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MARK SCHEME for the May/June 2015 series

9084 LAW

9084/21 Paper 2 (Paper 2), maximum raw mark 50

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1 (a) Band 1: Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – understanding that Khalid cannot be a juror **and/or**
- Reference to Juries Act 1974 s1 and/or s10 and Juries Disqualification Act 1984 s1(1) with little or no development

Band 4: Reference to s1 and/or s1(1)(a) and/or s10 with some development of correct sections and application **[6–7]**

Band 5: Full development of the relevant sections. Conclusion: Khalid is of an age to be a juror and is covered by s1 of the 1974 Act. He is outside s1(1) of the 1984 Act as he received his sentence over 10 years ago. He is covered by s10 1974 and so is disqualified. **[8–10]**

(b) Band 1: Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – understanding that Yasmin cannot be a juror **and/or**
- Reference to Juries Act 1974 s1 and/or *Re Tourman Osman (Practice Note) (1995)* with little or no development

Band 4: Reference to s1 and/or s1(1) with some development of correct section and/or case and application **[6–7]**

Band 5: Full development of the relevant sections and case. Conclusion: Yasmin is of an age to be a juror. She is also covered by s1 of the 1974 Act as she is from London. She cannot be a juror because she is completely deaf and needs an interpreter. **[8–10]**

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(c) **Band 1:** Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – understanding that Nicole can be a juror
  and/or
- Reference to Juries Act 1974 s1 and/or Schedule 1 with little or no development

Band 4: Reference to s1 and/or Schedule 1 with some development of correct sections and application **[6–7]**

Band 5: Full development of the relevant sections. Conclusion: Nicole is of an age to be a juror. She is covered by s1 of the 1974 Act as she has lived in the UK for 5 years since the age of 13. She cannot claim to be excused as of right under Schedule 1 because she is only training to be a medical practitioner and is not practising and is not registered, enrolled or certified. This means she can be a juror. **[8–10]**

(d) **Band 1:** Irrelevant answer **[0]**

Band 2: Describes and/or discusses juries in very general terms. **[1–6]**

Band 3: Some more detailed references to juries, perhaps focused on limited aspects of their role and selection after qualification such as vetting challenge. Some general mention of advantages and disadvantages, perhaps restricted to one side of the argument or very basic points on both sides of the argument. **[7–13]**

Band 4/5: Very good discussion of the jury role and the factors affecting selection after qualification. Some citation needed to reach Band 4. To reach higher marks need to deal with both parts of the question in detail. Need to look at both advantages and disadvantages with good critical awareness and linked to the question. May well deal with projected reforms and move away from jury trial in certain areas. **[14–20]**

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2 (a) Band 1: Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – understanding that Lily can sue Chen
  and/or
- Reference to Health and Safety at Work Act 1974 s2(1) and/or (2) with little or no development

Band 4: Reference to s2(1) and/or (2)(a) and/or (b) and/or (e) with some development of correct sections and application **[6–7]**

Band 5: Full development of the relevant sections. Conclusion: Lily will be able to sue Chen. Chen has a duty to Lily under s2 (1). However she does not meet s2 (2). The chemical dyes are not stored safely as the cupboard is unlocked. Lily is given gloves but they are not fit for purpose. Even though she knows she should wear a mask there is not one available. **[8–10]**

(b) Band 1: Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – understanding that Wang can sue Chen
  and/or
- Reference to Health and Safety at Work Act 1974 s2 (1) and/or (2) with little or no development

Band 4: Reference to s2 (1) and/or (2) (c) and/or (d) and/or (e) with some development of correct sections and application **[6–7]**

Band 5: Full development of the relevant sections. Conclusion: Wang will be able to sue Chen. Chen has a duty to Wang under s2 (1). However she does not meet s2 (2). Wang has not been properly trained. The machine has not been properly serviced. There should be proper equipment available to deal with a problem with the machine. **[8–10]**

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(c) **Band 1:** Irrelevant answer **[0]**

Band 2–3: A candidate needs to be selective in choosing the correct part of the source material. **[1–5]**

- Principle without section – Chen has not complied with the Health and Safety at work Act
  and/or
- Reference to Health and Safety at Work Act 1974 s2 (1) and/or (2) and/or (3) with little or no development

Band 4: Reference to s2 (1) and/or (2) (c) and/or s2 (3) with some development of correct sections and application **[6–7]**

Band 5: Full development of the relevant sections. Conclusion: Chen has not complied with the Health and Safety at Work Act as although she wrote a policy it is out of date. Emailing a policy may not cover all her employees and she should have checked this. Telling employees that a new policy is on its way is insufficient if there are new risks. **[8–10]**

(d) **Band 1:** Irrelevant answer **[0]**

Band 2: Describes ADR in very general terms. **[1–6]**

Band 3: General coverage of ADR methods and a basic discussion of effectiveness for all or some of the characters in the scenarios. **[7–13]**

Band 4/5: Very good discussion of a range of ADR methods. To reach higher marks need to match methods of resolving issues to characters in the scenario. Need for good critical awareness as to the best way to resolve each dispute. **[14–20]**

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