Cambridge International AS & A Level

Cambridge International Examinations
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/13**

Paper 1 **May/June 2017**

MARK SCHEME

Maximum Mark: 75

Published

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Question	Answer	Marks
1	**Equity has made little contribution to modern English law.** **Explain the concept of Equity and evaluate the accuracy of the above statement.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the concept of Equity. Candidates are unlikely to offer any illustration and no reference to the analytical issues within the question is expected. **Band 3** **[7–12 marks]** Candidate gives a basic and generally accurate explanation of the historical development of equity. There may be some reference to maxims/remedies/concepts but these are unlikely to have much detail or explanation. There may be limited but unfocussed reference to the evaluative aspect of the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the concept of Equity and 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 at the lower end of the band. There will be some attempts to link to the analytical component of the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the concept of Equity and includes a concise and relevant historical account. Defines and illustrates maxims and remedies with appropriate case illustration throughout. Makes good reference to modern application (as in Band 4) with clear and informed links to the question.	**25**

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Question	Answer	Marks
2	**'We sit here to find out the intention of Parliament and carry it out' – Lord Denning. Magor and St. Mellons RDC v Newport Corporation 1952.** **Explain the rules of statutory interpretation used by judges. Consider the extent to which Lord Denning's view remains true today.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the tools and/or approaches used in statutory interpretation. There is unlikely to be any detailed citation or analytical content relevant to the question. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the tools and/or approaches used in statutory interpretation. This may be supported by limited case illustration, but it is unlikely to have much detail or link to the question. There will be little relevant analytical content. Candidates who fail to use any case citation are unlikely to achieve more than 12 marks. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the tools and approaches used in statutory interpretation supported by reasonable relevant case law. Candidate makes some attempt to link to the analytical component of the question. **Band 5 [20–25 marks]** Candidate gives a very clear explanation of the approaches and tools used in statutory interpretation well supported by extensive, detailed and relevant case law. Candidate makes a good attempt to link this to the analytical component of the question drawing well-reasoned conclusions.	**25**

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Question	Answer	Marks
3	**Describe the appeal routes in civil cases.** **Analyse the problems which a person might face in making an appeal.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of appeals with little detail or undermined by some error. **Band 3** **[7–12 marks]** Candidate gives a basic explanation of the civil appeals pathways from civil trial but the explanations are limited and superficial. Some general statements concerning difficulties may be evident, but they may be weak and confused. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the appeal pathways from civil courts and grounds of appeal. Candidate makes an attempt to make a link with the analytical component of the question and to discuss the problems. **Band 5** **[20–25 marks]** Candidate gives a clear explanation of routes of appeal with good levels of detail. Candidates make clear and informed links to the analytical component of the question i.e. a discussion of the difficulties of appeal.	**25**

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Question	Answer	Marks
4	**Devlina, aged 25, is charged with robbery. It is claimed that she used a knife. She has two previous convictions for fraud and has kept to previous bail conditions. She lives locally and has two children aged three and five.** **Explain the bail process and discuss how a court will use the information about Devlina in order to make a decision on her bail.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** 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 in the question. **Band 3** **[7–12 marks]** Candidate gives a basic account of the concept of bail. This is, however, likely to be superficial and poorly explained. Candidate may introduce some attempts at application, but this is likely to be informal and lacking in legal detail. **Band 4** **[13–19 marks]** Candidate gives a reasonable 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, violence, previous history, community ties etc.) and 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 reference to both police and court bail. **Band 5** **[20–25 marks]** 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 high profile cases of reoffending on bail) and explanation. Better candidates will address the application issues and draw reasoned and logical conclusions.	**25**

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Question	Answer	Marks
5	**Describe the training and role of lay Magistrates.** **Critically consider the advantages of using lay Magistrates in criminal cases.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the civil and/or criminal role and/or training of lay magistrates but with no real detail or accuracy. No analytical content is expected. **Band 3** **[7–12 marks]** Candidate gives a brief account of the training and the civil and/or criminal role and/or training 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 marks]** Candidate gives a reasonable explanation of the civil and/or criminal role and training of the lay magistrates with some useful detail and example. Better candidates will attempt to include some good analytical content but this may be vague, unbalanced and lacking in detail or reasoned argument. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the civil and criminal role and training of the magistracy with good levels of illustration and explanation. Candidate will address the analytical component well, with clear analysis, presenting clear arguments and drawing logical and well informed conclusions.	**25**

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Question	Answer	Marks
6	**Explain the organisation and role of the Crown Prosecution Service (CPS).** **Critically consider the effectiveness of the CPS in achieving justice.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the organisation and/or role of the CPS but with no real detail or accuracy. There will be little or no analytical content. **Band 3** **[7–12 marks]** Candidate gives a brief account of the organisation and/or role of the CPS. These are, however, likely to be superficial and poorly explained. Candidate may introduce some limited analysis, but this is likely to be informal and lacking in legal detail. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the organisation 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 example cases. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of the organisation 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.	**25**

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