Cambridge International AS & A Level

Cambridge Assessment International Education
Cambridge International Advanced Subsidiary and Advanced Level

LAW **9084/13**

Paper 1 **May/June 2019**

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.

Cambridge International is publishing the mark schemes for the May/June 2019 series for most Cambridge IGCSE™, Cambridge International A and AS Level and Cambridge Pre-U components, and some Cambridge O Level components.

© UCLES 2019

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.

© UCLES 2019

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.

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.

© UCLES 2019

Question	Answer	Marks
1	**The Royal Commission on Criminal Procedure in 1981 recommended the establishment of the Crown Prosecution Service (CPS).** **Explain the function of the CPS and assess whether it has improved the way in which prosecutions are managed in England and Wales.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the function 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 function 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 evaluative issues within the question. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the function 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 evaluative 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 function of the CPS with detailed explanation of the prosecution criteria and use of cases to illustrate this. Candidate considers the evaluative issues concerning miscarriages of justice in some detail drawing well-reasoned conclusions.	**25**

© UCLES 2019

Question	Answer	Marks
2	**Explain the various rules of interpretation available to a judge. Assess whether it is appropriate for a judge to use a creative approach to this task.** **Band 1 [0 marks]** Irrelevant answer. **Band 2 [1–6 marks]** Candidate gives a very basic explanation of the common law rules / approaches to statutory interpretation. There is unlikely to be any detailed citation or evaluative content. There is unlikely to be any case citation. **Band 3 [7–12 marks]** Candidate gives a basic explanation of the common law rules / approaches to statutory interpretation. This may be supported by limited case illustration, but it is unlikely to have much detail or link to the question. Cases may be described rather then used to illustrate the approaches There will be little relevant evaluative content. Candidates who include no citation of decided cases may achieve no more than 12 marks. **Band 4 [13–19 marks]** Candidate gives a reasonable explanation of the common law rules / approaches to statutory interpretation supported by relevant case law. Case law is used well to illustrate the approaches and at the upper end of the mark band links clearly to the evaluative aspect of the question. **Band 5 [20–25 marks]** Candidate gives a very clear explanation of the common law rules / approaches statutory interpretation well supported by detailed and relevant case law which is clearly linked to the evaluative aspects of the question. Candidate is able to draw reasoned conclusions.	**25**

© UCLES 2019

Question	Answer	Marks
3	**Juhena has taken her A Levels and she is interested in becoming a lawyer.** **Explain the role of both barristers and solicitors and comment on the differences between the professions.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the role of barristers and/or solicitors but is unlikely to include any detail or any reference to the evaluative issues within the question. **Band 3** **[7–12 marks]** Candidate gives a basic explanation of the role of barristers and/or solicitors. There is unlikely to be any detail or comparison of the professions. The evaluative aspect of the question is unlikely to be considered in any depth. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the role of both barristers and solicitors and draws points of comparison and difference, but at the lower end of the mark band this may not have extensive detail or be fully balanced. Candidate makes attempts to address the evaluative component of the question. **Band 5** **[20–25 marks]** Candidate gives a clear explanation of the role of the two professions and draws clear and well explained points of comparison and difference. Candidate clearly explains and addresses the evaluative component of the question by discussing the differences in role. Candidate draws reasoned and well supported conclusions.	**25**

© UCLES 2019

Question	Answer	Marks
4	**Explain the aims of sentencing. Assess which adult sentences might be most appropriate when the main aim is rehabilitation.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the aims of sentencing and/or sentences available but with no detail. 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 aims of sentencing and/or available sentences. However, these lack detail and candidate fails to link aims to sentences with any consistency. There may be a few points of evaluation. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation of the aims of sentencing with some links to relevant sentences. Better candidates may address the evaluative aspect of the question 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 aims of sentencing and the relevant available sentences. Candidate addresses the evaluative aspect of the question well, with developed arguments and reasoned conclusions.	**25**

© UCLES 2019

Question	Answer	Marks
5	**Describe the various types of appeal against a Crown Court decision that are available to both prosecution and defence. Assess how difficult it might be to make such an appeal.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of criminal appeals with little detail or undermined by some error. There may be some unfocused evaluative comment **Band 3** **[7–12 marks]** Candidate gives a basic explanation of the criminal appeal pathways from criminal 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 criminal trial and grounds of appeal. Candidate makes an attempt to make a link with the evaluative 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 evaluative component of the question and draws well-reasoned conclusions.	**25**

© UCLES 2019

Question	Answer	Marks
6	**Discuss how parliament, judges and other agencies contribute to law reform.** **Band 1** **[0 marks]** Irrelevant answer. **Band 2** **[1–6 marks]** Candidate gives a very basic explanation of the contribution of parliament and/or judges and/or agencies. Candidates are unlikely to offer any illustration and no reference to the evaluative issues within the question is expected. **Band 3** **[7–12 marks]** Candidate gives a generally accurate explanation of the contribution of parliament and/or judges and/or agencies, 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 evaluative issues within the question. Candidates who only consider the Law Commission may achieve no more than 12 marks. **Band 4** **[13–19 marks]** Candidate gives a reasonable explanation, with illustration, of parliament, judges and agencies, but may not have wide ranging illustration at the lower end of the band. Better candidates may give higher levels of detail and example and offer some detail on the evaluative issues within the question. **Band 5** **[20–25 marks]** Candidate gives a clear and very detailed explanation of parliament, judges and agencies with good levels of illustration and explanation. Candidate evaluates the issues within the question well, covering the effectiveness and success of all three areas and draws well informed conclusions on their effectiveness. **Note:** Candidates must address parliament, judiciary and other agencies to achieve marks in Band 5	**25**

© UCLES 2019