, at a court at which they normally appear and at their usual rates

capacity the power a natural or legal person has to make a contract

causation the link between the *actus reus* and the criminal behaviour required for conviction of a particular crime. Sometimes known as the 'chain of causation'

chambers office space where barristers group together to share clerks (administrators) and operating expenses

charge a formal accusation that the suspect has committed a particular offence. The charged person may then face a prosecution for that offence

claimant the party bringing the civil action against the defendant

community-based sentence where the sentence is not a fine or imprisonment, for example, unpaid work in the community

common law (also case law or precedent) law developed by judges through decisions in court

constructive manslaughter a form of involuntary manslaughter. The death of a person is caused by an unlawful and dangerous criminal act

consideration the price paid by one side of a contract to the other for such things as goods, services, money

contract an agreement that the law will enforce

conviction the defendant has been found guilty and the case will proceed to the sentencing stage

cross-examination questioning of a witness in court by the opposing counsel

custodial sentence imprisonment – actual or suspended

damages as a remedy financial compensation for loss

declaration of incompatibility issued under s4 Human Rights Act 1998. Judges are declaring legislation incompatible with the ECHR. The declaration is sent to Parliament who may then change the offending legislation. Judges are not permitted to 'strike out' the law

| Topic | Sub-topic | Specification reference | Sub-topic key idea | Key idea detailed content | WJEC/Eduqas Law for A Level: Book 1 | WJEC/Eduqas Law for A Level: Book 2 | Other resource |
|-------------------------------------------------|---------------------------------------------------|-------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------|
| 1.1 The nature, purpose of and liability in law | The distinction between rules and law | 1.1.1 | Certainty | The nature of law. Certainty in the law. Characteristics of a rule. Rules vs laws. Legal rights which have been recognised and protected and made by authority. Reference to theories - positivism, John Austin, Salmond. Violation of a legal rule leading to sanctions. Contrast with moral rules. Norms of behaviour. Rule of law and law making and the legal system. | | | OCR A Level Law Book 1. Hodder Education. Martin and Price. Pages 2-5. |
| 1.1 The nature, purpose of and liability in law | The distinction between rules and law | 1.1.2 | Enforcement | The nature of law. Rule of law. AV Dicey. No punishment without breach, equality before the law, supremacy of ordinary law. Enforcement through the courts. Problems with Dicey's view. Other views (Raz, Bingham). Rule of law and law making and the legal system (different areas of law - contract, tort, substantive, civil, criminal). | | | OCR A Level Law Book 1. Hodder Education. Martin and Price. Pages 13-17 |
| 1.1 The nature, purpose of and liability in law | The distinction between rules and law | 1.1.3 | Sanctioned by the state | The nature of law. Rule of law. AV Dicey. No punishment without breach, equality before the law, supremacy of ordinary law. | | | OCR A Level Law Book 1. Hodder Education. Martin and Price. Pages 13-17. |
| 1.1 The nature, purpose of and liability in law | The role, function and benefits of law in society | 1.1.4 | Rights, duties, privileges, liabilities and legal personality | Jurisprudence. Distinction between rights, duties, privileges, liabilities and legal personality. | | | Elliot and Quinn The English Legal System 17th edition. Pearson. Pages 648-655. |
| 1.1 The nature, purpose of and liability in law | The role, function and benefits of law in society | 1.1.5 | Liability and remedies in civil law | Civil justice system. Courts of first instance and appeal courts. The trial process. Three track system. Woolf reforms. Standard and burden of proof. Remedies - damages and equitable remedies. | Pages 50-55 | | |
| 1.1 The nature, purpose of and liability in law | The role, function and benefits of law in society | 1.1.6 | Liability and sanctions in criminal law | Criminal justice system. Courts of first instance and appeal courts. The trial process. Allocation of cases between Magistrates and Crown - summary offences, triable either way offences and indictable. Right to jury trial. Burden and standard of proof. Sanctions - sentences available including imprisonment, fines and community orders. Appeals. | Pages 62-72. | | |

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|-------------------------------------------------|---------------------------------------------------|--------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|--|---------------------------------------------------------------------------------|
| 1.1 The nature, purpose of and liability in law | The role, function and benefits of law in society | 1.1.7 | Relationship between civil and criminal law sanctions | Civil and criminal law: differences in terms of purpose, person starting the case, burden and standard of proof, outcome. Examples of civil and criminal scenarios. | | | OCR A Level Law Book 1 Pages 5-7. |
| 1.1 The nature, purpose of and liability in law | The role, function and benefits of law in society | 1.1.8 | Theories of punishment: revenge, retribution, rehabilitation, reparation, restoration, denunciation, deterrence | Sentencing. Aims of sentencing - s.142 Criminal Justice Act 2003. Types of sentence and the extent to which the theories are supported in various sentences. | Pages 66-67 | | |
| 1.1 The nature, purpose of and liability in law | Legal theories of law and justice | 1.1.9 | Positivism | Law and morality. Should law and morality be separate? Laws made in Nazi Germany as an example. Contrast with Natural law. | | | Elliot and Quinn The English Legal System 17th edition. Pearson. Pages 660-663. |
| 1.1 The nature, purpose of and liability in law | Legal theories of law and justice | 1.1.10 | Natural law | Law and morality. Should law and morality be separate? Natural law theory. Thomas Aquinas. Professor Fuller. | | | Elliot and Quinn The English Legal System 17th edition. Pearson. Pages 660-663. |
| 1.1 The nature, purpose of and liability in law | Legal theories of law and justice | 1.1.11 | Utilitarianism | Law and morality. Should law and morality be separate? Utilitarianism. John Stuart Mill. | | | Elliot and Quinn The English Legal System 17th edition. Pearson. Pages 660-664. |
| 1.1 The nature, purpose of and liability in law | The relationship between law and morality | 1.1.12 | The Hart/Devlin debate | Law and morality. Wolfenden Committee; Hart/Devlin debate. The Warnock Committee. | | | Elliot and Quinn The English Legal System 17th edition. Pearson. Pages 664-668. |
| 1.1 The nature, purpose of and liability in law | The relationship between law and morality | 1.1.13 | Public and private morality | The connections between law, morality and justice. Moral values and law - conflict. Impact of religion. Examples of cases involving law and morality - Airedale NHS v Bland, right to die cases. | | | OCR AS/A Level law Book 1, chapter 1, pages 2-4. |
| 1.1 The nature, purpose of and liability in law | The relationship between law and morality | 1.1.14 | The legal interpretation of morality | Differences between law and morality. Law, morality and justice. Examples of cases involving law, morality and justice - LNER v Berriman. | | | OCR AS/A Level law Book 1, chapter 1, pages 2-4. |