CAMBRIDGE INTERNATIONAL EXAMINATIONS

Cambridge International Advanced Subsidiary and Advanced Level

MARK SCHEME for the May/June 2015 series

9084 LAW

9084/11 Paper 1 (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 2015 series for most Cambridge IGCSE®, Cambridge International A and AS Level components and some Cambridge O Level components.

® IGCSE is the registered trademark of Cambridge International Examinations.

CAMBRIDGE
International Examinations

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.

© Cambridge International Examinations 2015

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

© Cambridge International Examinations 2015

1 Delegated legislation can be an undemocratic method of law making.

Describe the different types of delegated legislation and consider how far this statement is true. [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of delegated legislation.

Band 3 (7–12) Candidates give a basic explanation of some of the different types of delegated legislation and the circumstances in which each type would be used. Some understanding on why it can lead to abuse of democratic law making.

Band 4 (13–19) Candidates give a reasonable explanation of the different types of delegated legislation and the circumstances in which each type would be used. At the upper end of the mark band candidates make a reasonable attempt to make a link with the analytical component of the question and to explain why it can lead to abuse of democratic law making. Some mention of the controls over the creation of DL. Candidates who fail to discuss controls are unlikely to achieve more than 15 marks.

Band 5 (20–25) Candidates give a clear explanation of the all the different types of delegated legislation and the circumstances in which each type would be used. Candidates make a clear and informed links to the analytical component of the question e.g. an explanation of why the use of DL can lead to abuse of democratic law making and an explanation of how this can be addressed.

© Cambridge International Examinations 2015

2 Explain the available rights of appeal from trial in criminal cases. To what extent are these rights of appeal able to prevent miscarriages of justice? [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of appeals with little detail or undermined by error

Band 3 (7–12) Candidates give a basic explanation of the criminal appeals pathways from trial in Magistrates' and/or Crown Court, but the explanations are limited and superficial. Some general statements concerning miscarriages of justice may be evident, but they may be weak and confused.

Band 4 (13–19) Candidates give a reasonable explanation of the appeal pathways from trial in both Magistrates' **and** Crown Court and grounds of appeal for both prosecution **and** defence. Candidates make an attempt to make a link with the analytical component of the question and to discuss the problems of miscarriages of justice. Candidates may include reference to the CCRC.

Band 5 (20–25) Candidates give a clear explanation of both routes of appeal with good levels of detail on grounds of appeal. Candidates make clear and informed links to the analytical component of the question i.e. a discussion of the difficulties of appeal, a discussion of the problem of miscarriages of justice, perhaps with illustration with case law. Candidates may also discuss the role of the CCRC in preventing miscarriages of justice.

3 Equity is an historical source: it has no role in the modern legal system.

Critically consider the accuracy of this statement. [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of the concept of Equity. Candidates are unlikely to offer much case/concept illustration and little or no developed reference to the analytical issues within the question is expected.

Band 3 (7–12) Candidates give a basic and generally accurate explanation of the historical development of equity but this is unlikely to have much case/concept illustration and little reference to the analytical issues within the question.

Band 4 (13–19) Candidates give a reasonable explanation of the concept of Equity, a concise and relevant historical account. There will be reference to and definition of maxims, remedies **and** concepts with some case illustration. There may be some reference to modern application and case examples (i.e. Mareva, Anton Pillar, deserted wives equity, estoppel, mortgages, and trusts) but these may not be extensive or detailed. There will be some attempts to link to the analytical component of the question.

Band 5 (20–25) Candidates give a clear and very detailed explanation of the concept of Equity and include a concise and relevant historical account. There will be reference to and definition of maxims, remedies **and** concepts with appropriate case illustration throughout. Candidates make good reference to modern application (as in Band 4) with clear and informed links to the question.

© Cambridge International Examinations 2015

4 Consider critically the role of the Crown Prosecution Service within the criminal justice system. [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of the role of the CPS but this will have little detail or accurate content.

Band 3 (7–12) Candidates give a basic explanation of the role of the CPS but the explanation is limited and superficial.

Band 4 (13–19) Candidates give a reasonable explanation of the role of the CPS. Some attempt to link to the analytical component of the question and a discussion of the advantages and disadvantages of an independent prosecution body.

Band 5 (20–25) Candidates give a clear and detailed explanation of the role of the CPS. Some reference may be made to the system prior to the introduction of the CPS. Candidates offers a clear and informed discussion of the advantages and disadvantages of the service and a clearly reasoned conclusion as to its effectiveness.

5 It is inappropriate that lay magistrates should play such an essential part in the English legal system.

Explain the role of the lay magistrate and consider the advantages <u>and</u> disadvantages of using people who are not legally trained. [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of the role and/or qualification of the lay magistrate but with no real detail or accuracy. No analytical content is expected.

Band 3 (7–12) Candidates give a brief account of the role and/or qualification of the lay magistrate. This is, however, likely to be superficial and poorly explained. There is unlikely to be any detailed analytical content.

Band 4 (13–19) Candidates give a reasonable explanation of the role and/or qualification of the lay magistrate with some useful detail and example. However both of these issued may not be considered equally. Some candidates may offer explanation of the training of the magistrate to support arguments concerning lack of training. Better candidates will attempt to include some analytical content addressing the question, but this may be vague, unbalanced and lacking in detail or reasoned argument.

Band 5 (20–25) Candidates give a clear and very detailed explanation of the qualification, role, and training of the lay magistrate and with good levels of illustration and explanation. Candidates will address the analytical component well, with clear analysis, presenting a well-reasoned and balanced argument and drawing logical and well informed conclusions.

© Cambridge International Examinations 2015

6 Deterrence commonly appears to be the main aim in adult sentencing.

Describe the sentences available for adult offenders. Discuss the extent to which deterrence is the most appropriate aim. [25]

Band 1 (0) Irrelevant answer

Band 2 (1–6) Candidates give a very basic explanation of the issues, but with no real detail or accuracy. Candidates may make brief reference to sentences or aims, but fail to present a coherent link to actual sentences and offer no reasoned argument.

Band 3 (7–12) Candidates give a brief explanation the aims of sentencing and/or types of sentences available. These are, however, likely to be superficial and poorly explained. There is unlikely to be any discussion of detail or clear link between sentences and aims, and little reference to the analytical element of the question.

Band 4 (13–19) Candidates give a reasonable explanation of the various aims and types of sentences with some useful detail and example. Better candidates will go on to link these sentences to the relevant aims with appropriate reference to the analytical issues, but this may be limited. There will be some reference to the effectiveness of the various aims.

Band 5 (20–25) Candidates give a clear and very detailed explanation of the aims of sentencing and types of sentences available with good levels of citation, illustration and explanation. Candidates clearly link available sentences to the aims with detailed reasoning and high levels of accurate definition and explanation. Candidates offer a reasoned analysis of the various aims and their efficacy.

© Cambridge International Examinations 2015