CAMBRIDGE INTERNATIONAL EXAMINATIONS

GCE Advanced Subsidiary Level

MARK SCHEME for the May/June 2014 series

9084 LAW

9084/13 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 2014 series for most IGCSE, GCE Advanced Level and Advanced Subsidiary Level components and some Ordinary Level components.

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General Marking Guidance

- Marking should be positive: marks should not be subtracted for errors or inaccuracies.
- When examiners are in doubt regarding the application of the mark scheme to a candidate's response, a senior Examiner must be consulted.
- Crossed out work should be marked UNLESS the candidate has replaced it with an alternative response.
- Poor spelling, handwriting or grammar should not be penalised as long as the answer makes sense.
- Scoris annotations must be used.
- A blank space, dash, question mark and a response that bears no relation to the question constitutes a 'no response'.

This mark scheme includes a summary of appropriate content for answering each question. It should be emphasised, however, that this material is for illustrative purposes and is not intended to provide a definitive guide to acceptable answers. It is quite possible that among the scripts there will be some candidate answers that are not covered directly by the content of this mark scheme. In such cases, professional judgement should be exercised in assessing the merits of the answer and the senior examiners should be consulted if further guidance is required.

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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 a focus 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 Sentences imposed on young offenders should focus on rehabilitation.

Explain the various aims of sentencing and discuss how they might be applied when sentencing young offenders. [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 may make brief references to sentences or aims, but may fail to present a coherent link to actual sentences or reasoned argument.

Band 3 (7–12) Candidate gives a brief but generally accurate explanation of the purposes and aims of sentencing. These are, however, likely to be superficial and will be poorly explained. There is unlikely to be any discussion of detail or any clear link of the types of sentences to illustrate each aim, and little or no reference to young offenders. Candidates who discuss only the aims of sentencing can receive no more than 12 marks.

Band 4 (13–19) Candidate gives an adequate explanation of the aims of sentencing, with some useful detail and example. Better candidates will go on to illustrate each aim with a range of appropriate sentences with appropriate reference to young offenders, but this may be limited, and there may be only limited commentary.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the aims of sentencing, with good levels of illustration and explanation. Candidate clearly links available sentences for young offenders to the aims, with detailed reasoning and high levels of accurate definitions and explanations.

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2 Betty has been charged with burglary from a warehouse. No one was hurt and she had no weapon. She has two previous convictions for burglary, but she failed to answer bail on both occasions. She owns her own house where she lives as a single mother with three young children.

Explain how a decision to grant bail is made and discuss whether Betty will be granted bail on this occasion. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the concept of bail, but with no real detail or accuracy. There will be little or no attempt to address the application issues raised in the question.

Band 3 (7–12) Candidate gives a brief account of the concept of bail. This is, however, likely to be superficial and will be poorly explained. Candidate may introduce some attempts at application, but this is likely to be informal and will be lacking in legal detail.

Band 4 (13–19) Candidate gives an adequate explanation of bail with some useful detail, statutory reference and example. Better candidates will attempt to include some application to the scenario concerning the reasons for allowing or refusing bail (type of offence, lack of violence, previous history, community ties, conditions to be imposed etc.) and will link this to a reasoned response to the question. This may, however, be vague and lacking in detail or reasoned argument. Some candidates may include references to both police and court bail.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of bail (as in band 4), with good levels of illustration (including references to statutes and perhaps also includes references to high profile cases of offenders who reoffend on bail) and explanation. Better candidates will address the application issues, and will draw reasoned and logical conclusions.

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3 Delegated Legislation is both essential and problematic.

Discuss. **[25]**

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of delegated legislation, perhaps offering very basic definitions of the main types of legislation. 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 the main types of delegated legislation, with some examples or illustration, but this is likely to be weakly presented and poorly explained. Candidates who discuss only two types of DL can receive no more than 12 marks. There is unlikely to be any discussion beyond the three types of DL and there will be no reference to the analytical issues within the question.

Band 4 (13–19) Candidate gives an adequate explanation, with some illustration, of the three main types of delegated legislation. Some reference to controls and methods of creation may be included, but may not have wide-ranging illustrations or explanations. Candidates who fail to discuss controls can receive no more than 15 marks. Better candidates may offer some analytical discussion of the issues within the question, identifying the problems and benefits of DL.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the three types of DL, with good levels of illustration and explanation. Candidates explain all of the controls clearly and in some detail, evaluate the issues within the question well and draw well-informed conclusions.

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4 Jenny wishes to become a lawyer. She has yet to decide whether to train as a barrister or a solicitor.

Compare the training and role of these professions and assess the factors she might consider when making her decision. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the two professions, but is unlikely to include any detail or any reference to the issues within the question.

Band 3 (7–12) Candidate gives a basic explanation of the training and/or role of the two professions. There is unlikely to be any detail or comparison of the professions. The analytical aspect of the question is unlikely to be considered.

Band 4 (13–19) Candidate gives an adequate explanation of the training and the role of the two professions, and draws on several valid points of comparison. Candidate makes various attempts to link to the second component of the question, and discusses the problems associated with training (length, expense) and practice (finding training contracts etc.). Candidates who fail to mention the scenario can receive no more than 19 marks.

Band 5 (20–25) Candidate gives a clear explanation of the training and the role of the two professions, and draws clear and well explained points of comparison of both training and role. Candidate clearly addresses the analytical component of the question (as discussed in Band 4).

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5 How far is it true to say that Magistrates provide cheap, amateur justice? [25]

Band 1 (0) Irrelevant answer.

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

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

Band 4 (13–19) Candidate gives an adequate explanation of the selection, role and training of the lay magistrates, with some useful detail and example. However, these may not be equally balanced. Better candidates will attempt to include some analytical content which addresses the question, but this may be vague, unbalanced and lacking in detail or reasoned argument. Candidates may address either the “amateur” or “cheap” aspect of the question, or will present an unbalanced answer.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the qualification, selection, role and training of the magistracy and with good levels of illustration and explanation. Candidate will competently address the analytical component with clear analysis, presenting a balanced argument and drawing logical and well-informed conclusions.

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6 "Common law is capable of evolving in the light of changing social, economic and cultural developments". Lord Keith, R v R (1992)

To what extent is this statement an accurate reflection of the role precedent? Use case law to illustrate your answers. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of precedent and common law, but with no real detail or accuracy. Candidate may make a brief reference to the ability to effect change, but will fail to present a reasoned argument.

Band 3 (7–12) Candidate gives a brief but generally accurate explanation of common law and precedent. These are, however, likely to be superficial and will be poorly explained. There is unlikely to be any discussion of detail or examples to illustrate each aim, and there will be little reference to the analytical aspect of the question. Answers with no case citation can receive no more than 12 marks.

Band 4 (13–19) Candidate gives an adequate explanation of the concepts of precedent and common law, with some useful detail and example. Candidates may consider ratio, obiter and the position of the various courts. Better candidates will go on to illustrate this with a range of case law and examples, but this may be limited. Candidates may address some of the analytical issues concerning the abilities of the courts to vary precedent, and will relate this to the quotation.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the concepts of precedent and common law, with good levels of illustration and explanation. Candidate clearly links the powers of variance in the courts to the quotation, and presents a logical and reasoned argument.

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