Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/12**

Paper 1 **May/June 2016**

MARK SCHEME

Maximum Mark: 75

Published

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 2016 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.

© UCLES 2016

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 2016

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 2016

1 It is vital that there are adequate controls on delegated legislation.

Explain the types of delegated legislation and consider whether the controls are effective. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the types of delegated legislation.

Band 3 (7–12) Candidate gives a basic explanation of the different types of delegated legislation and the circumstances in which each type would be used. There may be mention of controls but there would be little detail or commentary.

Band 4 (13–19) Candidate gives a reasonable explanation of the different types of delegated legislation and the circumstances in which each type would be used, with some illustration and example. Candidate explains the controls but, at the lower end of the band, this may be merely descriptive with no real commentary. Better candidates will begin to consider the effectiveness of the controls but arguments may be undeveloped.

Band 5 (20–25) Candidate gives a clear explanation of the different types of delegated legislation and the circumstances in which each type would be used with good illustration and example. Candidates both explain and evaluate these controls in detail, with well-developed clear conclusions.

2 Equitable remedies, concepts and maxims still play an important role.

Using cases and examples, explain how equity continues to be relevant in the courts today. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of equity but does not begin to address the question.

Band 3 (7–12) Candidate gives a basic explanation of equity, perhaps with an over reliance on historical development. There may be mention of maxims and/or remedies and/or concepts but these will be poorly explained and lack illustration. There will be little reference to the analytical component of the question.

Band 4 (13–19) Candidate gives a brief but relevant historical account and gives a reasonable explanation of maxims and/or concepts with some illustration or case citation. Better candidates will begin to address the analytical component of the question.

Band 5 (20–25) Candidate gives a clear explanation of relevant history and a clear explanation of maxims, remedies and concepts of equity with wide ranging example and citation. Clear and informed links are made to the analytical component of the question.

© Cambridge International Examinations 2016

3 Describe the role of the County Court and the High Court in civil cases. Discuss why the Small Claims track in the County Court is so successful? [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the courts but does not begin to address the question in any detail.

Band 3 (7–12) Candidate gives a basic explanation of the jurisdiction of these courts, perhaps only addressing one, or both in little detail. There may be mention role and function but these will be poorly explained and lack illustration. The Small Claims track may be briefly described but there will be little reference to the analytical component of the question.

Band 4 (13–19) Candidate gives a reasonable account of the jurisdiction of the courts, recognising the track system and how cases are allocated to the courts. Better candidates will begin to address the analytical component of the question, recognising whether the Small Claims track is successful.

Band 5 (20–25) Candidate gives a clear and detailed explanation of relevant jurisdiction of the courts and how cases pass through the system. Candidates make clear and considered commentary on the effectiveness of the Small Claims track.

4 Raj, aged 52, has been arrested on suspicion of having committed murder and taken to a police station.

Explain and critically evaluate the protection provided by the law for suspects at the police station. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the law protecting those who have been taken to a police station but is unlikely to include any detail or any reference to authority or the scenario within the question.

Band 3 (7–12) Candidate gives a basic explanation of the rights of those detained. There is unlikely to be any detail or citation of stature, codes or case examples. The scenario may not be addressed. The analytical aspect of the question is unlikely to be considered.

Band 4 (13–19) Candidate gives a reasonable explanation of the rights of those detained. At the upper end of the band there may be references to PACE and the relevant codes, perhaps with some illustration using case law. This is linked to the scenario. Candidate makes attempts to address the analytical component of the question.

Band 5 (20–25) Candidate gives a clear explanation of the rights of those detained with good citation of statute, codes and case law. This is well linked to the scenario. Candidate clearly addresses the analytical component of the question.

© Cambridge International Examinations 2016

5 Lay Magistrates play an essential role in the justice system.

Describe both the civil and criminal role of lay magistrates. Consider whether they should be replaced by professional judges. [25]

Band 1 (0) Irrelevant answer.

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

Band 3 (7–12) Candidate gives a brief account of both the criminal and/or civil role of the Magistrate. 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 both the civil and/or criminal role of the lay Magistrate with some analytical content addressing the question, but towards the bottom of the band this may be vague, unbalanced and lacking in detail or reasoned argument.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of both the civil and criminal role of the lay Magistrate with some useful detail, citation and example. Candidate will address the analytical component well, with clear analysis, presenting a well-reasoned argument and drawing logical and well informed conclusions.

6 Explain the organisation and role of the Crown Prosecution Service (CPS). Evaluate the extent to which they have been successful in providing an impartial and independent prosecution service. [25]

Band 1 (0) Irrelevant answer.

Band 2 (1–6) Candidate gives a very basic explanation of the role of the CPS but with no real detail or accuracy, There will be little or no analytical content.

Band 3 (7–12) Candidate gives a brief account of the role and function of the CPS. These are, however, likely to be superficial and poorly explained. Candidate may introduce some commentary on impartiality, but this is likely to be informal and lacking in legal detail.

Band 4 (13–19) Candidate gives a reasonable explanation of the creation and role of the CPS with some useful detail and example. Better candidates will attempt to include some analytical content concerning the reasons for the creation of the CPS, their independence, discontinuance of cases, avoidance of miscarriages of justice and the public interest test but this may be vague and lacking in detail or reasoned argument. Some candidates may include a discussion of example cases where miscarriages of justice existed prior to the creation of the CPS.

Band 5 (20–25) Candidate gives a clear and very detailed explanation of the creation and role of the CPS with good levels of illustration (perhaps including references to statistical detail) and explanation. Better candidates may discuss concepts, such as independence from the police, in detail demonstrating clear understanding of the issues and including reasoned analytical commentary as to the effectiveness of the CPS.

© Cambridge International Examinations 2016