Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/11**

Paper 1 **May/June 2017**

MARK SCHEME

Maximum Mark: 75

Published

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Question	Answer	Marks
1	**Leona, aged 45 is a factory worker. She would like to become a magistrate.** **Explain how she should apply and, if successful, the training she would be expected to undertake. What challenges might she face in becoming a magistrate?** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the magistrate but with no real detail or accuracy. There may be very limited points of evaluation but these are not developed. **Band 3** **[7–12 marks]** Candidate gives a brief but generally accurate explanation of the requirements and application process involved in becoming a magistrate. There may be a brief mention of training, but this may be superficial and poorly explained. There is unlikely to be any discussion of detail and very little, if any, reference to the analytical issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the requirements and application process involved in becoming a magistrate, but these may not have wide ranging detail at the lower end of the band. Training will be discussed but again, at the lower end of the band, detail may be omitted. Better candidates may begin to address the analytical issues of the problems associated with becoming a magistrate within the question, but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the requirements and application process involved in becoming a magistrates and the training which needs to be undertaken. Candidate evaluates the issues and difficulties in becoming a magistrate.	**25**

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Question	Answer	Marks
2	**Critically assess how necessary Equity is in today's English legal system?** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the concept of Equity, but goes no further. No illustration by way of case law. There may be very limited points of evaluation but these are not developed. **Band 3** **[7–12 marks]** Candidate gives a brief but generally accurate explanation of the concept of equity. There may be brief mention of concept, maxims or remedies, but these may be superficial and poorly explained. There is unlikely to be any discussion of detail and very little, if any, reference to the analytical issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of concepts, maxims and remedies, but these may not have wide ranging case or example illustration. Better candidates may begin to address the analytical issues of the modern use of Equity within the question, but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the concepts, maxims and remedies with detailed and wide ranging illustrations. Candidate evaluates the issues of modern use within the question well, using a good range of illustration and case law.	**25**

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Question	Answer	Marks
3	**The process of getting a proposed law from Bill to Act is unnecessarily complex.** **Explain the legislative process in Parliament and evaluate the truth of the above statement.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the process in Parliament, but goes no further. There may be very limited points of evaluation but these are not developed. **Band 3** **[7–12 marks]** Candidate gives a brief but generally accurate explanation of the process in Parliament, including all of the stages with no detail or some of the stages with very little detail. There may be limited and undeveloped points of evaluation. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the process in Parliament including all of the stages with some detail, or most of the stages with good detail. Better candidates may address the evaluative aspect of the question, but at the lower end of the mark band this may be limited and lack focus on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the process in Parliament including all of the stages with good levels of detail. Candidate addresses the evaluative aspect of the question well, with developed arguments and reasoned conclusions.	**25**

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Question	Answer	Marks
4	**Explain the jurisdiction of the County Court, including small claims.** **Discuss the advantages and disadvantages of bringing a small claim in this Court.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the jurisdiction of the County Court but goes no further. There may be very limited points of evaluation but these are not developed. **Band 3** **[7–12 marks]** Candidate gives a brief but generally accurate explanation of the jurisdiction of the County Court. There may be brief mention of detail, but this may be superficial and poorly explained. There is likely to very little, if any, reference to the analytical issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the jurisdiction of the County Court, but this may not be wide ranging or detailed. Better candidates may begin to address the analytical issues but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation jurisdiction of the County Court. Candidate evaluates the advantages and disadvantages of the process, perhaps including detail of why the process was created.	**25**

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Question	Answer	Marks
5	**Describe the role of the Crown Prosecution Service (CPS) in the prosecution of crime. Critically assess the effectiveness of this body.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the role of the CPS but goes no further. There may be very limited points of evaluation but these are not developed. **Band 3 [7–12 marks]** Candidate gives a brief but generally accurate explanation of the role of the CPS. There may be brief mention of detail, but this may be superficial and poorly explained. There is likely to very little, if any, reference to the analytical issues within the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the role of the CPS, but this may not be wide ranging or detailed. Candidate can explain the criteria used in prosecution decisions. Better candidates may begin to address the analytical issues and discuss some cases as examples of miscarriages of justice prior to the creation of the CPS but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the role of the CPS with detailed explanation of the prosecution criteria and use of cases to illustrate this. Candidate considers the analytical issues concerning miscarriages of justice in some detail drawing well-reasoned conclusions.	**25**

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Question	Answer	Marks
6	**Louis, aged 20, is attending a protest march against university fees where there is a large police presence. He is carrying a large rucksack and as it is a windy day he is wearing a scarf over his face.** **Explain the powers a police officer may have to stop, search and arrest Louis. Consider whether these powers provide adequate protection to a member of the public in this situation.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the police powers of stop, search and/or arrest, but goes no further. There is unlikely to be any illustration by way of case law, statute or codes. There may be very limited points of evaluation but these are simplistic and not developed. **Band 3** **[7–12 marks]** Candidate gives a brief but generally accurate explanation of police powers of stop, search and/or arrest. There may be brief mention of cases, statute or codes, but these may be superficial and poorly explained. There is unlikely to be any discussion of detail and very little, if any, reference to the analytical issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of police powers of stop, search and arrest, but these may not have wide ranging case, code or statute or example illustration. Better candidates may begin to address the analytical issues of the protection of rights within the question, but at the lower end of the mark band this may be limited and unfocussed on the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the police powers of stop, search and arrest with detailed and wide ranging illustration, using cases, statute and codes with a high level of accuracy. Candidate evaluates the issues of protection of rights within the question well, using a good range of illustration and case law.	**25**

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