Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/13**

Paper 1 **May/June 2018**

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 International will not enter into discussions about these mark schemes.

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Generic Marking Principles

These general marking principles must be applied by all examiners when marking candidate answers. They should be applied alongside the specific content of the mark scheme or generic level descriptors for a question. Each question paper and mark scheme will also comply with these marking principles.

GENERIC MARKING PRINCIPLE 1:

Marks must be awarded in line with:

- the specific content of the mark scheme or the generic level descriptors for the question
- the specific skills defined in the mark scheme or in the generic level descriptors for the question
- the standard of response required by a candidate as exemplified by the standardisation scripts.

GENERIC MARKING PRINCIPLE 2:

Marks awarded are always **whole marks** (not half marks, or other fractions).

GENERIC MARKING PRINCIPLE 3:

Marks must be awarded **positively**:

- marks are awarded for correct/valid answers, as defined in the mark scheme. However, credit is given for valid answers which go beyond the scope of the syllabus and mark scheme, referring to your Team Leader as appropriate
- marks are awarded when candidates clearly demonstrate what they know and can do
- marks are not deducted for errors
- marks are not deducted for omissions
- answers should only be judged on the quality of spelling, punctuation and grammar when these features are specifically assessed by the question as indicated by the mark scheme. The meaning, however, should be unambiguous.

GENERIC MARKING PRINCIPLE 4:

Rules must be applied consistently e.g. in situations where candidates have not followed instructions or in the application of generic level descriptors.

GENERIC MARKING PRINCIPLE 5:

Marks should be awarded using the full range of marks defined in the mark scheme for the question (however; the use of the full mark range may be limited according to the quality of the candidate responses seen).

GENERIC MARKING PRINCIPLE 6:

Marks awarded are based solely on the requirements as defined in the mark scheme. Marks should not be awarded with grade thresholds or grade descriptors in mind.

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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 our work should be marked unless the candidate has replaced with an alternative response.
- Poor spelling, handwriting or grammar should not be penalized as long as the answer makes sense.
- 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.

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The mark bands and descriptors applicable to all questions on the paper are as follows.

Band 1 [0 marks]
The answer contains no relevant material.

Band 2 [1–6 marks]
The candidate introduces fragments of information or unexplained examples from which no coherent explanation or analysis can emerge.

Band 3 [7–12 marks]
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 [13–19 marks]
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 [20–25 marks]
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.

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Question	Answer	Marks
1	**A jury in a criminal trial consists of twelve ordinary citizens who reflect a cross section of society.** **Describe the selection process for the jury. Assess the extent to which the statement above is true.** **Band 1 [0 marks]** Irrelevant answer **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the selection process for jurors but with no real detail or accuracy. No analytical content is expected. **Band 3 [7–12 marks]** Candidate gives a basic account of the selection process and composition of jurors. This is, however, likely to be superficial and poorly explained. There is unlikely to be any detailed analytical content beyond limited and unfocused advantages and disadvantages. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the selection process and composition of jurors with some useful detail, example, and where appropriate, statutory authority. Better candidates will attempt to include some analytical content but at the lower end of this band this content may be vague, unfocused on the question and lacking in detail or supported argument. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the selection process and composition of jurors with good levels of illustration and explanation. Candidate will address the analytical component well, presenting clear focused and supported arguments and drawing logical and well-informed conclusions.	**25**

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Question	Answer	Marks
2	**Eva thinks that she has been unfairly dismissed from her job. She wishes to take her case to a tribunal.** **Explain how tribunals work and discuss the advantages and disadvantages of using a tribunal for this type of dispute.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the concept of tribunals. Candidates are unlikely to offer any useful link to the scenario and little or no reference to the analytical issues within the question is expected. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the role and/or composition of tribunals but this is likely to be weak and poorly explained. There is unlikely to be any discussion of detail and very little reference to the analytical issues within the question or the scenario. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation, with illustration, of the role, organisation, composition and function of tribunals but at the lower end of the band may not have wide-ranging explanation. Better candidates may begin to address the analytical issues within the question, but this may not be wide ranging. Candidates who fail to mention the scenario may not achieve marks in Band 5. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation the organisation and function tribunals with good levels of illustration and explanation. Candidate evaluates the issues within the question well and links the answer clearly to the scenario Note: No credit can be given in any band for a discussion of ADR	**25**

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Question	Answer	Marks
3	**Describe the legislative process in Parliament. To what extent is this an effective form of law-making?** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the process in Parliament, mentioning some of the stages 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 basic 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. Note: No credit can be given in any band for a discussion of pressures for legislation.	**25**

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Question	Answer	Marks
4	**Explain the powers of the police to stop and search a suspect in a public place.** **Assess whether these powers adequately balance the rights of an individual against the need to investigate crime.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the police powers of stop and search, 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 basic explanation of police powers of stop and search. 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 and search, 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 balance of rights within the question, but at the lower end of the mark band this may be limited and unfocused on the question. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the police powers of stop and search with detailed and wide-ranging illustration, using cases, statute and codes with a high level of accuracy. Candidate evaluates the issues of balance within the question well, using a good range of illustration and case law. Discussion of the IPCC may be credited but is not essential for full marks.	**25**

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Question	Answer	Marks
5	**Describe the role and recruitment of judges. Assess whether the judiciary is drawn from too narrow a section of society.** **Band 1 [0 marks]** Irrelevant answer **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the role and/or recruitment of the judiciary but with no detail or accuracy. There is unlikely to be any relevant analysis. **Band 3 [7–12 marks]** Candidate gives a basic account of the role and/or recruitment of the judiciary. This is likely to be superficial and poorly explained. Candidate may introduce some commentary on the analytical issues but this is likely to be informal and lacking in legal detail. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the role and/or recruitment of the judiciary with some useful detail and example. At the upper end of the band, candidates may be able to discuss the differences in appointment between the superior and inferior judiciary. Better candidates will attempt to include some analytical content concerning the type of people chosen, but this may be vague and lacking in detail or supported argument. **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the role and recruitment of the judiciary with good levels of illustration and explanation. Candidates are able to demonstrate clear understanding of the issues and including reasoned analytical commentary. Candidates will appreciate the difference in appointment for different levels of judiciary. Better candidates will include consideration of the position of the Lord Chancellor, separation of powers and recent reforms.	**25**

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Question	Answer	Marks
6	**The use of delegated legislation allows too much law to be made by unelected representatives.** **Explain the types of delegated legislation, and critically consider whether the statement above is true.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of delegated legislation, perhaps offering very basic definitions of the three main types. 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 explanation of the three main types of delegated legislation, with some examples or illustration, but this is likely to be weak and poorly explained. There is unlikely to be any discussion beyond the three types and no reference to the analytical issues within the question. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation, with illustration, of the three main types of delegated legislation. Some reference to controls and methods of creation may be included, but may not have wide-ranging illustration or explanation at the lower end of the band. Better candidates may link the comment in the question to the need for controls over the use of such powers **Band 5 [20–25 marks]** Candidate gives a clear and very detailed explanation of the three types of DL, with good levels of illustration and explanation. Candidates explain the controls and the need for them in some detail. Candidates evaluate the issues within the question well and draw well-informed conclusions.	**25**

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