CAMBRIDGE INTERNATIONAL EXAMINATIONS

GCE Advanced Subsidiary Level and GCE Advanced Level

MARK SCHEME for the May/June 2013 series

9084 LAW

9084/12 Paper 1, maximum raw mark 75

This mark scheme is published as an aid to teachers and candidates, to indicate the requirements of the examination. It shows the basis on which Examiners were instructed to award marks. It does not indicate the details of the discussions that took place at an Examiners' meeting before marking began, which would have considered the acceptability of alternative answers.

Mark schemes should be read in conjunction with the question paper and the Principal Examiner Report for Teachers.

Cambridge will not enter into discussions about these mark schemes.

Cambridge is publishing the mark schemes for the May/June 2013 series for most IGCSE, GCE Advanced Level and Advanced Subsidiary Level components and some Ordinary Level components.

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Mark Bands

The mark bands and descriptors applicable to all questions on the paper are as follows. Maximum mark allocations are indicated in the table at the foot of the page.

Indicative content for each of the questions follows overleaf.

Band 1:
The answer contains no relevant material.

Band 2:
The candidate introduces fragments of information or unexplained examples from which no coherent explanation or analysis can emerge.
OR
The candidate attempts to introduce an explanation and/or analysis but it is so fundamentally undermined by error and confusion that it remains substantially incoherent.

Band 3:
The candidate begins to indicate some capacity for explanation and analysis by introducing some of the issues, but explanations are limited and superficial.
OR
The candidate adopts an approach in which there is concentration on explanation in terms of facts presented rather than through the development and explanation of legal principles and rules.
OR
The candidate attempts to introduce material across the range of potential content, but it is weak or confused so that no real explanation or conclusion emerges.

Band 4:
Where there is more than one issue, the candidate demonstrates a clear understanding of one of the main issues of the question, giving explanations and using illustrations so that a full and detailed picture is presented of this issue.
OR
The candidate presents a more limited explanation of all parts of the answer, but there is some lack of detail or superficiality in respect of either or both so that the answer is not fully rounded.

Band 5:
The candidate presents a detailed explanation and discussion of all areas of relevant law and, while there may be some minor inaccuracies and/or imbalance, a coherent explanation emerges.

Maximum Mark Allocations:

Question	1	2	3	4	5	6
Band 1	0	0	0	0	0	0
Band 2	6	6	6	6	6	6
Band 3	12	12	12	12	12	12
Band 4	19	19	19	19	19	19
Band 5	25	25	25	25	25	25

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1 'Sometimes the courts are not the most appropriate places to resolve civil disputes.'

Explain what alternatives exist for resolving civil disputes and the extent to which they might be considered effective. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the concept of ADR. Candidates are unlikely to offer any illustration, and reference to the analytical issues within the question is not expected.

Band 3 (7–12) Candidate gives a brief but generally accurate explanation of some of the methods of ADR (conciliation, negotiation, mediation, arbitration, tribunals). These are, however, likely to be weak and poorly explained. There is unlikely to be any discussion of detail and very little reference to the analytical issues within the question.

Band 4 (13–19) Candidate gives a reasonable explanation of most of the forms of ADR (as in Band 3) but may not have wide ranging illustration. Better candidates may begin to address the analytical issues within the question, but this may not be wide ranging. Candidates who only consider tribunals may achieve no more than 13 marks. An answer which contains no evaluation is unlikely to reach beyond 19 marks.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of all of the forms of ADR (as in Band 3) with good levels of illustration and explanation. Candidate evaluates the issues within the question well, covering the effectiveness and success of ADR methods, perhaps comparing them to court processes, and draws well informed conclusions on their effectiveness. If a candidate fails to discuss tribunals they may reach B5 but would be unlikely to gain full marks.

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2 Describe the formal process of statute creation and evaluate the effectiveness of this process. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1-6) Candidate gives a very basic explanation of the process, unlikely to have any illustration and no reference to the analytical issues within the question.

Band 3 (7-12) Candidate gives a generally accurate explanation of some of the stages. There is unlikely to be any illustration and limited or no reference to the analytical issues within the question.

Band 4 (13-19) Candidate gives a reasonable explanation of most of the stages with a good level of detail. Some reference to and explanation of the Parliament Acts, types of Bill and Parliamentary composition and sovereignty may be included. There may be some illustration with examples. Candidates may offer some analytical content. A candidate who offers no analytical content will only be able to achieve a maximum of 15 marks.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of all of the stages with good levels of illustration and explanation. Makes clear and informed commentary on the analytical content of the question. The best candidates may offer points of comparison to other law-making processes (DL, Common Law).

3 Rose, aged 25, has been charged with the theft of a leather jacket worth £350 from a local shop. Theft is a triable either way offence. She intends to plead not guilty.

Explain how her case will progress through the criminal courts. [25]

Band 1 (0) Irrelevant answer.

Band 2(1–6) Candidate gives a very basic explanation of the issues, but with no real detail or accuracy. Candidates are unlikely to offer any explanation of the type of crime, but may make some confused references to criminal courts.

Band 3 (7–12) Candidate gives a brief but generally accurate explanation of the courts involved. These are, however, likely to be superficial and poorly explained. There is unlikely to be any discussion of detail and very little reference to the situation set out within the question.

Band 4 (13–19) Candidate gives a reasonable explanation of the courts involved and identifies the courts and processes involved (Magistrates' court, early administrative hearing, plea before venue, mode of trial process, Crown court, jury trial, etc.) with some useful detail. Better candidates may begin to address the analytical issues within the question, such as reasons for choice of venue, and application to the scenario, but this may be limited. Appeals may be discussed. Candidates who make no reference to the scenario will gain no more than 13 marks.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the process (as described in Band 4) with good levels of illustration and explanation. Candidate considers the issues of choice of venue within the question well, and draws well informed conclusions, making good reference to the scenario. Better candidates may include a brief discussion of appeals pathways, but this is not intended to be the main focus of the question.

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4 Describe the agencies created for law reform in England and Wales. Evaluate whether they are as effective as the common law in encouraging changes in the law. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the concept of and circumstances giving rise to the need for law reform. Candidates are unlikely to offer any illustration and no reference to the analytical issues within the question is expected.

Band 3 (7–12) Candidate gives a generally accurate explanation of some of the law reform agencies (LC, LRC, CLRC) and may make some reference to judicial law reform, but this is likely to be weak and poorly explained. There is unlikely to be any discussion of detail and very little reference to the analytical issues within the question.

Band 4 (13–19) Candidate gives a reasonable explanation, with illustration, of the law reform agencies and/or judicial law reform (as in Band 3), but may not have wide ranging illustration. There may be reliance on either agencies or judicial reform, but both may not be covered. Better candidates may begin to address both and offer some detail on the analytical issues within the question, but this will not be wide-ranging. Candidates who address only the issue of agency law reform may not gain more than 19 marks.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of both agency and/or judicial law reform with good levels of illustration and explanation. Candidate evaluates the issues within the question well, covering the effectiveness and success of the agencies, judicial reform, and draws well informed conclusions on their effectiveness. Better candidates may also discuss ad hoc reform bodies (Royal Commissions, Inquiries).

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5 'Most judges are white, male and upper class, whilst magistrates are more representative of society.'

Explain the selection process for judges and magistrates in the English Legal System and discuss whether or not the above statement is true. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the types of judge/role of magistrates but with no real detail or accuracy. Candidates may make brief reference to selection, but with no accurate detail. No analytical content is expected.

Band 3 (7–12) Candidate gives a brief account of the types of judge and/or magistrate and the selection processes. These are, however, likely to be superficial and poorly explained. Candidate is unlikely to recognise the distinction between senior judiciary and the inferior judges. There is unlikely to be any detailed or analytical content.

Band 4 (13–19) Candidate gives a reasonable explanation of the selection of senior judges, inferior judges and/or magistrates with some useful detail and example (qualification, key qualities etc.). Better candidates will attempt to include some analytical content concerning methods of selection and types of candidate, but this may be vague and lacking in detail or reasoned argument. Candidates who fail to discuss both judges and magistrates may not gain more than 15 marks.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the selection of all levels of judiciary and the magistracy with good levels of illustration and explanation. Candidate may also discuss lack of representation of ethnic and other minorities in the career judiciary and compare this with the better levels of representation in the magistracy. Candidate will address the analytical component well, drawing logical and well informed conclusions.
Discussion of training is not required, but better (Band 4 and 5) candidates may make relevant comment where linked to issues of selection procedures.

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6 'Through jury service, members of the public contribute to decision making in criminal law.'

Explain how jurors are selected and discuss the merits of the jury system. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the role of jurors but with no real detail or accuracy. No analytical content is expected.

Band 3 (7–12) Candidate gives a brief account of the selection process and the role of jurors. This is, however, likely to be superficial and poorly explained. There is unlikely to be any detailed analytical content.

Band 4 (13–19) Candidate gives a reasonable explanation of the selection, (either expressly or implicitly) of jurors (for example, disqualification, excusal, challenge), with some useful detail, example, and where appropriate, statutory authority. Better candidates will attempt to include some analytical content but this may be vague, and lacking in detail or reasoned argument.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the selection of jurors (detail as in Band 4) and with good levels of illustration and explanation. Candidate will address the analytical component well, covering clear analysis, presenting clear arguments and drawing logical and well informed conclusions. Better candidates may consider alternatives to the jury system.

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